Frans H. van Eemeren

Reasonableness and Effectiveness in Argumentative Discourse

Fifty Contributions to the Development of Pragma-Dialectics

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Preface

My academic life has in the first place been devoted to the study of argumentation, more in particular to the development of the pragma-dialectical theory of argumentation. In order to realize my scholarly ambitions, I instigated and carried out a systematic research program in the department of Speech Communication, Argumentation Theory and Rhetoric of the University of Amsterdam. Alone or together with other members of the department, I have published the results of the research in a great many papers in journals and conference proceedings and in book chapters in readers.

It has always been my policy to capture after a substantial period of research the main insights gained by the research reported in the separate papers in a concluding monograph about the general theme concentrated upon. This has resulted in the publication of the following book volumes: *Speech acts in argumentative discussions* (1984), *Argumentation, communication, and fallacies* (1992), and *A systematic theory of argumentation* (2004), co-authored by Rob Grootendorst; *Reconstructing argumentative discourse* (1993), written with Grootendorst, Sally Jackson, and Scott Jacobs; *Argumentative indicators in discourse* (2007), written with Peter Houtlosser and Francisca Snoeck Henkemans; *Fallacies and judgments of reasonableness* (2009), co-authored by Bart Garssen and Bert Meuffels; and *Strategic maneuvering in argumentative discourse* (2010).

While working on a historical project, titled The Making of Pragma-Dialectics, I recently discovered that the idea that the monographs cover all significant insights advanced in the various papers is not correct. Some papers treat topics not dealt with in any of the monographs or only briefly touched upon. Other papers provide a more elaborate treatment of a particular topic or view than can be found in the monographs. Still other papers go into more detail or pay a great deal more attention to specifics that may be pertinent to some scholars. There are also papers in which certain points are made in a different and perhaps more enlightening way than in the monographs. Some other papers may be particularly worthwhile to scholars interested in the genesis of the pragma-dialectical theory.

The title of this volume, *Reasonableness and Effectiveness in Argumentative Discourse*, reflects my view that reasonableness and effectiveness are the central

issues of argumentation theory and are therefore, as a matter of course, the primary concern of the participants in the ongoing pragma-dialectical research program. The 50 contributions I have selected from the circa 340 papers I have published over the years all relate to the themes of reasonableness and effectiveness, and in some cases particularly to their relationship.

Part I, "Argumentation Theory as a Discipline," contains contributions in which my general views on the study of argumentation are presented—as in other cases, often in collaboration with others. In Part II, "The Pragma-Dialectical Research Program," the way in which in pragma-dialectics argumentation is systematically tackled as a topic of research is sketched. Part III, "The Dialectical Dimension of Pragma-Dialectics," concentrates on the pragma-dialectical coverage of the reasonableness of argumentation. In Part IV, "The Pragmatic Dimension of Pragma-Dialectics," some contributions are collected which explain how argumentative discourse can be examined as verbal communication in natural language. Part V, "Strategic Manoeuvring in Argumentative Discourse," discusses the extended version of pragma-dialectics in which insights from rhetoric are included. Part VI, "Analysis as Reconstruction," includes contributions about the pragma-dialectical method of interpreting argumentative discourse. Part VII, "Fallacies in Argumentative Discourse," contains papers dealing with fallacies as violations of the pragma-dialectical rules for critical discussion. Part VIII, "Various Theoretical Issues," explains the pragma-dialectical views of context, the role of logic, verbal indicators of argumentative moves and argument schemes, and the process of writing and rewriting argumentative texts. In Part IX, "Experimental Research Concerning Argumentation," the pragma-dialectical quantitative approach of empirical research of argumentative discourse is illustrated. Part X, "Case Studies," presents the applications of the pragma-dialectical method of analysis to specific historical cases of argumentative discourse.

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Part I
Argumentation Theory as a Discipline

Chapter 1
Argumentation

Frans H. van Eemeren, Sally Jackson and Scott Jacobs

1.1 What Is Argumentation?

Argumentation uses language to justify or refute a standpoint, with the aim of securing agreement in views. The study of argumentation typically centers on one of two objects: either interactions in which two or more people conduct or have arguments such as discussions or debates; or texts such as speeches or editorials in which a person makes an argument (O'Keefe 2002). An adequate theoretical approach to argumentation should have something to say about both the process of argumentation and the arguments produced in that process. Consider the following passage, adapted from a syndicated newspaper story (Associated Press 1993):

(1) A recent study found that women are more likely than men to be murdered at work. 40 % of the women who died on the job in 1993 were murdered. 15 % of the men who died on the job during the same period were murdered.

The first sentence is a claim made by the writer, and the other two sentences state evidence offered as reason to accept this claim as true. This claim-plus-support arrangement is what is most commonly referred to as an argument.

But arguments do not only occur as monologic packages; an argument may also be built in the interaction between someone who puts forward a standpoint and someone who challenges it, as in the following exchange between a young female patient and a middle-aged male therapist (from Bleiberg and Churchill 1977; see also Jacobs 1986). (In transcriptions of conversation, square brackets are commonly used to indicate points at which one person's speech overlaps another's, as when the doctor begins talking before the patient ends. A period in parentheses indicates a short pause.)

(2) 1 Pt: I don't want them to have anything to do with my life, except (.)
                [security(?)
    2 Dr: [You live at home?
    3 Pt: Yes.
    4 Dr: They pay your bills?
    5 Pt: Yeah.
    6 Dr: How could they not have anything to do with your life?

In turn 1 the patient's statement that she does not want her parents ('them') to have anything to do with her life seems to commit her to the standpoint that it is possible for her parents to have nothing to do with her life. The therapist calls out and challenges this standpoint by asking a series of questions whose answers can be seen to support a contradictory position: it is not possible for the patient's parents not to have anything to do with her life.

Examples (1) and (2) illustrate features central to the concept of argumentation. First, a characteristic inferential structure can be extracted from both cases: propositions put forward as claims and other propositions (reasons) put forward as justification and/or refutation of those claims. Second, the arguments in both examples are about an issue which has two sides and which provides for two opposing communicator roles: a protagonist who puts forward a claim and an antagonist who doubts that claim, contradicts it, or otherwise withholds assent. For the newspaper story, the antagonist is a skeptical audience projected or imagined as needing proof to be convinced of the claim; for the therapy session, the antagonist is the therapist who challenges the patient's position and puts forward a contradictory standpoint. Third, these examples point to the way in which arguments are embedded in acts and activities. In the newspaper story, the writer does not openly make the claim or the argument for the claim that women are more likely than men to be murdered at work; the writer reports what claim and supporting argument are made by 'a recent study', thereby avoiding any personal responsibility for the truth of what is argued. In the therapy session, the argument for the therapist's standpoint is secured through questions that elicit concessions by the patient that commit her to an inconsistent position, forcing her to back down from her initial standpoint. The argument emerges from this collaborative activity. Moreover, the patient's initial standpoint occurs in the act of expressing a wish, and it is the therapist who seems to pin on the patient the further claim that such a wish is a realistic possibility.

These two arguments have another feature in common: both involve questionable means of building a case. In (1), the conclusion seems plausible only because of a very serious flaw in reasoning that, by its nature, is difficult to notice. Women are in fact much less likely than men to be murdered at work. While the statements contained in the support may be true, their truth does not guarantee the truth of the conclusion, for reasons we will explore shortly. The problem with the argument in (2) is not so much with the truth of what is said or with the reasoning itself as with the aggressive method by which the therapist pushes forward. The rhetorical question in turn 6 and the brusque, declarative form of the other questions amount

to a 'put-down' of the patient that discourages her from advancing serious defense of her standpoint. The analysis of such inadequacies (generally termed fallacies) is among the most long-standing concerns of the study of argumentation.

1.2   A Brief History of the Study of Argumentative Discourse

The tradition of argumentation study has a very long history that can be traced back to ancient Greek writings on logic (proof), rhetoric (persuasion), and dialectic (inquiry), especially the writings of Aristotle. Since argumentation's function is to convince others of the truth, or acceptability, of what one says, the enduring questions addressed in the theory of argumentation have had to do with matters of evaluation: what it takes for a conclusion to be well supported, what criteria should govern acceptance of a standpoint, and so on. Historically, the study of argumentation has been motivated by an interest in improvement of discourse or modification of the effects of that discourse on society. Aristotle treated argumentation as a means to expose error in thinking and to shape discourse toward a rational ideal.

Central to Aristotle's logic was a distinction between form and substance.

Rather than giving a particularistic analysis of the strengths and weaknesses of individual arguments, Aristotle's logic identified argument patterns that could lead from statements already known to be true to other statements whose truth was yet to be established. These patterns applied universally, so that any contents could be substituted for any other contents with the same result. Consider the following argument:

(3)   Some child molesters are teachers.
      Some teachers are women.
      Therefore, some child molesters are women.

In arguments of this sort (called 'categorical syllogisms'), the first two sentences (the premises) refer to three categories, each premise stating a relationship between two of the three categories. The third sentence (the conclusion) states a relationship between the two categories not paired in the premises. The conclusion is likely to be accepted as true by most people, as are the two premises offered in its support. But the conclusion is not in fact justified by the two premises, as can be seen by abstracting from the argument just the formal relationships asserted to hold among the three categories mentioned. By convention, we use S to stand for the category that appears as the subject of the conclusion, P to stand for the category that appears in the predicate of the conclusion, and M to stand for the 'middle' term that connects S and P by being paired with S in one premise and with P in the other. We can eliminate the complication of substance by substituting S for 'child molesters', M for 'teachers', and P for 'women', so as to exhibit the form of the argument as follows:

(4)   Some *S* are *M*.
      Some *M* are *P*.
      Therefore, some *S* are *P*.

The flaw in this argument is that the *S* category may be completely contained in the portions of *M* that are not *P*, so that it is possible that no *S* are *P*. So, while the conclusion is possibly true, it is not necessarily true. It may be true that some child molesters are women, but this is not assured by the truth of the premises. When an argument's form guarantees that the conclusion will be true any time the premises are true, the form is said to be 'valid'. But if the conclusion may be false even though the premises are true, the form is said to be 'invalid'.

People rarely present their arguments in the form of complete syllogisms.

Nevertheless, these forms do have an intuitive grounding in everyday reasoning, as can be seen in the following exchange between an uncle and his four-year-old nephew:

(5)   ((Curtis runs into the kitchen and crashes into his uncle))
      Uncle: Curtis, what are you doing?
      Curtis: I'm a spaceman.
      Uncle: You can't be a spaceman. You're not wearing a helmet.
      Curtis: Han Solo doesn't wear a helmet.
      Uncle: Yeahhhh.
      Curtis: He's a spaceman. (.) As you can see, not all spacemen wear helmets.
      ((Curtis races off into the living room))

By filling in the suitable missing premise and paraphrasing each expression to fit a certain standard form, the uncle's argument can he made to correspond to a valid form of syllogism. The missing premise is that helmet-wearing is a necessary property of being a spaceman, ordinarily expressed as 'All spacemen wear helmets.' In standard syllogistic form, all statements express a relationship between two categories, so we further paraphrase the premise as 'All spacemen are helmet-wearers.' To represent the uncle's argument in the standard form of a syllogism, the subjects and predicates of all statements must be treated as general categories. So 'Curtis' must be considered a category with a single member, in which the explicitly stated premise 'You are not wearing a helmet' can be rewritten as 'All Curtisses are non-helmet-wearers', or, by a relation called 'obversion', rewritten into the logically equivalent form 'No Curtis is a helmet-wearer.' Substituting in the abstract category labels *P*, *M*, and *S* for 'spacemen', 'helmet-wearers', and 'Curtis', we get the movement from ordinary conversational expression to abstract categorical representation show in Table 1.1. Notice that whether we choose this particular translation or some other similar translation (for example, allowing 'non-helmet-wearers' as a category), we get a form in which, if the premises are true, the conclusion cannot be false; this is the defining feature of a valid form, and this property transfers to any 'substitution instance' of the form.

Though the argument is valid, that does not mean that the truth of the conclusion is beyond doubt; one or both premises may be false. The conclusion that Curtis is

Table 1.1 The movement from ordinary conversational expression to abstract categorical

Conversational expression	Categorical paraphrase	Categorical abstraction
All spacemen have helmets	All spacemen are helmet-wearers	All *P* are *M*
Curtis does not have a helmet	No Curtis is a helmet-wearer	No *S* are *M*
Therefore, Curtis is not a spaceman	Therefore, no Curtis is a spaceman	No *S* are *P*

Table 1.2 Treating a specific individual as a category with just one member

Conversational expression	Categorical paraphrase	Categorical abstraction
Han Solo does not have a helmet	No Han Solo is a helmet-wearer	No *P* are *M*
Han Solo is a spaceman	All Han Solos are spacemen	All *S* are *M*
Therefore, not all spacemen are helmet-wearers	Therefore, some spacemen are not helmet-wearers	(Assuming that there is at least one member of *S*) Some *S* are not *P*

not a spaceman follows given the truth of the premises, but one may still challenge the truth of the conclusion by challenging the truth of one of the premises, and in the dialogue itself this is what occurred. Curtis inferred the syllogistic requirement that his uncle must be assuming that all spacemen wear helmets, and he concentrated on rebutting that inferred premise. In this case we substitute *S* for 'spacemen', *P* for 'helmet-wearers', and *M* for 'Han Solo' (again treating a specific individual as a category with just one member), as seen in Table 1.2. The conclusion of Curtis's syllogism contradicts the first premise of his uncle's syllogism, which was never actually stated but which is nevertheless necessary to represent the form and content of the uncle's reasoning. Given the existence of Han Solo, Curtis infers a proposition that in classical syllogistic logic is called the 'contradictory' of his uncle's proposition. One of the two propositions must be true and one must be false.

From Aristotle's logic, the study of argumentation has taken a tradition of analyzing the form of argumentative inference independently of its content. The development of modem symbolic logic is a direct response to the concern for formally representing the inferential structure of seemingly acceptable or unacceptable arguments.

Classical rhetoric has to do with effective persuasion: with principles that lead to assent or consensus. Aristotle's rhetoric bears little resemblance to modern-day persuasion theories, which are heavily oriented to analysis of attitude formation and change but largely indifferent to the problem of the invention of persuasive messages (O'Keefe 2002; Eagly and Chaiken 1993). In Aristotle's rhetoric, the emphasis was on production of effective argumentation for an audience where the subject matter did not lend itself to certain demonstration. Whereas the syllogism was the most prominent form of logical demonstration, the enthymeme was its rhetorical counterpart. Enthymemes were thought of as syllogisms whose premises are drawn from the audience. They are usually only partially expressed, their logic

being completed by the audience. The failure of the uncle's argument in (5) is an enthymematic failure of his audience (Curtis) to accept an implied premise (though Curtis does recognize the premise). The enthymematic quality of everyday ('marketplace') arguments leads to one of the enduring problems of argumentation analysis: how to represent what is left implicit in ordinary argumentative discourse.

Also important for the subsequent study of argumentation was the analysis of fallacies (what were first termed 'sophistical refutations' or 'sophisms', after the Sophists, a group of ancient theorist-practitioners who were accused of equating success in persuasion with goodness in argumentation). Among the sophisms Aristotle identified were argument forms that have a false appearance of soundness, such as the fallacy of equivocation, a reasoning error that arises from an unnoticed shift in the meaning of terms used within an argument.

The argument about on-the-job murder rates in (I) contains a fallacy of equivocation. The equivocation is between two possible concrete meanings for 'probability' or 'likelihood'. The conclusion refers to the probability of a woman (or man) being murdered on the job calculated by comparing the number of women (or men) who are murdered on the job in proportion to all working women (or men). The conclusion suggests that this proportion is higher for women than for men. But the grounds for the conclusion define probability quite differently, as a proportion calculated by comparing the number of women (or men) who are murdered on the job against the number who die on the job. The conclusion of the story would follow from these grounds only if men and women had similar overall rates of death on the job. But the same article reports that men account for 93 % of all workplace fatalities. The difference this makes is very pronounced: based on other statistics reported in the story, one can calculate that there were 849 men murdered on the job, but only 170 women murdered, even though (as the article also reports) men and women today are fairly evenly represented in the American workforce (55 and 45 % respectively). The grounds for the conclusion are true: comparing only men and women who die on the job, the probability that a male death is due to murder is lower than the probability that a female death is due to murder. Nevertheless, comparing all employed men and women, the probability of a male worker being murdered is much higher than the probability of a female worker being murdered.

Over the long history of argumentation theory, one mainstay has been the cataloguing and analysis of fallacies (Hamblin 1970). The work involved in this form of theory will apparently never be completed, as the invention of new forms of argumentation (such as probabilistic reasoning) creates new opportunities for fallacies to emerge and new opportunities to identify them and explain why they are fallacious.

To complete the overview of Aristotle's contributions to the study of argumentation, the Aristotelian concept of dialectic is best understood as the art of inquiry through critical discussion. Dialectic is a way of putting ideas to critical test by attempting to expose and eliminate contradictions in a position: a protagonist puts forward a claim and then provides answers to a skeptical questioner (an

antagonist). The exchange between the therapist and patient in (2) captures the structure of such a method, if not its cooperative spirit. While the paradigm case of dialectic is the question and answer technique of the Socratic dialogues, a pattern of assertion and assent may also be employed, as in (5). The adequacy of any particular claim is supposed to be cooperatively assessed by eliciting premises that might serve as commonly accepted starting points, then drawing out implications from those starting points and determining their compatibility with the claim in question. Where difficulties emerge, new claims might be put forward that avoided such contradictions. This method of regimented opposition amounts to the pragmatic application of logic, a collaborative method of putting logic into use so as to move from conjecture and opinion to more secure belief.

While Aristotle outlined duties for the roles of questioner and answerer and the types of questions and answers allowed, the dialectical conception of argumentation has, until recently, been largely ignored in the development of argumentation theory. Notions like burden of proof, presumption, or *reductio ad absurdum* proof have developed in argumentation theory without much notice of their dialectical echo. The recent rediscovery of dialectical conceptions of argument marks a decisive shift in attention for argumentation theory and research.

1.3   Contemporary Perspectives

The turning points for the contemporary study of argumentation were Perelman and Olbrechts-Tyteca's *La Nouvelle Rhétorique* (in English, *The New Rhetoric*), and Toulmin's *The Uses of Argument*, both published in 1958. Toulmin argued for a new, non-formal conception of rationality, tied to substantive discourse contexts ('fields') that varied in their normative organization. Perelman and Olbrechts-Tyteca's new rhetoric reintroduced the audience to argumentation and provided an inventory of effective argumentation techniques. Most important for contemporary argumentation study were the start toward an interactional view of argument and the move away from formal logic. Both Toulmin and Perelman took judicial argument as a model for argumentation generally, focusing attention on the interchange between two opposing arguer roles. These landmark works took the first steps toward studying argumentation as a linguistic activity.

The principal contribution of the new rhetoric has been to return argumentation to a context of controversy in which some audience is to be addressed. Rhetoric has often been understood as anti-rational or as a departure from a rational ideal. But in contemporary rhetorical theory there is a striking retreat from a hard distinction between rhetoric, the study of effective techniques of persuasion, and dialectic, long associated with ideals of reasonableness, rationality, and tendency toward truth. The distinctive theme in these modem re-examinations of rhetoric is the situated quality of argumentation and the importance of orientation to an audience. The central theoretical questions are how opposing views come to be reconciled through the use

of language and how actual audiences may be brought through rhetoric itself to more closely approximate the stance of an ideally rational audience.

This tendency toward dialectification is even more explicit in the philosophical work of Hamblin (1970). In his detailed critique of the 'standard treatment' of fallacies, Hamblin built the case for seeing argument as a dialectical process organized around disputants' efforts to convince one another of their respective standpoints. Important features of Hamblin's approach are the emphasis on rules defining speaker commitments and regulating interactional moves rather than an emphasis on logical forms as the generative mechanism for argumentation as well as the recognition of the self-constituting and self-regulating character of argumentation. Hamblin's interest in the formal analysis of dialogue is a direct precedent for many of the most interesting current trends in argumentation theory.

Although it is possible to approach dialectic formally and non-contextually, the dialectical approach to argumentation tends to be accompanied by an interest in 'real' arguments as they arise in the back and forth of real controversies. Because of concerns with the problems of assessing the adequacy of ordinary argumentative cases, with the conditions of ordinary argument, and with the communicative and interactional means by which argumentation is conducted, dialectical approaches have tended to align themselves with pragmatic approaches to discourse and conversational interaction.

Accompanying a broad trend toward dialectification has been an equally influential trend toward functionalization and contextualization. Central to this trend has been Toulmin's work (1970, 2003). In broad outline, Toulmin theorized that regardless of substantive context, argument could be seen as the offering of a claim together with answers to certain characteristic questions, but that standards for judging the adequacy of arguments are variable from one argument field to another. The question of what a speaker has 'to go on' gives rise to what Toulmin called 'grounds'—roughly equivalent to the premises of classical logic. The question of what justifies the inference from these grounds to the claim gives rise to the 'warrant' or 'inference license'—better understood as a kind of reasoning strategy or rule than as another premise. 'Backing' for the warrant might take the form of substantive information similar in kind to the 'grounds', so that the structure nowadays called 'the Toulmin model' differs from a classical description of argument in focusing not on the formal relationships among parts of an argument but on the functional relationships.

Consider how we might 'diagram' the arguments in (1) and (3). In diagramming such arguments, we often find that we must add elements not actually stated but necessary to represent the speaker's reasoning. In example (1), we must add an assumption about how one computes and compares probabilities, as in Fig. 1.1

Example (3) is much more complicated, despite its apparent simplicity, because to diagram it adequately we must treat it as two arguments, one of which builds the grounds for the other. As with example (I), we must add content left implicit. Specifically, we must attribute to the uncle the belief that having a helmet is a necessary feature for a spaceman, not just a property that happens to be shared by all spacemen. This implicit belief can be partitioned into a factual proposition about

Grounds

40% of the women
who died were
murdered. 15% of the
men who died were
murdered.

Warrant

Events that occur more
often relative to
opportunities for
occurrence are more likely.

Claim

Women are more likely to
be murdered at work than
are men.
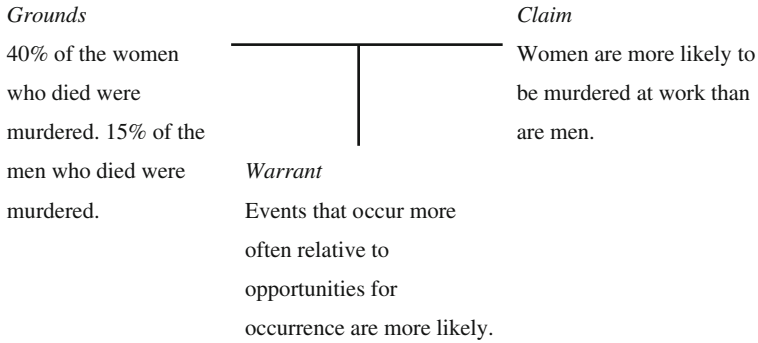
Fig. 1.1 Computation and comparison of probabilities

Grounds 1

Curtis has no helmet

Warrant 1

A helmet is a necessary
feature for being a
spaceman.

Backing 1

All spacemen have
helmets.

Claim 1

Curtis lacks a necessary
feature for being a
spaceman.

Grounds 2

Curtis lacks a
necessary feature for
being a spaceman,

Warrant 2

An entity cannot be a
member of a class unless it
has all the necessary
features of the class.

Claim 2

Curtis cannot be a
spaceman.

Fig. 1.2 Grounds, claim, warrant, and backing

properties of the category 'spacemen' (appearing in Fig. 1.2 as backing for an assumption about category membership requirements) and a reasoning rule that specifies conditions under which something may be treated as a member of a class. Factual materials specific to the individual case provide the grounds for the conclusion or the backing for the warrant; reasoning rules and other similar elements serve as warrants, as shown in the diagram in Fig. 1.2.

These diagrams not only help to explain how the various parts of the arguments are related, but also help to locate problems in each argument. In the upper diagram, the problem is easily recognized as having to do with what is considered an 'opportunity' for each event to occur; the probability of a woman's being murdered on the job is reasonably measured not as the proportion of deaths that are murders but as the proportion of all working women murdered on the job, a much lower figure. In the lower diagram, the fault is in the unstated part of the backing for the warrant: the apparently mistaken belief that all spacemen have helmets and the correspondingly faulty assumption that having a helmet is a necessary feature of being a spaceman.

The embeddedness of argumentation in substantive discourse contexts is also foreshadowed in Toulmin's work, especially in the idea that standards for evaluation of argument are 'field-dependent' and in the still more fundamental idea that the field-independent elements of argumentation (claim, grounds, warrant, etc.) can be understood as answers to the questions of an idealized interlocutor. Although the style of analysis inspired by Toulmin's work (diagramming of arguments as completed units) may seem to focus more on argument form and content than on interactions, the argument structure is really the product of an interaction with each part of the argument defined in terms of some specified interactional function—as answers to particular questions or challenges to the initial claim.

One thread leading from Toulmin's work forward is the 'informal logic' movement (Govier 1988; Johnson and Blair 2006). Although the name suggests otherwise, informal logic is not a new kind of logic. Rather, it is a normative approach to argumentation in everyday language that is broader than the formal logical approach. The informal logician's objective is to develop norms, criteria and procedures for interpreting, evaluating and construing argumentation that are faithful to the complexities and uncertainties of everyday argumentation. A common theme in informal logic is that formally invalid arguments are often quite reasonable as bases for practical decisions.

According to Blair and Johnson's (1987) program, the cogency of argumentation is not identical to formal validity in deductive logic. They argue that the premises for a conclusion must satisfy three criteria: (1) relevance, (2) sufficiency, and (3) acceptability. With relevance, the question is whether there is an adequate relation between the contents of the premises and the conclusion; with sufficiency, whether the premises provide strong enough evidence for the conclusion in the face

of objections and counterargumentation; with acceptability, whether the premises are true, probable or otherwise reliable.

A step further toward a functional, interactional view of argument is taken by pragmatic argumentation theories such as the pragma-dialectical theory of van Eemeren and Grootendorst (1984, 1992), van Eemeren et al. (1993), see also Walton (1989, 1995). The pragma-dialectical theory begins with the assumption that the purpose of argumentation is to resolve a difference of opinion, so that the opposition of argumentative roles is a characteristic feature of argumentative discourse. Argument is seen as a kind of interaction that arises in the context of other interactional business, when something said, implied, or otherwise conveyed makes plain that there is a difference of opinion between two parties. This description is necessarily abstract, since argumentation can take any form from a single, written text by an author addressing an unknown audience to a heated back-and-forth debate between two people talking face to face. But the important, defining feature of argument is that it occurs as a means of addressing—and attempting to resolve— a difference of opinion by means of exploring the relative justification for competing standpoints. The writer envisions an audience to be persuaded by means of arguments offered to support the writer's views or to refute the audience's own views. Arguers in conversation with one another allow their respective positions to unfold in direct response to each successive move by their partners. But in both cases, the organization of the argument depends on the existence of opposing roles and on the arguer's understanding of the issues that must be resolved to overcome the opposition.

Reflecting broad trends toward dialectification, functionalization, and contextualization of argument, pragma-dialectical theory offers a model of argumentative discourse not in terms of form and content but in terms of discussion procedure. In place of a set of standards to be applied to individual units of proof, the pragma-dialectical model offers rules for argumentative interaction and associated preconditions having to do with such things as participant abilities, attitudes, and power.

Argumentation is seen within the pragma-dialectical view as a discourse device for the regulation of discourse itself. It falls within the class of devices known as 'repair mechanisms' and its function is to locate and resolve differences of opinion (Jackson and Jacobs 1980). The view of argumentation as a form of repair (pre-emptive or post hoc) is important, because it calls attention to the embeddedness of argument within other sorts of interactional business. In other words, the analysis of any particular argument—including such arguments as those occurring in the newspaper story about murders on the job and in the spaceman conversation—is relativized, placed within some broader discourse context that guides the analysis by defining what is at stake.

To say that argumentation comes about as a form of repair is also to say that the organization of argument must be understood in terms of general interactional

principles. In the pragma-dialectical view, insights from speech act theory (Searle 1969) and Grice's (1989) theory of conversational implicature are used as a bridge between the special organization of argumentation and the general principles that organize discourse and interaction (van Eemeren et al. 1993, especially this chapter and 5).

Recently, van Eemeren and Houtlosser (2002) extended the scope of the pragma-dialectical theory by introducing the notion of 'strategic maneuvering'. Strategic maneuvering refers to the efforts arguers make in argumentative discourse to combine making argumentative moves that are effective with observing at the same time critical standards of reasonableness (or giving at least the impression to do so). This means that strategic maneuvering is aimed at keeping a sound balance between the rhetorical dimension and the dialectical dimension of argumentative discourse. Strategic maneuvering manifests itself in the discourse simultaneously in topical choices, adaptation of the discourse to audience demands, and exploitation of presentational devices. If rhetorical considerations gain the upper hand over maintaining dialectical norms of reasonableness, and a rule for critical discussion is violated, the strategic maneuvering derails and a fallacy has been committed (van Eemeren and Houtlosser 2003).

1.4   Case Study: Critical Analysis of Advertorials

Dialectical theories of argumentation have their most transparent application to argumentative discussion, that is to direct exchange of views between two disputants. Many published analyses of such materials can be found (for example, van Eemeren et al. 1993; Chaps. 5–7). We have chosen for a case study a more challenging set of materials: a series of monologic texts representing just one side of a discussion. What makes our analysis 'dialectical' is not that its object is dialogue but that it places any argumentative text into the context of one party's effort to convince another of a standpoint by answering doubts and objections and by grounding conclusions in mutually acceptable starting points. The trick is to see that these short monologues reflect an image of an author as protagonist (here, RJR Tobacco) but also project an image of an addressee as antagonist or skeptical interlocutor (here, a young person considering whether to smoke).

The two texts presented in examples (6) and (7) originally appeared as editorial advertisements (or 'advertorials') published in American magazines during the period 1984–6 and paid for by the R.J. Reynolds Tobacco Company. The two advertorials are ostensibly acts of advice urging young people not to smoke. They make particularly interesting cases for reconstruction because of the way in which these advertorials exploit and subvert the very standards of open and cooperative discussion they seem to promote. The appearance of a good faith effort as reasonable argument only serves to disguise the fallacious design.

(6) 1   Some surprising advice to young people
     2   from RJ Reynolds Tobacco.
     3   Don't smoke.
     4   For one thing, smoking has always been an adult custom. And
         even for adults, smoking has
     5   become very controversial. So even though we're a tobacco company,
         we don't think it's a good idea
     6   for young people to smoke.
     7   Now, we know that giving this kind of advice to young people can
         sometimes backfire.
     8   But if you take up smoking just to prove you're an adult, you're really
         proving just the
     9   opposite. Because deciding to smoke or not to smoke is something you
         should do when you don't have
    10   anything to prove.
    11   Think it over. After all, you may not be old enough to smoke.
         But you're old enough to think.
    12   *RJ. Reynolds Tobacco Company*

(7) 1   Some straight talk about smoking
     2   for young people.
     3   We're R.J. Reynolds Tobacco, and we're urging you not to
         smoke.
     4   We're saying this because, throughout the world, smoking has
         always been an adult custom.
     5   And because today, even among adults, smoking is controversial.
     6   Your first reaction might be to ignore this advice. Maybe you
         feel we're talking to you as if
     7   you were a child. And you probably don't think of yourself that
         way.
     8   But just because you're no longer a child doesn't mean that
         you're already an adult. And if you
     9   take up smoking just to prove you're not a kid, you're kidding
         yourself.
    10   So please don't smoke. You'll have plenty of time as an adult to
         decide whether smoking is
    11   right for you.
    12   That's about as straight as we can put it.
    13   *RJ. Reynolds Tobacco Company*

   While one can readily sense that something is amiss, the problem is how to bring
the argument to account for the offenses committed. Argument reconstruction is an
analytic tool that may serve such a critical function. What we will try to show in this
section is that the arguments provided are so weak as to be virtually self-defeating.

The arguments in these advertorials invite the conclusion that there are no good arguments why young people should not smoke. How this communicative effect is achieved in texts that seem to argue against young people smoking can be shown through a reconstruction of the arguments.

Considered dialectically, the advertorials must be seen as contributions to a broader public debate concerning the role of tobacco and the tobacco industry in American society. By 1984, public attitudes toward smoking had shifted dramatically, leading to unprecedented restrictions on smoking in restaurants, hotels, government buildings, trains, and airlines. Congressional hearings were scheduled to consider, among other things, further restrictions on the advertising of cigarettes. Part of the call for the hearings was the argument that cigarette companies were advertising to children to replace the growing number of adult smokers who were quitting or dying. So, even though the two advertorials appear to be self-contained rhetorical acts simply directed toward young people, we should expect broader circumstances to motivate the way in which arguments are selected and fashioned. Not coincidentally, these two advertorials were followed by a third, entitled, 'We don't advertise to children.' As part of the proof of this claim, the third advertorial argued: 'First of all, we don't want young people to smoke. And we're running ads aimed specifically at young people advising them that we think smoking is strictly for adults.'

At least on the surface, the arguments in (6) and (7) have the appearance of reasonable efforts at dialectical engagement. Both advertorials begin with seemingly plain and direct justifications for why young people should not smoke (lines 4–5). First, smoking has always been an adult custom. Second, even for adults smoking is controversial. These arguments define a kind of disagreement space in which protagonist and antagonist engage not so much over the issue of whether or not smoking is a bad idea in general, but over an issue that might plausibly he raised by a young reader considering smoking: if (as RJR Tobacco must believe) it is okay for adults to smoke, why is it a bad idea for young people to smoke?

The reactions of a young interlocutor are then more openly anticipated and addressed in both ads. In lines 7–11 of (6) the tobacco company anticipates that somehow giving this kind of advice might backfire, provoking young people to try to prove they are adults by doing exactly what is being advised against. The nature of the problem is more explicitly anticipated in lines 6–9 of (7): this kind of advice might be rejected because it might seem condescending (by talking to the reader as if they were a child). In both cases RJR argues that rejecting the advice by taking up smoking will not prove that a young person is an adult or not a kid.

Finally, both advertorials lay claim to the special credibility of 'disinterested' argumentation. In (6), RJR implies that they are arguing against their own self-interest as a tobacco company, calling their advice 'surprising' and then asserting that they don't think it is a good idea for young people to smoke 'even though we're a tobacco company' (line 5). In (7), the advertorial opens and closes by characterizing its message as 'straight'.

So far, we have described the arguments more or less informally, restricting ourselves to claims and reasons that closely parallel material presented in the texts. The two primary arguments for not smoking could he presented as follows:

(8) *Claim:* Young people should not smoke.
   Reason 1: Smoking has always been an adult custom.
(9) *Claim:* Young people should not smoke.
   Reason 2: Smoking is controversial even among adults.

Like most naturally occurring arguments, the texts themselves are incomplete as outlines of the underlying reasoning. This does not mean that the arguments are inferentially defective or that the reasons fail to give any adequate justification for the claim, but only that we have to fill in what has been left implicit.

Intuitively, people understand more in these arguments than is being said explicitly. Some set of tacitly shared beliefs and meanings are taken for granted in building these arguments, and the assumption of these beliefs and representation of these meanings allow the reasons to stand in a justifying relation to the claim. This is the characteristic feature of enthymematic argument. But what are these tacit beliefs? And by what principles would a satisfactory representation be constructed? This is the problem of unexpressed premises, and can be usefully seen as a special instance of the problems of coherence and inference in discourse generally.

One way to handle the problem is to try to identify assertable propositions which, though unexpressed, could still be treated as premises to which the arguer is committed in making the argument. We presume that RJR Tobacco is attempting to make a cooperative contribution to the debate and, following Grice's (1989) theory of implicature, we should look for propositions which, though unstated, are mutually available and would be recognized by reasonable people to make the argument acceptable if they were stated. At a minimum, a reasonable arguer should be held to be committed to an inferential pattern that is valid and whose premises are true, or at least, plausible. One such pattern would be the following:

(10) *Premise 1:* If smoking has always been an adult custom, then young people should not smoke.
   Premise 2: Smoking has always been an adult custom.
   Conclusion: Young people should not smoke.
(11) *Premise 1:* If smoking is controversial even among adults, then young people should not smoke.
   Premise 2: Smoking is controversial even among adults.
   Conclusion: Young people should not smoke.

In each case, a premise has been added that fits a deductively valid pattern of inference called modus ponens. Modus ponens is a form of reasoning about propositions; its 'elements' are propositions rather than categories. Using *p* and *q* as

propositional variables (symbols that can stand for any proposition), we can represent the abstract form of (10) as follows, where p is the proposition 'smoking has always been an adult custom' and q is the proposition 'young people should not smoke':

(12) If p then q
     p
     Therefore, q.

Notice that although the advertorials do not state the 'if p then q' premise, the protagonist (RJR) is nonetheless committed to its truth by virtue of offering p as a reason for accepting q. Since the argumentative functions of the 'reason' and 'claim' in (8) and (9) are more or less transparent, so is the commitment to the added premise in (10) and (11).

But explicating such a premise as a step in reconstruction is rather pointless unless it helps us to find the substantive grounds that the premise itself stands in for. Adding a premise that asserts in effect 'If reason then claim' can be done with any two statements that appear in an argumentative relation. This does nothing more than state that inferring the one statement from the other is permitted. While such a premise satisfies logically minimal criteria for valid inference, it does not really answer the question of why one might think the one assertion is good reason to claim the other. Where possible, one should search for unexpressed premises that are informative in this way and not substantively vacuous. Thus, in (5), the unexpressed premise in the uncle's argument is better seen as something like 'All spacemen wear helmets' than as the trivial 'If you're not wearing a helmet then you can't be a spaceman.' What is wanted, then, is a more informative alternative to premise 1 or a more informative unpacking of its basis.

Let us first consider the reasoning in (10): what does smoking being an adult custom have to do with why young people should not smoke? R.J. Reynolds builds into its arguments the assumption that whether or not to smoke is something that adults are entitled to decide for themselves ('deciding to smoke or not to smoke is something you should do when you don't have anything to prove', (6) lines 9–10; 'You'll have plenty of time as an adult to decide whether smoking is right for you', (7) lines 10–11). This is at least part of what it means to assert that something is an adult custom.

And we can also readily extract from both advertorials the proposition that young people are not adults. In (7), it is supposed that young people probably do not think of themselves as children. And RJR answers by denying that this shows they are an adult (lines 8–9). In both (6) and (7), young people are projected as trying to prove they are adults—an attempt which, according to the advertorial, only proves they are not adults. But so what if young people are not adults? Why is showing this pertinent to the claim that young people should not smoke?

Because to assert that something is an adult custom means not just that adults have a right to practice it, but that only adults are entitled to do so. If someone is not an adult, they are not entitled to practice it ('smoking is strictly for adults').

So, we can unpack the argument in (10) as being grounded in the following line of reasoning. Only a person who is an adult is entitled to practice an adult custom. (If a person is an adult, that person is entitled to practice an adult custom. If a person is not an adult, that person is not entitled to practice an adult custom.) Young people are not adults. It follows from this that young people are not entitled to practice an adult custom. Since smoking is an adult custom, young people are not entitled to smoke. And, since it is safe to assume that people should not do what they are not entitled to do, it can be concluded that young people should not smoke.

The substance of this reasoning is certain to be rejected by young people who are considering smoking, but it is all that the advertorials offer as grounds for their advice. And here is where we begin to see the troublesome weakness of the arguments in these advertorials. No matter how we wiggle around trying to find a substantive basis for connecting the stated reasons to the claims, we consistently find a chain of reasoning that seems only to presume and reassert the adult entitlement, adult privilege, and adult authority to restrict children's choices.

RJR Tobacco is defending a position that only adults are entitled to smoke, and young people are excluded from this category. But why are young people excluded? Here, we should notice that the categories of 'adult' and 'child' are primarily moral, not biological classifications. Adults have rights that children do not have. And exercise of these rights requires a capacity for mature decision-making. Now, it is a widely taken for granted assumption that children are incapable of making wise decisions about health issues and are therefore in need of protection from their own bad choices. Both ads do allude to childish, immature reasoning by young people (in (6): 'But if you take up smoking just to prove you're an adult, you're really proving just the opposite'; in (7): 'if you take up smoking just to prove you're not a kid, you're kidding yourself'). But RJR pointedly blocks an assumption that this is the basis for excluding young people from adult classification. Example (6) concludes by urging young people to 'Think it over' and by asserting that they 'may not be old enough to smoke. But [they]'re old enough to think.'

Actually, no real argument is ever put forward to think that young people are different in any important respect from adults. Both ads anticipate that a young reader will reject classification as non-adult (and will attempt to prove adult status by smoking), but neither ad substantively defends the premise. In (7), RJR does not justify withholding adult status from young people; they only deny that the fact that the reader is not a child does not mean the reader is an adult (line 8). In (6), RJR defends the claim that young people are not adults through a kind of circular reasoning that Fogelin and Sinnott-Armstrong (1992) call a self-sealing argument: by pushing the burden of proof on young people to prove that they are adults (and attributing a motive that a young reader is highly likely to disavow), the tobacco company guarantees that young people cannot be adults because adults are persons who do not have anything to prove. In both cases, what looks like substantive refutation and counterargument is really a refusal to mount a defense. By failing to accept the burden of justifying its classification of young people, the advertorials leave this issue at an impasse.

Also noticeably withheld is any real justification for why smoking is a restricted activity. Yet this is presumably the basis for the controversy in the first place: young people do not recognize the legitimacy of the restriction to adults. The advertorials merely yoke their claim that young people should not smoke to the presumption by custom that they are not entitled to smoke until they become adults. Invoking the force of presumption is what is done by saying that smoking has 'always' been an adult custom, and that this is so 'throughout the world'.

The lack of genuine substantive support is particularly noticeable since the advertorials do not make use of the seemingly strongest available arguments against smoking: cigarettes are a lethal, addictive drug, especially so for young people. One might think that the argument reconstructed in (11) alludes to these substantive objections to smoking; but in saying that smoking is controversial really nothing more is conveyed than that some people approve of smoking and others do not. The argument functions only to bolster the presumption of exclusion.

To see this, we must first unpack the meaning of 'controversial.' To say that something is controversial is to say that there are two sides to the issue, neither of which is clearly correct, so that the issue is contested but essentially undecided. To say that 'smoking is controversial' means that it is neither clearly right to smoke nor clearly wrong to smoke. And in the absence of a decisive conclusion, the position with the presumption wins so that adults should be entitled to smoke if that is what they choose to do.

But there is another sense of 'controversial' that especially applies to issues where one position enjoys a presumption—the sense of a position being strongly challenged. To preface the reason in (9) with the qualification 'even among adults' conventionally implicates that smoking is more 'controversial' for some group other than adults. Presumably young people form this contrast group since it is the status of smoking for this group that is at issue in the advertorials. If smoking is controversial among adults, it must be more so among young people. And here the meaning is that for young people, smoking is even more questionable, more challengeable. That is, the case that smoking should not he permitted is stronger for young people than it is for adults.

But what makes the case stronger? No substantive basis for challenge or contrast is provided in either advertorial. The only difference is that adult smoking has customary presumption—something that does not apply to young people.

The paradoxical quality of the arguments is pernicious, working to undermine the credibility of the very advice they offer while simultaneously resisting critical examination. The advertorials appear to openly engage the doubts and challenges of young people with substantive argumentation and frank refutation, but in fact consistently refrain from advancing serious arguments. They appear to provide arguments that are disinterested, balanced, and objective, yet the manner and content of argument, are subtly crafted to maintain a strategic consistency with the position that smoking by adults is a legitimate, mature, and reasonable decision. Most importantly, the advertorials offer advice, but do it in a fashion paradoxically adapted to young people: adapted not by selection of premises the audience is likely to accept but by selection of premises the audience is almost sure to reject.

1.5   Practical Applications of Argumentation Study

To understand the whole field of argumentation study, it is fist necessary to imagine three (or more) distinct scientific objectives. The first objective is prescriptive: to arrive at a set of principles that tell people how to argue well. This altogether practical interest was the first to emerge and is clearly embodied in centuries of writings on rhetoric, dialectic, and logic. The second objective is descriptive: to arrive at an empirically correct model of argumentative discourse, analogous in form and compatible in substance to models of such phenomena as talking on topic, managing the floor in conversation, or negotiating social identities. Obvious examples of descriptive argumentation research can be found within conversation analysis and related streams of work (Coulter 1990; Goodwin 1983; Jacobs and Jackson 1982; Schiffrin 1984). Modem formal logic and cognitive science have also taken a recent turn toward description of natural inferential processes, as in efforts to model such long-neglected phenomena as the use of heuristics and the structure of 'default reasoning'. The experimental study of social influence also offers a form of descriptive argumentation research, heavily oriented to identifying what factors actually influence people when presented with argumentative texts (Eagly and Chaiken 1993; O'Keefe 2002). The third objective is critical: to develop a framework for the evaluation and improvement of actual argumentative practices, treating the practices both as phenomena to be explained and as opportunities for intervention—that is, for attempts to bring about social change (Goodnight 1982).

Each of these aims has some form of practical spin-off, for the study of argumentation has from classical times been a practical business concerned with the improvement of reasoning and reason-giving discourse. Contemporary argumentation study, with its emphasis on substantive discourse practices and discourse contexts, embodies this practical component a little differently than have more traditional approaches. In the broad interdisciplinary domain of argumentation research, there are two principal sorts of applications.

1.5.1   Pedagogical Applications: The Cultivation of Argumentative Competence

The first sort of application is most obviously connected with the centuries-old rhetorical tradition: the development of critical capability. In the study of argumentation, one objective is to cultivate competence in analysis and critical inquiry. The study of fallacies is, in its best pedagogical embodiments, the cultivation of a critical sense that makes the student a better participant in argumentative discourse: better not in the sense of being able to win in debates, but better in the sense of being able to advance discussion toward a rational resolution. So, for example, in teaching students to recognize self-interest as a potential threat to rationality, we create antagonists for views that should be opened to inspection. Case studies such

as our analysis of tobacco industry advertorials, for example, serve not only as potential contributions to an ongoing discourse, but also as exemplars for critical thinking about public persuasion.

But to say that contemporary pedagogical applications have close ties to classical rhetoric is not to suggest that these contemporary applications merely recycle the achievements of the past. On the contrary: since discourse practices themselves evolve along with other social conditions, critical analysis will necessarily face new challenges related to changing practices. For example, in contemporary public discourse, the extremely pervasive use of public opinion polls as a tool for the management of public opinion creates some distinctively modem forms of fallacy that require careful theoretical analysis and systematic pedagogical attention (for example, Harrison 1996).

1.5.2 Interventions: The Design of Discourse Processes

The second sort of application, associated conceptually with pragmatically oriented approaches such as Willard's (1982, 1989) interactionist theory and with our own pragma-dialectical theory, centers on the design of discourse processes. Human societies have always designed communication systems, but an explicit and detailed attention to the design features of particular systems is a recent development stimulated by broader social changes such as the explosion of communication and information technology. As we have pointed out elsewhere (van Eemeren et al. 1993: Chap. 8), the blending of descriptive and normative concerns supports not just the individual-level pedagogical applications long associated with argumentation study, but also social- or institutional-level applications that take the form of proposals for how to conduct discourse.

How might we think about interventions for the case study we have been examining? Probably the first lesson is that in a world of advertorials, infomercials and docudramas, where talk radio serves as a public forum, and the quality of jury decisions in murder trials is judged against the results of public opinion polls, what the public needs is not just more or better information about the content of issues but more and better information about the way in which information is being provided. What is so insidious about messages like the R.J. Reynolds Tobacco advertorials is not so much the deceptive content of their arguments, as the disarming frame in which the arguments are presented. It is unlikely that any set of regulations or procedures for critical discussion can anticipate or prevent their own subversion and exploitation. Rather, what needs to be provided for is the self-regulating capacities of the argumentation process itself. The only effective way to control fallacious argumentation is with counter-argumentation that points out what is going on.

And this leads to another lesson. There is no natural argumentative forum for reasoned opposition to 'paid' editorials like those published by R.J. Reynolds. An argumentative solution to the problem presented by this case might require not only

the development of text to rebut text but also the design of structures to support the activity of rebutting (such as government grant programs for development of anti-smoking educational campaigns).

The design features of disputation structures—whether they are adversarial or non-adversarial, how they provide for balanced competition among views, what endpoints they recognize as resolutions, and so on—are properly within the domain of argumentation study. Of special interest from a pragma-dialectical perspective is the way in which the design of disputation can correct for obstacles to rational discussion encountered in real-life circumstances.

Further Reading

As guidance to further reading, we would like to refer, first, to a comprehensive general overview of the state of the art in argumentation theory, second, to some influential monographs explaining different theoretical approaches, and, third, to some recent publications relating to the integrating notion of strategic maneuvering.

van Eemeren, F. H., van Garssen, B., Haaften, T., van Krabbe, E. C. W., Snoeck Henkemans, A. F., & Wagemans, J. H. M. (2011). *Handbook of argumentation theory*. Dordrecht etc.: Springer.

The *Handbook* offers an introduction to argumentation theory, an explanation of its classical and modern theoretical backgrounds, and a comprehensive overview of the most prominent current approaches.

Johnson, R. H. (2000). *Manifest rationality. A pragmatic theory of argument*. Mahwah, NJ: Lawrence Erlbaum.

van Eemeren, F. H., & Grootendorst, R. (2004). *A systematic theory of argumentation: The pragma-dialectical approach*. Cambridge: Cambridge University Press.

Walton, D. N., & Krabbe, E. C. W. (1995). *Commitment in dialogue: Basic concepts of interpersonal reasoning*. Albany, N.Y.: State University of New York Press.

Each of these three monographs explains a particular theoretical approach to argumentative discourse: Johnson and informal logic approach, van Eemeren and Grootendorst the pragma-dialectical approach, and Walton and Krabbe a related dialectical approach.

Jacobs, S. (2006). Nonfallacious rhetorical strategies: Lyndon Johnson's daisy ad. *Argumentation, 20*, 421–442.

Tindale, C. W. (2006). Constrained maneuvering: Rhetoric as a rational enterprise. *Argumentation, 20*, 447–466.

van Eemeren, F. H. (2010). *Strategic maneuvering in argumentative discourse. Extending the pragma-dialectical theory of argumentation*. Amsterdam-Philadelphia: John Benjamins.

Zarefsky, D. (2006). Strategic maneuvering through persuasive definitions: Implications for dialectic and rhetoric. *Argumentation, 20*, 399–416.

Van Eemeren's monograph offers a theoretical approach to strategic maneuvering in argumentative discourse as aimed at the simultaneous pursuit of rhetorical effectiveness and maintaining dialectical reasonableness. Jacobs, Tindale, and Zarefsky present three particular views on argumentative discourse that are, each in their own way, pertinent to examining strategic maneuvering.

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Chapter 2
The Language of Argumentation in Dutch

Frans H. van Eemeren

How do Dutch people let each other know that they disagree? What do they say when they want to resolve their difference of opinion by way of an argumentative discussion? In what way do they convey that they are convinced by each other's argumentation? How do they criticize each other's argumentative moves? Which words and expressions do they use in these endeavors? By answering these questions this short essay provides a brief inventory of the language of argumentation in Dutch.

Like other languages, Dutch has a whole range of possibilities for expressing what one thinks of something, varying from 'mijn standpunt is' [it is my view that], 'volgens mij' [in my opinion], and 'ik vind dat' [I think that], to 'Dat klopt niet' [that is not correct]. Those who have doubts concerning someone else's standpoint, or even firmly disagree with it, do not need to be at a loss for words either. Their response can vary from 'Daar ben ik nog niet helemaal zeker van' [I am not yet entirely sure about that] to 'Dat ben ik totaal niet met je eens' [I do not agree with you on that at all]—with a lot of other possibilities in between. People who prefer to express themselves in a somewhat formal way may say 'Dat waag ik toch wel ernstig te betwijfelen' [I venture to express my serious doubts about that], people who profess to be relaxed might let us know that they 'er toch wel even een paar vraagtekens bij willen zetten' [would just like to add a few question marks to it], while the response of no-nonsense people like you and me could be 'Wat is dat nou weer voor onzin?' [what kind of nonsense is that again?].

People who do not agree on something 'verschillen van mening' [have a difference of opinion], which can grow into a mutually recognized 'meningsverschil' [disagreement], and may become a 'controverse' [controversy] if the disagreement can not be resolved in due course. Some controversies end up in a 'conflict' [conflict], or even a 'vete' [feud], a deep disagreement between the 'partijen' [parties] that has become solidified and seems insolvable. In a great many cases, however, the parties in the disagreement will make an effort to 'uit de wereld

helpen' [dissolve] their difference of opinion. They can do so through 'beslechting' [settlement] of their difference of opinion, if need be with the help of a 'derde' [third party], but they can also make an attempt to 'oplossen' [resolve] the difference of opinion by means of 'argumentatie' [argumentation]. In the simplest case this means that either the party who doubted the 'aanvaardbaarheid' [acceptability] of the standpoint at issue comes to accept the standpoint because he has been 'overtuigd' [convinced] by the other party's argumentation, so that he decides to 'intrekken' [withdraw] his doubt, or that the party who defended the standpoint 'zich neerlegt bij' [gives into] the other party's criticisms and withdraws his standpoint. If the parties do not succeed in resolving their difference of opinion by means of argumentation, this may result in a 'patstelling' [stalemate], with both parties maintaining their original positions.

In argumentative exchanges the parties 'brengen argumenten naar voren' [argue their case], 'beantwoorden' [respond to] each other's 'argumenten' [reasons that constitute the 'argumentatie'], 'voeren nieuwe argumenten aan' [bring in new reasons], et cetera. If it works out that way, now and then the parties may 'zichzelf tegenspreken' [contradict themselves], make use of arguments they know to be 'twijfelachtig' [questionable] or even 'ondeugdelijk' [unsound]. They may slightly 'verdraaien' [distort] the other party's standpoint, thus creating a 'stroman' [straw man], try 'onder de bewijslast uit te komen' [to wriggle out of the burden of proof] for their own statements, the other party 'onder druk te zetten' [to put pressure on them] or 'persoonlijk aan te vallen' [to make a personal attack on them], 'een beroep te doen op autoriteiten wier gezag dubieus is' [to make appeals to dubious authorities], 'verkeerde vergelijkingen te maken' [to draw wrong analogies] or perpetrate 'ongeoorloofde generalisaties' [hasty generalizations].

Usually, the parties will not accept each other's argumentation at face value but judge the argumentation for the standpoint. If a party is, for instance, of the opinion that the other party's argumentation is not 'deugdelijk' [sound] because it contains an 'argument' [reason] that has nothing to do with the standpoint it is supposed to support, this party can make this clear by saying 'Dat is totaal irrelevant' [that is completely irrelevant] or 'Dat doet niet ter zake' [that is not to the point], but also by uttering a straightforward 'Waar slaat dat nou weer op?' [what the heck is the meaning of this?]—the title of a popularizing Dutch book about the language of argumentation I co-authored in 1996 with Rob Grootendorst (Amsterdam/Antwerp: Contact). Proverbial alternatives known by all speakers of Dutch are 'Dat raakt kant noch wal' [that is all wrong], 'Dat slaat als een tang op een varken' [there's no rhyme or reason to it] and 'Dat slaat als kut op dirk' [that's got fuck-all to do with it]. As in all other cases I am dealing with in this essay, there are many more expressions pertaining to the same phenomenon—in this case a criticism of lacking pertinence in argumentation that was advanced.

Another kind of judgment that may be given is that the reasoning used in the argumentation 'niet klopt' [is not correct]. This can mean that the reasoning is not considered 'geldig' [valid], but also that a reason put forward in the argumentation

is for another reason not regarded to offer 'deugdelijke ondersteuning' [sound support] to the standpoint, or that the reasons that together constitute the 'argumentatie' are not regarded 'afdoende' [sufficient]. Such judgments may make the critic 'verwerpen' [reject] the argumentation and eventually also the standpoint defended by it.

The words and expressions I have highlighted so far, together with an abundance of other current and less current words and expressions, make up the language of argumentation in Dutch. They do not only refer to 'standpunten' [views] and components of 'argumentatie' [joint reasons put forward in defense of a standpoint], such as the explicit and implicit 'argumenten' [reasons] advanced, but also to the qualities of argumentation as a defense of a standpoint, such as the 'relevantie' [relevance] or 'houdbaarheid' [sustainability] of reasons that are part of the argumentation, and the 'redelijkheid' [reasonableness] or 'drogredelijkheid' [fallaciousness] of all 'zetten' [moves] that are made in the discourse, irrespective of whether this discourse is a 'betoog' [argumentative monologue] or 'discussie' [argumentative discussion]. It goes without saying that aiming for completeness in this brief inventory is not feasible, if only because the Dutch language—like all other languages—is open to continual change and the users of the language are most inventive in making creative use of the infinite number of possibilities their language offers. I have just mentioned a series of prototypical words and expressions that give the readers of this journal an idea of what argumentative Dutch is like.

When it comes to comparing the language of argumentation in Dutch with the language of argumentation in English, the most striking differences concern the crucial word argumentation and the way this word is used. These differences are not just funny peculiarities, but may have significant consequences for the way in which argumentation is conceptualized. As a preliminary, it may be good to note that in Dutch the word 'argumentatie' [argumentation] is a very ordinary word that everyone knows and uses. More importantly, ordinary speakers of Dutch use this word in basically the same way as argumentation theorists do when it comes to the term 'argumentation'—or at least in virtually the same way as my colleagues and I do (van Eemeren et al. 1996: 5).

The first property that makes the word 'argumentatie' [argumentation] different from the English word 'argumentation' is that 'argumentatie' pertains only to the constellation of reasons a speaker or writer puts forward in defense of a standpoint and does not include the standpoint itself. In the argument 'You should not listen to Peter, because he is prejudiced,' for instance, the 'argumentatie' consists only of the explicit premise that Peter is prejudiced and the implicit premise that prejudiced people are not worth listening to, while the advisory statement that you should not listen to Peter is the standpoint. Fully acknowledging that both elements are, of course, part of the reasoning process, Dutch makes a similar distinction between the 'argumentatie' and the standpoint of an arguer as logic does between the premises and the conclusion of an argument.

The second property pointing to a pertinent difference between the meaning of the Dutch word 'argumentatie' and the English word 'argumentation' is that the

meaning of the word 'argumentatie' already incorporates the so-called process-product ambiguity inherent in the theoretical term *argumentation* that is not yet so clearly present in the English word 'argumentation' as it is ordinarily used in English. Without stretching ordinary usage in any way, the Dutch word 'argumentatie' can be used to refer both to the process of argumentation, as in 'Onderbreek me nou niet want ik ben midden in mijn argumentatie' [don't interrupt me just now since I am in the middle of my argumentation], and to the product resulting from the argumentative process, as in 'Ik heb je argumentatie bekeken, maar ik vind hem niet sterk' [I have looked at your argumentation but I do not think it is really strong].

The third property that makes a crucial difference that I would like to emphasize here is that, like its equivalents in various other languages, the ordinary word 'argumentatie' in Dutch shares with the theoretical term *argumentation* the vital characteristic that it is immediately connected with reasonableness—a characteristic that is not represented in the same way in the ordinary use of the English word 'argumentation.' 'Argumentatie' refers, just as the theoretical term 'argumentation,' to a deliberate effort of an arguer to resolve a—real or projected—difference of opinion by convincing an audience that is presumed to be a reasonable judge of the acceptability of the standpoint at issue—an audience that may, for instance, consist of only one listener, but also of all readers of a national newspaper. It is important to realize that the word 'argumentatie' refers in Dutch to a concept that has nothing to do with quarrelling or any other negatively charged verbal activity, such as skirmishing, squabbling, bickering, wrangling and haggling. Because the use of the word 'argumentatie' does not have any negative connotation, this word could be easily adopted as a technical term in the theorizing about argumentation, without compelling the theorists to introduce any completely artificial stipulations about argumentation as a process and argumentation as a product, and without suggesting when using this term as a key term in the study of argumentation any unwanted links with verbal ways of behavior in which reasonableness does not play a central role, such as quarrelling.

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Chapter 3
In What Sense Do Modern Argumentation Theories Relate to Aristotle? The Case of Pragma-Dialectics

Frans H. van Eemeren

3.1 Overview of the Expose

Leaving the authoritative interpretation of Aristotle's works to the antique philosophers, classical scholars and philologists contributing to this issue, I concentrate in this paper on the way in which Aristotle's views concerning argumentation have been received and used by modern argumentation theorists. Ten years ago, together with my late colleague Peter Houtlosser, I have given an overview of the various ways in which the views about argumentation theory propounded by modern argumentation theorists interested in the historical background of their approaches relate to classical dialectic and rhetoric, in particular to Aristotle's conception of these two disciplines (van Eemeren and Houtlosser 2002a). In this paper I will return to this inventory, focusing in particular on the relationship with Aristotle's views about dialectic and rhetoric of the modern theory of argumentation I am most familiar with: pragma-dialectics.

3.2 Argumentation Theory as a Hybrid Discipline

Argumentation is due when conclusive evidence cannot be provided and all the same a justification of why a certain standpoint should be accepted on reasonable grounds is called for. This is in particular the case when an evaluative or a prescriptive view is at issue. If a descriptive claim is discussed and its truth can be easily established, just giving argumentation for its acceptability generally does not suffice because definitive proof will be demanded.[1] More often than not, the propositions which are justified by means of argumentation are therefore evaluative or prescriptive rather than purely descriptive propositions.

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[1]Proof that does not appear to speak for itself can, of course, be presented as argumentation.

The observation that argumentation is prototypically used when the acceptability of a standpoint on reasonable grounds is at stake and a binding verdict cannot be given, played an important role in the rebirth of argumentation theory in the twentieth century. In the motivations of their theoretical proposals for a renewed argumentation theory, put forward in 1958, both Toulmin (2003) and Perelman and Olbrechts-Tyteca (1969) strongly emphasized that argumentation is an effort to make a standpoint in a reasonable way acceptable to addressees who are in doubt rather than a logical proof of its truth. In their view, to do justice to argumentation, in the theorizing the formal logical treatment of argumentation had to be replaced by a different kind of treatment. They thus returned to a theoretical tradition of dealing with argumentation which started in antiquity, had been continued for a very long time, but had been abandoned in modern times.

Argumentation theorists aim for developing the theoretical instruments which are necessary for adequately describing and assessing the various types of argumentative moves instrumental in the great variety of argumentative practices. Because the different kinds of argumentative practices that are to be examined represent an empirical reality, descriptive research is necessary to make clear how exactly these practices work. But because argumentation theorists are also out to determine to what extent extant argumentative practices can stand the test of criticism, in addition, normative research is required to reach well-considered judgments concerning the quality of argumentative acting. Ideally the descriptive and the normative research carried out in the realm of argumentation theory should, of course, be attuned to each other.

In examining argumentation, argumentation theorists pay systematic attention to all factors pertinent to the production, analysis and evaluation of argumentative moves. These factors can never be completely covered if argumentation is approached from one single disciplinary angle, be it logical, linguistic, psychological or otherwise. This means that by definition examining argumentation is not only a descriptive as well as a normative enterprise, but also a multidisciplinary—and ideally, if the constitutive disciplines can be properly joined together, even an interdisciplinary—enterprise. This explains why argumentation theory can be characterized as a 'hybrid' discipline.

3.3 The Dialectical and the Rhetorical Perspective

The rebirth of argumentation theory went together with the recognition that argumentation theory had its roots in antiquity and had reached its classical apex in Aristotle's dialectic and rhetoric. After the resurgence of argumentation theory as a field of study in the second part of the twentieth century both the dialectical and the rhetorical perspective had their renaissances, albeit completely isolated from each other and in ways that were in various respects different from the classical tradition.

After dialectic and rhetoric had been redefined and separated from each other in the sixteenth century, dialectic was included in logic. When logic later took a

mathematical turn, the dialectical study of regulated critical exchanges disappeared from sight not only outside, logic but also inside logic. In the 1960s and 1970s, however, some developments took place within logic which put an end to the abandonment of dialectic.[2] New dialectical approaches started to emerge which, in spite of considerable differences in their design, all relate to classical dialectic in the general sense that they also deal with regulated critical exchanges aimed at systematically testing the tenability of a standpoint. Two initiatives were of particular importance to the evolution of these modern dialectics.

First, Paul Lorenzen instigated, with other members of the Erlangen School, a dialogical approach of logic. In this approach, logical derivations are viewed as critical dialogues in which the conclusion of such a derivation is presented as a 'thesis' which its proponent defends against the critical doubts articulated by an opponent who grants as 'concessions' the premises of the derivation. Starting from the concessions, the proponent attempts to bring the opponent in a position in which he contradicts himself and has to give in (Lorenzen and Lorenz 1978). This approach has resulted in a dialogical interpretation of 'logical constants' from various kinds of logics. The set-up resembles the dialectical model for regulated dialogues developed by Aristotle in the *Topica*, in which a thesis is refuted starting from the other party's concessions or *endoxa* (*Topica* 110a, 29–30).

Second, Hamblin (1970) developed in an epoch-making monograph proposals for critical discussion procedures which he designates as *Formal Dialectic*. These proposals are the constructive sequel of Hamblin's highly critical review of the state of the art in the Standard Treatment of the fallacies that he had detected in the logical textbooks of the day. Hamblin's monograph, *Fallacies*, has had an enormous impact on the progression of dialectical theorizing in modern argumentation theory.[3]

In *From axiom to dialogue*, Barth and Krabbe (1982) have exploited Hamblinean insights, together with Lorenzen style dialogue logic, to create their own 'formal dialectic,' a formal theory of argumentation. This formal dialectic comprises systems of procedural rules for critical dialogues that are aimed at determining whether a thesis can be maintained in the light of the concessions of a doubting opponent. The rules of formal dialectic define which moves are allowed in a discussion, in which case a proponent has defended a thesis successfully, and in which case the opponent has attacked a thesis successfully. In the 1990s, Walton and Krabbe (1995) have given a pragmatic extension to formal dialectic by distinguishing in dealing with argumentation between different 'dialogue types.' Earlier, formal dialectic had already inspired van Eemeren and Grootendorst (1984, 2004) to develop their 'pragma-dialectical' theory of argumentation, to which I will return in more detail.

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[2]An early European pioneer of the modern dialectical treatment of argumentation is Naess (1966).

[3]Hamblin inspired Woods and Walton (1989) to start developing their formal treatment of the fallacies. In North America, modern dialectical approaches to argumentation influenced by Hamblin are propsed by Finocchiaro (1980, 2005) and Johnson (2000).

A general characteristic of all dialectical approaches is that the acceptability of argumentative moves is regarded to be dependent on the rational quality of the argumentative exchange, so that the *reasonableness* of argumentative discourse is always at the centre of attention. Opting for a dialectical perspective means that the point of departure is normative and requires that the argumentative moves that are made in argumentative discourse should comply with the soundness standards ensuing from the philosophical ideal of a critical discussion. The litmus proof of a dialectical procedure is generally believed to be the possibility of nailing down the various kinds of fallacies. Exactly which soundness standards are distinguished varies to some extent from one dialectical argumentation theory to the other, but these soundness standards are only considered to constitute a dialectically adequate procedure if they enable us to distinguish systematically between sound and fallacious argumentative moves.

The alternative theoretical angle in examining argumentation is the rhetorical perspective, in which the core notion is 'effectiveness.' Although in the course of time the rhetorical perspective has been redefined constantly, the focus has always been on effective persuasion of an audience.[4] However, following Aristotle, who provided according to Kennedy (1991) the current conceptual framework of rhetoric, it is not the actual achievement of persuasive effects that rhetoric concentrates upon, but the capability to identify the means of persuasion that may be effective in a given case. The adherence to Aristotle's views explains why in practice rhetorical research is not the same as 'persuasion research' (O'Keefe 2002). Unlike persuasion researchers, rhetoricians do not examine empirically, let alone experimentally and quantitatively, under which conditions certain persuasive techniques are actually effective with certain people. Instead, they concentrate on laying bare the ways in which the intended effectiveness is aimed for.[5] Rhetorical studies are in principle descriptive and explanatory rather than normative and evaluative, so that no external standards for identifying fallacies are provided.[6]

A major impetus to the revival of the study of argumentation from a rhetorical perspective in the twentieth century was given by Perelman and Olbrechts-Tyteca's monograph *Traité de l'argumentation: La nouvelle rhétorique*, published in 1958

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[4]According to Simons (1990), "most neutrally, perhaps, rhetoric is the study and practice of persuasion" (p. 5).

[5]At best, rhetoricians could be said to carry out "preliminary theoretical work" for empirical persuasion research. In practice, however, they are as a rule dealing with individual speech events rather than being out to develop general theory. Besides, the notions of 'effectiveness' and 'persuasiveness' are not necessarily synonymous (van Eemeren 2010, p. 39, 66).

[6]However, in line with the classical view that a *vir bonus* is required for acting rhetorically optimally and the modern ideal of 'civic discourse,' there is a tendency among rhetoricians to add an ethical (and sometimes downright moralistic) dimension to their rhetorical considerations. As Leff (2002) points out, there is no general agreement among rhetoricians about which normative standard needs to be taken into account in addition to effectiveness: Quintilian adds an ethical standard, the humanists in the Renaissance require eloquence, speech act theorists refer to the requirements of the discursive situation, and others require demonstrating a deep kind of rationality (p. 54). Often rhetorical normativity is summarized in the rather vague notion of 'appropriateness.'

and followed by an English translation in 1969. The New Rhetoric is a descriptive theory of argumentative effectiveness and does not present critical standards of reasonableness to which arguers ought to adhere. According to Perelman (1970), the New Rhetoric can be seen as an attempt at creating a theoretical framework uniting all forms of 'non-analytic thinking' directed towards convincing people in ways that lay claim to rationality.

Just as in classical rhetoric, in the New Rhetoric the notion of 'audience' plays a pivotal role. It is postulated that argumentation is always designed to have an effect on those for whom it is intended. Argumentation is persuasive if it succeeds in securing the approval of a 'particular audience,' consisting of a particular person or group, and convincing if it may lay claim to the approval of the 'universal audience,' consisting of all reasonable people. The discursive techniques used in persuading or convincing must in all cases be attuned to the intended audience. The New Rhetoric is calculated to provide a systematic survey of all elements in argumentative discourse that play a part in the discursive techniques used to bring about acceptance of the claims defended in the people that are addressed.

Perelman and Olbrechts-Tyteca present an overview of the various kinds of starting points—facts, truths, presumptions, values, value hierarchies, and loci—which can be part of the point of departure of argumentation if they are acceptable to the audience. They also discuss the 'argument(ative) schemes'—'quasi-logical argument,' 'argument based on the structure of reality,' and 'argument establishing the structure of reality'—that can be employed to make standpoints acceptable to the audience on the basis of these starting points. If the use of a discursive technique succeeds in connecting an acceptable premise by means of a particular argument scheme with the standpoint at issue, the acceptability of the premise is transferred to the standpoint. Alongside the techniques of 'association,' Perelman and Olbrechts-Tyteca distinguish the technique of 'dissociation,' which involves differentiating a concept from the concept it was originally part of, to give words a new content that agrees better with the argumentative purposes of the speaker or writer (van Rees 2009).[7]

Although most definitions given in modern handbooks confirm that rhetoric is about communication as a way of influencing people effectively, this does not mean that rhetoric as it is currently practiced is always about argumentation. In *The Sage handbook of rhetorical studies*, Swearingen and Schiappa (2009) observe that American rhetorical theories have extended their scope in the twentieth century "to the point that everything, or virtually everything, can be described as 'rhetorical'" (p. 2). Lunsford et al. (2009) therefore describe 'Big Rhetoric' as "a plastic art that moulds itself to varying times, places and situations" (p. xix).

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[7]The New Rhetoric has been criticized for its ill-defined basic concepts, problematic universal audience and lack of mutually exclusive categories in its taxonomy of argument schemes (van Eemeren et al. 2013, Chap. 5). According to Fahnestock (1999), the redefinition of the rhetorical figures in the New Rhetoric is problematic "to the extent that it links the figures to an untraceable psychological experience" (p. 36).

Even when in American rhetoric the term *argumentation* is used, its meaning is often much broader than in argumentation theory. Instead of just justifying a standpoint on reasonable grounds by giving reasons in its support, it may involve any characteristic of communication that can have a persuasive effect on the audience. This more diffuse conception of argumentation may be a consequence of the influence of the Isocratean rhetorical tradition. The inclusion, next to *logos*, of *ethos* and *pathos* in the rhetorical study of argumentation is also part of the explanation. In addition, it may play a part that in English the meaning of the words "argument" and "argumentation" is compared to that of their counterparts in other European languages in pertinent respects rather undetermined (van Eemeren 2010, pp. 25–27).

It is striking that has survived in the United States rhetoric more robustly than in Europe, albeit watered down to Big Rhetoric.[8] Kenneth Burke's adage "Wherever there is persuasion, there is rhetoric—and wherever there is 'meaning', there is 'persuasion'" instigated an unprecedented broadening of the scope of rhetoric. New concepts, such as 'identification,' were declared rhetorical phenomena. New angles of research, such as feminist rhetoric, were included. Scholars who never labeled themselves as rhetoricians, such as Jürgen Habermas and Michel Foucault, were incorporated (Foss et al. 1985). According to Schiappa (2002), few American scholars would nowadays object to categorizing a narrative analysis of George Bush's discourse about the Persian Gulf War, a psychoanalytic reading of the movie *Aliens*, and an analysis of visual iconography in the advertisement of "Heroin chic" all under the rubric "rhetorical perspective on argumentative discourse" (p. 67).

In spite of the dilution of rhetoric, in the past decades interesting rhetorical analyses of argumentative discourse have been made, also—and even particularly —in the United States. These analyses are usually grafted onto the classical and post-classical tradition. In some cases they are accompanied by an in-depth exposition of the rhetorical framework in which the analysis takes place. A case in point in Fahnestock's (1999) study *Rhetorical figures in science*. Another American scholar who has contributed high quality rhetorical analyses of argumentative discourse is Leff (2002), who explains that the Aristotelian classification of 'deliberative,' 'forensic' and 'ceremonial' oratory "establishes logically proper functions for audiences in different contexts and implies normative standards of obligation connected with the activity of rhetoric itself" (p. 55).

Remarkably thorough and sustained 'case-based' analyses of public argumentative discourse are carried out by David Zarefsky, who supplements classical rhetorical insights with modern rhetorical insights whenever this seems functional. In *President Johnson's war on poverty*, Zarefsky (2005, 1st ed. 1986) examines how public policy can be put in a strategic perspective by discursive means, notably

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[8]My speculative explanation is that this is partly due to a combination of immigrants' tendency to hold on to the familiar tradition and democratic ideology stimulating every citizen to be capable of taking part in public debate.

the use of the word "war" in fighting poverty—later followed by other Presidential "wars" against drugs and against terrorism. In *Lincoln Douglas and slavery*, Zarefsky (1990) analyses the seven 1858 encounters between Abraham Lincoln and Stephen A. Douglas which have become known as the 'Lincoln-Douglas debates.' He provides a rhetorical perspective in examining these debates as public arguments, "focusing on how gifted advocates selected their arguments and appeals from the available means of persuasion and how they shaped and fashioned the arguments to meet the needs of the audience and situation" (p. xi). This perspective helps to explain "how linguistic and strategic choices both reflected and affected the course of the deepening controversy over slavery" (p. xi).[9]

3.4 Connections Between Modern Argumentation Theory and Aristotle

The sources for modern theoretical thinking on argumentation in antiquity lie in particular in Aristotle's writings.[10] Since greater experts on Aristotle's scholarship than I am are contributing to this issue, in exploring the connections between modern argumentation theory and Aristotle's dialectic and rhetoric I will only bring to the fore what I take to be the accepted quintessence of Aristotle's views.

In antiquity, the term *dialectic* also had other meanings, but Aristotle used it to refer to critical dialogues aimed at establishing whether or not a particular standpoint is acceptable.[11] Dialectic then pertains to a discussion between two parties: a 'questioner,' who is out to refute the standpoint at issue, and an 'answerer,' who tries to prevent the standpoint from being refuted.[12] In the end, only one of the parties can be successful in his endeavour. Their joint goal in the discussion is to determine whether the standpoint can be maintained in the light of generally accepted premises and other premises accepted by the answerer as 'concessions' in the discussion.

A critical dialogue in the Aristotelian sense is opened by the questioner starting the discussion by asking a question that can be answered with Yes or No. The answerer responds by taking a position on the matter. Departing from this

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[9]Modern American rhetorical argumentation research also includes conceptual studies, such as Schiappa's (2002) and Zarefsky's (2006) examinations of the rhetorical uses of 'stipulative' and 'persuasive' definitions.

[10]His dialectical insights Aristotle developed in *Topica* (1960) and *Sophisticis elenchis* (1928), his rhetorical insights in *Rhetorica*.

[11]According to Slomkowski (1999) and Hasper and Krabbe (to be published), Aristotle's dialectic is, despite Aristotle's claim to originality, based on the art of discussion described in Plato's dialogues.

[12]According to Wagemans (2009), Aristotle's dialectical discussion is organized in the same way as the 'dialectics' of the Socratic elenchus and the critical component of the method of hypotheticizing (pp. 113–131).

standpoint, a methodical exchange of questions and answers develops. During the exchange both parties are committed to the things they have said and have to comply with certain rules and other normative regulations. The contributions of the questioner are aimed at refuting the answerer's standpoint and the contributions of the answerer are aimed at avoiding refutation, without putting forward argumentation in defence of the standpoint. The questioner is out to end the discussion by drawing a conclusion which contradicts the standpoint at issue on the basis of the concessions elicited from the answerer.[13]

As far as rhetoric is concerned, Aristotle's position in antiquity is more complicated. Because in our education classical rhetoric has become standardized in the so-called 'system of antique rhetoric,' it is nowadays commonly assumed—in spite of a great many indications that this is not correct—that there existed one unified classical rhetorical theory combining the two important classical divisions of the *officia oratoris* (tasks of the orator) and the *partes orationis* (components of the oration).[14] In the 'system of antique rhetoric,' rhetoric is viewed as concentrating on persuading an audience. This definition corresponds roughly with the definition that Plato attributes in his dialogues to Gorgias: the art of speaking well, in the sense of speaking persuasively (*Gorgias* 452e-453a). Deviating from the general definition prevailing in antiquity, Aristotle defines rhetoric in a very pronounced way as the faculty of seeing in oratory in each particular case the possible means of persuasion (*Rhetorica* 1355b27-28).[15] This view prefigures the later divergence of argumentation theory and persuasion research I already mentioned.

The art of rhetoric concentrates in Aristotle's approach on a systematic consideration of the means of persuasion available to an orator to persuade the audience. The means of persuasion to be taken into account include, next to argumentative means consisting of the use of *logos* in enthymemes and examples, also the non-argumentative means of *ethos* and *pathos* (*Rhetorica* 1356a1-21). Aristotle distinguishes between three 'genres of oratory,' classifying them in accordance with the institutional circumstances in which the discourse is conducted (*Rhetorica* 1358a39-b7). The first of these genres, which are incorporated in the system of antique rhetoric, is the *genos didanikon* (usually referred to as *genus iudiciale*) of the legal speech. The second is the *genos sumbouleutikon* (also known as *genus deliberativum*) of the political speech. The third is the ceremonial *genos epideiktikon* (or *genus demonstrativum*). Due to the rhetorical emphasis on effective persuasion, the most important factor to be taken into account, in all three genres, is

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[13]For the organization of a dialectical discussion, see Slomkowski (1999, pp. 14–42) and Wagner and Rapp (2004, pp. 17–18).

[14]The tasks of the orator are *inventio*, *dispositio*, *elocutio*, *memoria*, and *actio*. The components of the oration include, apart from an occasional *digressio*, the *exordium*, *narratio*, *argumentatio* (including both *confirmatio* and *refutatio*), and the *peroratio*. See Lausberg (1998).

[15]In a Dutch monograph, Braet (2007) compares Aristotle's *Rhetorica*, the *Rhetorica ad Alexandrum*, and the rhetoric of Hermagoras of Temnos from the perspective of argumentation theory. He characterizes Aristotle's rhetoric as richest in theory—the *Rhetorica ad Alexandrum* is more practical, the rhetoric of Hermagoras more educational.

the audience for whom the discourse is intended. In the context of a legal speech, the judges (in antiquity, a jury) are to accept a standpoint defended by one of the contesting parties; in the context of a political speech, the people addressed at a public meeting (in antiquity the citizens) are to accept a policy standpoint of one of the contestants; and in the context of an 'epidictic' speech on a ceremonial occasion, the audience's acceptance of a value standpoint is to be confirmed and amplified. Although in the latter case there is no counter-standpoint, according to Lausberg (1998), the audience still has to be persuaded of the acceptability of the standpoint because there may be a *dubium* (section 59–61).

Rhetoric was criticized by Plato and other philosophers because it aims for persuading people to accept views that can be disputable and may not be true. This criticism is reinforced by the fact that, next to the use of *logos*, rhetoric also allows for the use of *pathos* and *ethos*. Aristotle, however, is in the first place out to have orators aim for the optimal results in terms of truth and justice. In order to make the audience accept true and just standpoints, in particular in legal and political speeches, the orator needs, in principle, to make use of argumentative means of persuasion. In his rhetoric, the argumentative means of persuasion are the core and the non-argumentative means of persuasion are secondary (*Rhetorica* 1354a10-20).[16] Making use of pathetic and ethical means of persuasion is, in his view, only allowed when the use of *logos* is not effective, so that other means are required to ensure that true and just standpoints will prevail (Sprute 1994).

How do modern dialectical and rhetorical approaches to argumentation relate to Aristotelian dialectic and rhetoric? Before trying to answer this question, it might be helpful to make a distinction between two different ways of dealing with the historical legacy of the field (van Eemeren 2010, pp. 53–54). On the one side, there are scholars who put their approach to argumentation in a historical perspective and try to connect as closely as possible with their antique predecessors. They consider the identity of dialectic and the identity of rhetoric as historical givens and refer to classical sources to legitimize their approach—which has, in principle, a descriptive, philological basis. Because on crucial issues there is no unanimity among the classical sources, they are inevitably faced with the problem of making a justified choice. Some of them ignore this problem, in some cases even to the extent that they declare the source they favour in an almost essentialistic way authoritative ("this is what dialectic/rhetoric really is"). On the other side, there are those argumentation theorists whose definitions of dialectic and rhetoric are in the first place guided by theoretical considerations concerning which conception is most suitable in view of the problems they are confronted with in carrying out their particular research programs. Starting from the idea that no one, not even Aristotle, can lay claim to having taken out a patent on a certain use of the terms *dialectic* and *rhetoric*, in relating with their antique predecessors they select from the competing classical approaches these outlooks and ideas to connect with that fit in with their favoured

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[16]Aristotle observes that other rhetoricians resort in the first place to *pathos*. See Rapp (2002, I, p. 364).

theoretical way of dealing with the problems involved in analyzing and evaluating argumentative discourse. In fact, they do not shy away from amending the classical views and adapting them to their own approach when they find this is necessary.

Generally modern dialecticians seem to be inclined to adopt a theoretically motivated attitude towards the historical legacy from antiquity, while modern rhetoricians are inclined to adopt a historically motivated attitude. In their approaches to argumentation, theorists who favour a dialectical perspective not just borrow the naming of their theories from classical dialectic but also try to cover what they consider the gist of the dialectical enterprise. In their turn, rhetorical argumentation theorists see their work usually as an immediate continuation of the antique rhetorical tradition and tend to stay much closer to the exact contents of their classical examples in the substance of their approaches. Modern dialectical approaches to argumentation are all in particular inspired by Aristotle's work. In the case of the modern rhetorical approaches, the sources the scholars draw from are more diverse, albeit that the largely Aristotelian system of antique rhetoric takes pride of place.

Both formal dialectic and pragma-dialectics reflect the normative ideal of the Socratic method as it has been given shape more precisely by Aristotle in his dialectic. In both argumentation theories a critical dialogue is envisaged in which, just like in Aristotle's critical dialogues, a claim is put to the test by a methodical exchange of critical moves made by the party who challenges the acceptability of the claim and defensive moves made by the party who is out to maintain the claim. In Aristotle's dialectic, the defences do not consist of argumentation, but the challenger draws on concessions elicited from the defender which are eventually exploited as argumentation. In spite of the substantial differences between the formats of the discussions, the modern dialectical approaches and Aristotle's approach have in common that the discussion is in all cases aimed at securing the best possible result in terms of rationality and reasonableness, which is testified by the normative standards regulating the exchange. Other important shared features are the institutionalization of the possibility of issuing requests for clarification during the discussion and the identification and rejection of fallacies.[17]

Modern protagonists of a rhetorical approach to argumentation rely, as a rule, in the first place on the system of antique rhetoric.[18] Although they frequently use the

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[17]It therefore does not come as a surprise that Wagemans (2009) concludes in a Dutch study comparing pragma-dialectics with the antique dialectical and rhetorical tradition that the pragma-dialectical view of the aim of a critical discussion is implicitly related to a dialectical discussion in the Aristotelian sense and that the views concerning the organization and normative regulation of the discussion are inspired by it (pp. 190–191).

[18]Kock (2007) criticizes modern argumentation theorists who aspire to make good use of insights from rhetoric in their theorizing for not realizing that the domain of rhetoric is that of action. He ignores that they distinguish in an Aristotelian vein between argumentative defences of different types of standpoints, often prototypically related to specific communicative domains. According to Kock, rhetorical argumentation is rooted in deliberation about choices between alternative courses of action, so that the terms *rhetoric* and *deliberation* are in effect "co-extensive." He criticizes, among others, Tindale (2004) for not recognizing "that there is a particular domain of issues that is natural or particular to rhetorical argumentation" and objects to the use of the same theory for

term *argumentation*, mainstream representatives of American Big Rhetoric do not engage in argumentation theory proper, but just call any communicative phenomenon "argumentative" that may have a persuasive effect on an audience. Their work is generally only very loosely connected with classical rhetoric. Leff's rhetorical approach, on the other hand, provides a perspective on argumentation that is closely connected with classical rhetoric, not just with the system of antique rhetoric, but more particularly with specific antique views of rhetoric, especially, but not exclusively, Aristotle's. Zarefsky is in his approach to argumentation more inclined to include selectively modern rhetorical insights as well. In modern American rhetorical approaches to argumentation, next to Aristotelian influence, influences of the Sophists, the Isocrateans, Hermagoras of Temnos, and Hellenistic Roman rhetoric can be traced.[19]

3.5 Dealing with the Relationship of Dialectic and Rhetoric

The next question I need to deal with is how the relationship of dialectic as a theoretical perspective on argumentative reasonableness and rhetoric as a theoretical perspective on argumentative effectiveness is to be envisaged. Aristotle, who took both perspectives seriously and reflected thoroughly upon each of them, called rhetoric an "offshoot" of dialectic and characterized their relationship with the term *antistrophos*. This term, which is usually translated as "counterpart" or "mirror image," is notorious for its lack of clarity, which has sometimes led to indignant complaints (e.g. Reboul 1991, p. 46). According to Hanns Hohmann, Aristotle "appears to envision a coordinate relationship here, emphasizing the parallels between the two fields" (p. 43).[20] Lawrence Green concludes that, in Aristotle's view, dialectic and rhetoric "always imply one another and can be translated into one another, without actually being one another" (1990, p. 9).

At any rate, Aristotle considered dialectic and rhetoric as complementary perspectives on argumentation and appears to have envisioned a division of labour

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(Footnote 18 continued)

dealing with the uses of argumentation in different communicative domains, without acknowledging that some of these argumentation theorists specify their general theory, in a similar way as Aristotle did, according to the communicative activity types concerned (van Eemeren 2010).

[19]The theory of *stasis* has had a great impact on the doctrine of the 'stock issues' that has shaped the American tradition of academic debate. Among the argumentation theorists using the concept of the stock issues in argumentation analysis is Goodwin (2002). In Kauffeld's (2002) rhetorical approach, the stock issues are one of the starting points of the theorizing about argumentative discourse.

[20]Because rhetoric deals also with enthymematic arguments, it is theoretically in a sense part of dialectic, and because it relies on premises accepted by the audience, in turn, dialectic is theoretically in a sense a special case of rhetoric.

between the two. Other classical and post-classical authors however seem to have viewed dialectic and rhetoric in more competitive terms. To some of them, the dialectical perspective is the preferred one; to others, the rhetorical perspective. Cicero, for one, puts rhetoric first.[21] In an Isocratean vein, he subordinates dialectical to rhetorical insights, suggesting that dialectic might otherwise end up in empty formalism. Boethius, on the other hand, sees dialectic as crucial, because it provides the methods of inference that are required. Much later, Agricola incorporates dialectic and rhetoric in *De inventione dialectica* in one and the same theory. Pretending to start from Agricola, Ramus takes, according to Conley (1990), "a kind of Platonist stance" by presenting rhetoric—in line with Boethius—as "a subordinate adjunct" to dialectic (p. 132). Overviewing the developments, Leff (2002) summarizes that "the historical record is one of constant change as the identity, function, structure, and mutual relationship [of the arts of dialectic and rhetoric, FHvE] become issues of argumentative contestation" (p. 53).

In the sixteenth century the competition between dialectic and rhetoric culminated eventually in a complete separation of the two disciplines. This happened after two vital parts of rhetoric, *inventio* and *dispositio*, had been transferred to dialectic, so that rhetoric was virtually reduced to *elocutio* in the sense of style and delivery. As a result of the Ramist separation of the fields of activity, rhetoric became exclusively the domain of the humanities while dialectic was included in the exact sciences. The dialectical and rhetorical perspectives on argumentation came to be regarded as different kinds of paradigms, representing entirely different conceptions of argumentation. Since these conceptions were perceived as incompatible, the division between dialectic and rhetoric became ideological (Toulmin 2001).

When dialectic and rhetoric experienced in the second part of the twentieth century the independent renaissances which led to the resurgence of argumentation theory, the watershed between the two perspectives on argumentation had become absolute and the dialectical and the rhetorical argumentation theorists were almost completely isolated from each other. Dialectic and rhetoric were—and to a large extent still are—the intellectual territory of different academic communities, each with their own infrastructure of scholarly societies, conferences, journals, and book series. As a rule, the dialecticians are formal or informal logicians stemming from departments of philosophy, while the rhetoricians generally come from departments of (speech) communication. As far as they are aware of each other's contributions to argumentation theory, they do not give any signs of being much impressed. I suspect that the view prevailing among dialecticians is that, in combination with their synthetic approach, the rhetoricians' concentration on individual cases will not lead to the systematic theorizing about argumentation that is necessary, and the prevailing view among rhetoricians, that the generic, procedural, and often formal approach of the dialecticians, abstracting from vital characteristics of actual communication, will not lead to the desired understanding of argumentative practice.

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[21]In *De oratore*, Cicero (2001) makes Crassus launch a forceful attack on dialectic.

As an effect of their separate developments, the ideological division between them, and the different intellectual contexts in which they operate, there is a yawning intellectual and communicative gap between dialecticians and rhetoricians, which prevents a constructive exchange of ideas. This will not be perceived as a problem however by the "silent majority" of the dialecticians and rhetoricians concerned, because in their self-chosen isolation—and probably also due to inertia—they are happily continuing their own pursuits, thus maintaining the *status quo*. As stands to reason, the harmful consequence is that those problems of analysis and evaluation which require a contribution from both dialectic and rhetoric will not be resolved. Because argumentative discourse can only be fully analyzed and evaluated if both its reasonableness dimension and its effectiveness dimension are taken into account, it is of vital importance to the further development of argumentation theory that both rhetorical and dialectical insights are given their due and are systematically linked together. Since the late 1990s, this issue has been taken up again seriously and some important theoretical steps have been made towards a solution (van Eemeren and Houtlosser 2002c).

Key figures in the resurgence of argumentation theory such as Toulmin and Perelman recognized the importance of both rhetorical and dialectical insights, but did not go very deeply into the matter of how they can be combined. In setting out his approach to argumentation, Toulmin stayed in fact away from explaining his ideas systematically in terms of dialectic and rhetoric. Perelman's attitude was clearly different, but in the New Rhetoric he and Olbrechts-Tyeca still concentrated first and foremost on the rhetorical dimension of argumentation. Although they explicitly emphasized the importance of dialectic, even to the extent that they felt obliged to explain why they decided not to refer to their theory as 'New Dialectic,' the part that dialectical insights actually play in their theorizing is secondary and remains very limited.

Among the argumentation scholars who have recently acknowledged that the relationship between the dialectical perspective and the rhetorical perspective deserves closer attention there are some who are in favour of operating very cautiously, while others are more daring. It must be said that generally the rhetoricians have been more forthcoming in exploring the relationship than the dialecticians. Some rhetoricians are indeed in favour of some cooperation but show themselves reluctant to allow the counterpart's approach too much space, for fear of seeing their own approach being taken in. Hohmann (2002), for one, applauds a non-hierarchical collaboration on the practical level (p. 50), but displays a remarkable insecurity about the strength of his own discipline by expressing the fear that, if the two disciplines were in any way to be combined theoretically, rhetoric might become a "handmaiden" of dialectic (p. 41). Can one imagine mathematicians being worried about the position of their discipline when mathematical insights are used in physics or economics?

Leff (2002) is more confident about the survival power of rhetoric. Holding on to the historical meaning of the two disciplines and the traditional division of labour between them, he sees clear advantages to both dialectic and rhetoric in combining insights from the two disciplines. He imagines that rhetoric and dialectic can correct each other's "vices." As far as rhetoric is concerned, Leff states that "effective persuasion must be

disciplined by dialectical rationality," which is in particular important when it comes to the detection of fallacies (p. 62). Referring implicitly to the so-called *Münchhausen trilemma* that faces those aiming to justify a standpoint definitively, Leff claims that rhetoric, in its turn, could save dialectic from circularity and infinite regress.[22] In a rhetorical analysis argumentation is viewed in the specific communicative and interactional context in which it occurs. By bringing rhetorical insights to bear, the application of dialectical rules is therefore connected with a concrete point of departure, so that a point is reached where the argumentation can be concluded, and the danger that the discussion cannot be brought to an end can be averted (p. 60).

3.6 The Pragma-Dialectical Gambit

Let me now explain how the relationship between dialectic and rhetoric is dealt with in the pragma-dialectical approach to argumentation that I have developed at the University of Amsterdam together with Rob Grootendorst (van Eemeren and Grootendorst 1984, 2004). Initially this approach was exclusively dialectical, but in the 1990s I have extended it in collaboration with Peter Houtlosser with a rhetorical dimension (van Eemeren and Houtlosser 2002b; van Eemeren 2010).

Characteristically, argumentation is in the pragma-dialectical approach considered as being aimed at resolving a difference of opinion on the merits. By taking a procedural view, the process of argumentation and the product of argumentation resulting from it are methodically brought together. At the same time, by integrating descriptive and normative insights a commitment to empirical adequacy description is systematically linked with a critical stance towards argumentative practice.[23]

In pragma-dialectics, the normative dimension of reasonableness in argumentative discourse is given shape in the model of a 'critical discussion' aimed at resolving a difference of opinion on the merits. In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether, given the mutually accepted starting points, these standpoints are tenable against doubt or other criticism. The stages that need to be passed through in resolving a difference of opinion on the merits, the argumentative moves that are to be made, and the procedural rules that are to be observed, are in the model of a critical discussion specified in a dialectical vein for the 'confrontation,' the 'opening,' the 'argumentation,' and the 'concluding' stages. In a pragmatic vein, the argumentative moves that are instrumental in resolving a difference of

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[22]The *Münchhausen trilemma* is that in justifying standpoints definitively one either falls into circularity, or in an infinite regress of justifications, or has to break off the justification process at an arbitrary point.

[23]In pragma-dialectics, argumentation is studied from a communicative perspective, inspired by pragmatic insights from speech act theory and discourse analysis, combined with a critical perspective, inspired by dialectical insights from critical rationalism and logical dialogue theory (van Eemeren and Grootendorst 1984, 1992, 2004).

opinion on the merits are in the model of a critical discussion defined in terms of specific types of speech acts performed in natural language.

The norms incorporated in the rules for critical discussion authorizing the performance of speech acts in the various stages represent the standards of reasonableness that, according to the pragma-dialectical theory of argumentation, are to be maintained in argumentative discourse. Based on these standards, a 'code of conduct' for reasonable discussants has been proposed consisting of ten fundamental rules—often referred to as the "Ten Commandments"—that must be taken into account in resolving a difference of opinion on the merits (van Eemeren and Grootendorst 2004, pp. 187–196).[24] Any argumentative move, by any of the parties at any of the four stages, that goes against any of the rules of the code of conduct obstructs or hinders the resolution process and is therefore to be considered *fallacious*. A 'fallacy' is thus pragma-dialectically defined as a speech act performed in argumentative discourse which constitutes a violation of a rule for critical discussion.

At the end of the twentieth century, a crucial step in the further development of pragma-dialectics was taken when the theorizing was extended by taking, together with the dimension of reasonableness, also the dimension of effectiveness of argumentative discourse into account (van Eemeren and Houtlosser 2002b).[25] In the pragma-dialectical view, in principle, all argumentative moves that are made in the discourse are aimed at being reasonable as well as effective. The tension inherent in pursuing these two aims simultaneously calls for continual 'strategic manoeuvring' in order to keep the balance. In *Strategic maneuvering in argumentative discourse*, I have explained what taking account of the 'strategic design' of the discourse in the theorizing involves (van Eemeren 2010).

Incorporating aiming for effectiveness in the theorizing requires extending the dialectical framework of pragma-dialectics with a *rhetorical* dimension.[26] In this

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[24]Rule 1 of the code of conduct, the *Freedom Rule*, is designed to ensure that standpoints and doubt regarding standpoints can be freely advanced. Rule 2, the *Obligation to Defend Rule*, ensures that standpoints that are put forward and called into question are indeed defended. Rule 3, the *Standpoint Rule*, prevents antagonists to deviate from what is actually claimed. Rule 4, the *Relevance Rule*, requires standpoints to be defended by *logos*, not merely by *ethos* or *pathos*. Rule 5, the *Unexpressed Premise Rule*, ensures that implicit elements in argumentation are treated seriously. Rule 6, the *Starting Point Rule*, ensures that the starting points agreed upon are used properly. Rule 7, the *Validity Rule*, requires checking in cases where this is due whether the conclusion follows logically from the premises. Rule 8, the *Argument Scheme Rule*, excludes improper uses of argument schemes. Rule 9, the *Concluding Rule*, ensures that the result of the discussion is ascertained in a correct manner. Rule 10, the *Language Use Rule*, is aimed at preventing misunderstandings resulting from non-transparent, vague or equivocal formulations or inaccurate, sloppy or biased interpretations.

[25]Pragma-dialecticians are interested in effectiveness consisting of intentional acceptance of commitment based on understanding and rational consideration (van Eemeren 2010, pp. 37–38).

[26]Dialectical insights could in principle also be integrated in a rhetorical framework, as Tindale (2004) aspires to do, but for methodological reasons the integration of rhetorical insights in a dialectical framework is in my view to be preferred. The theoretical framework provided by dialectic is more general and more systematic than the rhetorical one because it abstracts further from the particularities of actual argumentative discourse.

way, justice can be done to the fact that, at every stage of the discourse, strategic manoeuvring involves trying to achieve a result that corresponds at the same time with the dialectical objective of the stage concerned and the rhetorical analogue that is associated with it. The notion of strategic manoeuvring is the theoretical tool to point out how the simultaneous pursuit of the dialectical aim and the rhetorical aim can be reconciled. Although there is always a tension between trying to be effective and being reasonable, in the pragma-dialectical view, these objectives are not really incompatible. Strategic manoeuvring derails only when an argumentative move violates a rule for critical discussion, so that the argumentative move is fallacious.

Strategic manoeuvring manifests itself in every argumentative move that is made in argumentative discourse in three different aspects, which manifest themselves simultaneously in every oral and written utterance. First, a selection is made from the 'topical potential'—the moves that can be made at that point in the discourse. Second, adaptation takes place to 'audience demand'—the intended listeners' or readers' material and procedural starting points. Third, a choice is made of the available 'presentational devices'—the means of expression suitable for conveying the message. These three aspects correspond with traditional foci of rhetorical analysis: topical systems, audience orientation, and stylistics. Since they relate to different kinds of choices which need to be made in strategic manoeuvring, all three of them must be considered in the analysis—separately and in their mutual interaction.

Strategic manoeuvring does not take part in an idealized critical discussion but in the institutionally motivated communicative practices that can be found in empirical reality. In the various communicative domains different kinds of 'communicative activity types' have developed to serve the institutional needs of a particular macro-context of communicative activity. Each communicative activity type has an 'institutional point' that defines its rationale, reflecting the institutional exigency in response to which the activity type has come into being. The way in which a communicative activity type has been conventionalized to serve its institutional point may vary from highly formalised and strict, in the legal domain, to very informal and loose, in the interpersonal domain.

If in a communicative activity type argumentation plays an important part, the communicative activity type needs to be characterized argumentatively. Depending on the 'institutional point' of the communicative activity type, the argumentative dimension is in the various activity types substantiated in different ways. The theoretical model of a critical discussion can be instrumental in the argumentative characterization of the communicative activity types.[27] Because the way in which the counterparts of the four stages of a critical discussion have been convention- alized imposes certain extrinsic restrictions on the opportunities for strategic

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[27]Taking the four stages of a critical discussion as the point of departure, their empirical coun- terparts in a particular communicative activity type can be identified that are to be depicted in an argumentative characterization of the activity type: the *initial situation* (confrontation stage), the *starting points* (opening stage), the *argumentative means and criticisms* (argumentation stage), and the *outcome* (concluding stage).

manoeuvring, the argumentative characterization provides a good starting point for tracing methodically the *institutional preconditions* for strategic manoeuvring in that particular communicative activity type.

The institutional preconditions for strategic manoeuvring do not only affect the analysis but also the evaluation of argumentative discourse. To be able to determine when exactly a certain argumentative move made in the discourse is in agreement with the standards of reasonableness expressed in the rules for critical discussion, precise criteria are required, which may also involve criteria specifically related to a particular kind of macro-context. The specific soundness criteria pertaining to a certain mode of strategic manoeuvring—say making an appeal to authority or launching a personal attack—may vary to some extent depending on the communicative activity type in which it occurs. It is therefore necessary to examine systematically for all general soundness criteria pertaining to a certain mode of strategic manoeuvring whether, and in what way, they need in a particular communicative activity type to be specified, amended or supplemented in specific soundness conditions to do justice to the macro-contextual requirements. Because the specific soundness criteria that are to be applied in evaluating argumentative moves may vary in certain respects from one communicative activity type to the other, in the pragma-dialectical view, to some extent judgements of fallaciousness are, in the last resort, context-dependent.

3.7 Conclusion

In extended pragma-dialectics a *functional integration* of dialectical and rhetorical insights concerning argumentative discourse is aimed for. "Functional" means here: incorporating all those, and only those, insights in the theorizing that are instrumental in improving the analysis and evaluation. The integration therefore plays a constructive role in pursuing the aims of argumentation theory. Pivotal in the desired integration is the notion of strategic manoeuvring. As an illustration, the figure below gives an overview of the way in which the integration manifests itself in the various stages of the discourse in the three aspects of strategic manoeuvring (Fig. 3.1).

By regarding the dialectical and the rhetorical dimensions of argumentative discourse as intrinsically connected, theoretical considerations concerning the effectiveness of the discourse and theoretical considerations concerning its reasonableness are systematically interwoven, so that a joint basis is created for the analysis and evaluation. Since in this way the considerations have moved on from the level of abstract idealization to the level of real-life argumentative contexts, the functional integration has enhanced the practical relevance of the theorizing while at the same time opening up new avenues of empirical research.

How does the pragma-dialectical interpretation of *antistrophos* relate to Aristotle's views of dialectic and rhetoric? A technical difference is that in pragma-dialectics the terms *dialectic* and *rhetoric* refer pertain only to different kinds of perspectives on argumentative discourse on the meta level of theorizing while Aristotle uses them also

	Dialectical dimension	*Rhetorical dimension*	*Aspect of topical choice*	*Aspect of audience demand*	*Aspect of presentational choice*
	Reasonableness	*Effectiveness*	*Reasonable and effective topical selection*	*Reasonable and effective dealing with audience demand*	*Reasonable and effective use of presentational devices*
Confrontation stage	Reasonable definition of difference of opinion	Effective definition of difference of opinion	Reasonable and effective choice of issues and critical responses	Reasonable and effective adjustment of issues and critical responses to audience	Reasonable and effective presentational design of issues and critical responses
Opening stage	Reasonable establishment of point of departure	Effective establishment of point of departure	Reasonable and effective choice of procedural and material starting points	Reasonable and effective adjustment of procedural and material starting points to audience	Reasonable and effective presentational design of procedural and material starting points
Argumentation stage	Reasonable development of lines of attack and defense	Effective development of lines of attack and defense	Reasonable and effective choice of arguments and criticisms	Reasonable and effective adjustment of arguments and criticisms to audience	Reasonable and effective presentational design of arguments and criticisms
Concluding stage	Reasonable statement of results	Effective statement of results	Reasonable and effective choice of conclusion as to the results	Reasonable and effective adjustment of conclusion as to the results to audience	Reasonable and effective design of presentation conclusion as to the results

Fig. 3.1 Manifestations of the integration of dialectical and rhetorical insights

to refer to specific kinds of argumentative activities on the object level of argumentative discourse. Unlike in pragma-dialectics, in Aristotle's uses of these terms, argumentation is not only *viewed* dialectically or rhetorically, but can also *be* dialectical or rhetorical. Another evident difference is that in pragma-dialectics dialectic and rhetoric are put in the context of a historical perspective different from Aristotle's. While dialectic is in Aristotle's use of the term associated with private Socratic exercises in the Platonic sense, and Aristotelian rhetoric with soliloquized public discourse in ancient legal and political practices,[28] dialectic is in pragma-dialectics not limited to these specific conversational exchanges between two participants on particular types of issues, and rhetoric pertains to all argumentative attempts at convincing that can be made in the institutionally diversified set of communicative activity types that have come into being in modern society.

As far as the substantial differences between Aristotelian dialectic and dialectic in the pragma-dialectical sense are concerned, the difference of opinion in the

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[28]Leff (2002) emphasizes the strong impression this origin of rhetoric has left "on almost all future developments" (p. 56). According to Kennedy (1994), Aristotelian rhetoric is "a body of knowledge, derived from observation and experience" (p. 57).

confrontation stage centres with Aristotle around a 'thesis' consisting of a general claim to acceptability while in pragma-dialectics any descriptive, evaluative or prescriptive standpoint can be at issue. In the opening stage, with Aristotle the material starting points consist of *endoxa* and the procedural starting points are rules and other normative regulations for the exchange between questioner and the answerer, accompanied by some strategic advice, while in pragma-dialectics the material starting point is to be agreed upon at the start of the discussion by the protagonist and the antagonist of the standpoints at issue and the procedural starting point consists of the rules for critical discussion. In the argumentation stage, with Aristotle a systematic exchange of questions and answers takes place, starting from *endoxa* and the concessions the questioner has elicited from the answerer during the discussion, and making use of deductive and inductive dialectical syllogisms, while in pragma-dialectics, starting from the material starting points agreed upon, a systematic exchange takes place of critical attacks by the antagonist and argumentative defences by the protagonist that must be in agreement with the relevant intersubjective testing procedures. In the concluding stage, with Aristotle it is established through refutation whether the claim at issue is acceptable while in pragma-dialectics it is determined whether the standpoint at issue can be maintained in view of the results of the application of the intersubjective testing procedures.

As far as the substantial differences between Aristotelian and pragma-dialectical rhetoric are concerned, most striking in the rhetorical counterpart of the confrontation stage is that with Aristotle the difference of opinion concerns the acceptability of a specific legal, political or epideictic 'hypothesis,' while in pragma-dialectics any descriptive, evaluative or prescriptive standpoint suitable to the communicative activity type concerned can be at issue. In the rhetorical counterpart of the opening stage, with Aristotle the material and the procedural starting points consist of the premises and the kind of persuasive moves that happen to be acceptable to the audience in an *oratio* within the discourse genre concerned, while in pragma-dialectics they also depend on the specific institutional conventionalization of the communicative activity type in which the argumentative exchange takes place. In the rhetorical counterpart of the argumentation stage, with Aristotle the persuasive means that can be used to sway the audience include *logos* in the form of enthymematic argumentation and argumentation by example, and if necessary also *pathos* and *ethos*, while in pragma-dialectics only argumentative means may be used that are in agreement with the (dialectical) rules for critical discussion. In the rhetorical counterpart of the concluding stage, with Aristotle the *oratio* is successful if the audience is persuaded "by rights" while in pragma-dialectics the result is only recognized as reasonable if the rules for critical discussion have been properly observed and it might also be the case that the antagonist's criticisms are effective.

In conclusion, it can be said that, in spite of differences in historical background, format and substance, the rationales of the Aristotelian and the pragma-dialectical conceptions of dialectic and rhetoric are basically the same. Aristotelian and pragma-dialectical dialectic have in common that both concentrate on the maintenance of reasonableness in resolving differences of opinion by means of argumentative discourse. Aristotelian and pragma-dialectical rhetoric have in common

that both concentrate on the pursuit of effectiveness in making the target audience accept the standpoints at issue. In the first instance pragma-dialectical rhetoric may seem fundamentally different from Aristotelian rhetoric because the former is built in into a dialectical framework, but in the second instance it becomes clear that this is a difference less crucial than it seems. As it happens, ultimately, Aristotle, too, is out to make truth and justice prevail and he tries to include safeguards in his rhetoric to achieve this effect.

In fact, not only does Aristotle make an effort in his rhetoric to combine the pursuit of effectiveness with the maintenance of reasonableness, but in his dialectic he also makes an effort to combine the maintenance of reasonableness with the aiming for effectiveness. To enhance the effectiveness of the critical exchanges between the questioner and the answerer, he even provides strategic advice to both of them on how to handle their tasks effectively (*Topica* VIII). This means that, just as Aristotle's rhetoric contains elements that pragma-dialecticians would call 'dialectical,' Aristotle's dialectic contains elements that pragma-dialecticians would call 'rhetorical.' Unlike Aristotle, pragma-dialecticians make a clear division between dialectic and rhetoric by associating the dialectical perspective exclusively with the reasonableness of argumentative discourse and the rhetorical perspective exclusively with the effectiveness of argumentative discourse. When, in argumentative practice, aiming for the maintenance of reasonableness and the pursuit of effectiveness are combined, as is by definition the case in strategic manoeuvring inherent in every argumentative move, the dialectical and the rhetorical perspective on argumentative discourse are relevant at the same time, but can be considered separately as well as in their mutual interaction in the analysis.

Because both in Aristotelian dialectic and rhetoric and the extended pragma-dialectical theory of argumentation the concerns for reasonableness and effectiveness are somehow combined, it may be concluded that Aristotle's dual approach to argumentative discourse and our integrating approach are in a certain sense related. Although there is, as I have indicated, a clear distinction between the modeling and design of Aristotle's dialectic and rhetoric and the modeling and design of the extended pragma-dialectical theory, it is at the same time clear that the Aristotelian and the pragma-dialectical approach share a fundamental interest in reconciling a basic concern for both reasonableness and effectiveness. I think that it is in fact not too bold to claim that, by functionally integrating a rhetorical perspective on argumentative discourse with the help of the notion of strategic manoevring into a dialectical perspective, a radical interpretation is given of the problematical notion of *antistrophos* that is not Aristotelian to the letter but may nonetheless lay claim to being Aristotelian in spirit.[29]

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[29]Perhaps more importantly, the integration of rhetorical insights in a dialectical theoretical framework offers argumentation theorists new opportunities for carrying out empirical research: qualitative research to describe the preconditions for strategic manoeuvring in the various kinds of communicative types and experimental research to describe, from a firmer theoretical basis than current persuasion research, the interdepency between the effectiveness of argumentative moves and their reasonableness.

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Chapter 4
Bingo! Promising Developments in Argumentation Theory

Frans H. van Eemeren

4.1 Changes in the State of the Art of Argumentation Theory

Since the conference of the International Society for the Study of Argumentation held in Amsterdam in July 2014 was the eighth ISSA conference, argumentation theorists from various kinds of backgrounds have been exchanging views about argumentation for almost thirty years. My keynote speech at the start of this conference seemed to me the right occasion for making some general comments on the way in which the field is progressing.

I considered myself in a good position to strike a balance because during the past five years I have been preparing an overview of the state of the art in a new *Handbook of Argumentation Theory*. I have done so together with my co-authors, Bart Garssen, Erik C.W. Krabbe, A. Francisca Snoeck Henkemans, Bart Verheij, and Jean H.M. Wagemans. In this complicated endeavour we have been supported generously by a large group of knowledgeable reviewers and advisors from the field. On the 2 July reception of the ISSA conference the *Handbook* was presented to the community of argumentation scholars.

The *Handbook of Argumentation Theory* is the latest offshoot of a tradition of handbook writing that I started with Rob Grootendorst in the mid-1970s. We presented first several overviews of the state of the art in Dutch before publishing the handbook in English, the current *lingua franca* of scholarship (van Eemeren et al. 1978, 1981, 1986, 1984a, 1987, respectively). The most recent version of the handbook was *Fundamentals of Argumentation Theory*, which appeared in 1996 and was co-authored by a group of prominent argumentation scholars (van Eemeren et al. 1996).

The overview offered by the newly-completed version of the handbook constitutes the basis for giving a judgment of recent developments in the discipline. It goes without saying that a short presentation does not allow me to pay attention to all developments that could be of interest; I limit myself to three major trends that I

find promising. They involve innovations which are, in my view, vital for the future of the field.

Argumentation scholars are not in full harmony regarding the definition of the term *argumentation*.[1] There seems to be general agreement however that argumentation always involves trying to convince or persuade others by means of reasoned discourse.[2] Although I think that most argumentation scholars will agree that the study of argumentation has a descriptive as well as a normative dimension, their views on how in actual research the two dimensions are to be approached will diverge.[3] Unanimity comes almost certainly to an end when it has to be decided which theoretical perspective is to be favoured.[4]

The general theoretical perspectives that are dominant are the *dialectical*, which concentrates foremost on procedural reasonableness, and the *rhetorical*, focusing on aspired effectiveness. In modern argumentation theory both theoretical traditions are pervaded by insights from philosophy, logic, pragmatics, discourse analysis, communication, and other disciplines. Since the late 1990s, a tendency has developed to connect, or even integrate, the two traditions.[5] Taking only a dialectical perspective involves the risk that relevant contextual and situational factors are not taken into account, while taking a purely rhetorical perspective involves the risk that the critical dimension of argumentation is not explored to the full.[6]

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[1]See van Eemeren (2010, pp. 25–27) for the influence of being or not being a native speaker of English on the perception of argumentation and argumentation theory.

[2]In my view, instead of being a theory of proof or a general theory of reasoning or argument, argumentation theory concentrates on using argument to convince others by a reasonable discussion of the acceptability of the standpoints at issue. My view of argumentation theory is generally incorporated in more-encompassing views that have been advanced.

[3]As we observed in the new *Handbook*, "[s]ome argumentation theorists have a goal that is primarily (and sometimes even exclusively) descriptive, especially those theorists having a background in linguistics, discourse analysis, and rhetoric. They are interested, for instance, in finding out how in argumentative discourse speakers and writers try to convince or persuade others by making use of certain linguistic devices or by using other means to influence their audience or readership. Other argumentation theorists, often inspired by logic, philosophy, or insights from law, study argumentation primarily for normative purposes. They are interested in developing soundness criteria that argumentation must satisfy in order to qualify as rational or reasonable. They examine, for instance, the epistemic function argumentation fulfills or the fallacies that may occur in argumentative discourse" (van Eemeren et al. 2014, p. 29).

[4]According to the *Handbook of argumentation theory*, "The current state of the art in argumentation theory is characterized by the co-existence of a variety of theoretical perspectives and approaches, which differ considerably from each other in conceptualization, scope, and theoretical refinement" (van Eemeren et al. 2014, p. 29).

[5]See for various views on combining insights from dialectic and rhetoric van Eemeren and Houtlosser (Eds., 2002b). van Eemeren and Houtlosser (2002a) have proposed to integrate insights from rhetoric into the theoretical framework of pragma-dialectics. According to Tindale, who considers the rhetorical perspective as the most fundamental, the synthesis of the logical, dialectical and rhetorical perspectives should be grounded in the rhetorical perspective (1999, pp. 6–7).

[6]In our new *Handbook* we take the position that argumentation theory can best be viewed as an interdisciplinary study with logical, dialectical, and rhetorical dimensions (van Eemeren et al. 2014, p. 29).

Compared to some thirty years ago, both the number of participants and the number of publications in argumentation theory have increased strikingly. Another remarkable difference is that nowadays not only North-American and European scholars are involved, but also Latin Americans, Asians and Arabs. In addition, an important impetus to the progress of argumentation theory is given by related disciplines such as *critical discourse analysis* and *persuasion research*.[7]

Today I would like to concentrate on some recent changes in the way in which argumentation is examined. In my opinion, three major developments in the treatment of argumentation have begun to materialize that open up new avenues for research. Although they differ in shape, these developments can be observed across a broad spectrum of theoretical approaches. The three developments I have in mind can be designated as *empiricalization*, *contextualization*, and *formalization* of the treatment of argumentation.[8]

4.2 Empiricalization of the Treatment of Argumentation

Modern argumentation theory manifested itself initially by the articulation of theoretical proposals for concepts and models of argumentation based on new philosophical views of reasonableness. In 1958, Toulmin presented a model of the various procedural steps involved in putting forward argumentation—or "argument," as he used to call it (Toulmin 2003). He emphasized that, in order to deal adequately with the reasonableness of argumentation in the various "fields" of argumentative reality, an *empirical approach* to argumentation is needed. On their part, Chaïm Perelman and Lucie Olbrechts-Tyteca, who are among the co-founders of modern argumentation theory, claimed to have based the theoretical categories of their "new rhetoric" on empirical observations (Perelman and Olbrechts-Tyteca 1969).[9] Like Frege's theory of logic was founded upon a descriptive analysis of mathematical reasoning,

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[7]According to van Eemeren et al. (2014), a great number of contributions to the study of argumentation are not part of the generally recognized research traditions; some of them stem from related disciplines: some of them have been developed in non-Anglophone parts of the world. See Chap. 12 of the *Handbook*.

[8]It goes without saying that, depending on one's theoretical position and preferences, other promising trends can be distinguished. A case in point may be the study of visual and other modalities of argumentation.

[9]In spite of various criticisms of the empirical adequacy of Perelman and Olbrechts-Tyteca's taxonomy of argument schemes (van Eemeren et al. 1996, pp. 122–124; van Eemeren et al. 2014, p. 292), Warnick and Kline (1992) have made an effort to carry out empirical research based on this taxonomy.

they founded their argumentation theory on a descriptive analysis of reasoning with value judgments in the fields of law, history, philosophy, and literature.[10]

In spite of their insistence on "empiricalization" of the treatment of argumentation, the empirical dimension of Perelman and Olbrechts-Tyteca's own contributions to argumentation theory remains rather sketchy. In fact, all prominent protagonists of modern argumentation theory in the 1950s, 60s and 70s concentrated in the first place on presenting theoretical proposals for dealing with argumentation and philosophical views in their support. This even applies to the Norwegian philosopher Arne Næss, however practical and empirical his orientation was.[11] The empirical research Næss wanted to be carried out with regard to argumentation was designed to lead to a more precise determination of the statements about which disagreement exists.[12] In his own work however he refrained from giving substance to the empirical dimension of argumentation theory.

Despite the strongly expressed preferences of the founding fathers, I conclude that the development of the empirical component of argumentation theory did not really take off until much later. Making such a sweeping statement however, forces you often to acknowledge exceptions immediately. In this case, I must admit that there is an old and rich tradition of empirically-oriented rhetorical scholarship in American communication studies.[13] The empirical research that is conducted in this tradition consists for the most part of *case studies*. One of its main branches, for instance, "rhetorical criticism," concentrates on analysing specific public speeches or texts that are meant to be persuasive. An excellent specimen is Leff and Mohrmann's (1993) analysis of Abraham Lincoln's Cooper Union speech of February 27, 1860, designed to win nomination as spokesman for the Republican Party. Zarefsky (1986) offers another example of such empirical research of historical political discourse in *President Johnson's War on Poverty*. His more encompassing central question is how Johnson's social program, put in the strategic perspective of a "war on poverty," and laid down in the Economic Opportunity Act, gained first such strong support and fell so far later on.

In my view, in argumentation theory argumentative reality is to be examined systematically, concentrating in particular on the influence of certain factors in

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[10]The norms for rationality and reasonableness described in the new rhetoric have an "emic" basis: the criteria for the evaluation of argumentation that Perelman and Olbrechts-Tyteca provide are a description of various kinds of argumentation that can be successful in practice with the people for whom the argumentation is intended.

[11]In *Interpretation and Preciseness*, published in 1953, Næss revealed himself as a radical empirical semanticist, who liked questionnaires and personal interviews to be used for investigating what in particular circles is understood by particular expressions. However, he did not carry out such investigations himself.

[12]Although Næss's empirical ideas stimulated the coming into existence of the "Oslo School," a group of researchers investigating semantic relations, such as synonymy, by means of questionnaires, their influence in argumentation theory has been rather limited.

[13]Already since the 1950s, contemporary argumentative discourse in the political domain has been carefully studied by rhetoricians such as Newman (1961) and Schiappa (2002), to name just two outstanding examples from different periods.

argumentative reality on the production, interpretation, and assessment of argumentative discourse.[14] Two types of empirical research can be pertinent. First, *qualitative* research relying on introspection and observation by the researcher will usually be most appropriate when specific qualities, traits or conventions of particular specimens of argumentative discourse need to be depicted. Second, as a rule, *quantitative* research based on numerical data and statistics is required when generic "If X, then Y" claims regarding the production, interpretation or assessment of argumentative discourse must be tested. It is basically the nature of the claim at issue that determines which type of evidence is required—examples or frequencies—and which type of empirical research is therefore most appropriate. Although qualitative as well as quantitative empirical research has its own function in examining argumentative discourse, and the two types of research may complement each other in various ways, carrying out qualitative research is in my opinion always a necessary preparatory step in gaining a better understanding of argumentative reality.[15]

In France, Marianne Doury has recently carried out qualitative empirical research that is systematically connected with research questions of a more general kind (e.g., Doury 2006). Her research, which is strongly influenced by insights from discourse and conversation analysis, aims at highlighting "the discursive and interactional devices used by speakers who face conflicting standpoints and need to take a stand in such a way as to hold out against contention" (Doury 2009, p. 143). Doury focuses on the "spontaneous" argumentative norms revealed by the observation of argumentative exchanges in polemical contexts (Doury 1997, 2004a, 2005). Her "emic," i.e. theory-independent, descriptions contribute to a form of argumentative "ethnography" (Doury 2004b).

In contrast to theoretical research, in "informal logic" empirical research is rather thin on the ground. Nevertheless, Maurice Finocchiaro has carried out important qualitative research projects focusing on reasoning in scientific controversies (e.g., Finocchiaro 2005b). His approach, which is directed at theorizing, can be characterized as both *historical* and *empirical*. Finocchiaro states explicitly that the theory of reasoning he has in mind "has an empirical orientation and is not a purely formal or abstract discipline" (2005a, p. 22).[16] Rather than judging arguments in historical

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[14]Because of its ambition to be an academic discipline which is of practical relevance in dealing with argumentative reality, argumentation theory needs to include empirical research relating to the philosophically motivated theoretical models that have been developed. To see to what extent argumentative reality agrees with the theory, the research programme of an argumentation theory such as pragma-dialectics therefore has an empirical component.

[15]Although in general quantitative research is only necessary with regard to more general claims, claims pertaining to a specific case can sometimes also be supported quantitatively. In any case, quantitative research is only relevant to argumentation theory if it increases our insight into argumentative reality.

[16]At the same time, Finocchiaro emphasizes that "the empirical is contrasted primarily to the a priori, and not, for example, to the normative or the theoretical" (2005a, p. 47).

controversies from an a priori perspective, as formal logicians do, Finocchiaro holds that the assessment criteria can and should be found empirically within the discourse.

The oldest and most well-known type of quantitative empirical research of argumentation takes place, mainly in the United States, in the related area of *persuasion research*. More often than not however persuasion research does not concentrate on argumentation. When it does, it deals with the persuasive effects of the way in which argumentation is presented (*message structure*) and the persuasive effects of the content of argumentation (*message content*). In the past years, both types of persuasion research have cumulated in large-scale "meta-analyses," carried out most elaborately by O'Keefe (2006).

Recently the connection between argumentation and persuasion has been examined more frequently, also outside the United States, in particular by communication scholars from the University of Nijmegen. Their research concentrates for the most part on message content. Hoeken (2001) addressed the relationship between the perception of the quality of an argument and its actual persuasiveness. His initial research, which can be seen as an altered replication of research conducted earlier by Baesler and Burgoon (1994), examined the perceived and actual persuasiveness of three different types of evidence: anecdotal, statistical, and causal evidence. The experimental results indicate that the various types of evidence had a different effect on the acceptance of the claim. However, the differences only partly replicate the pattern of results obtained in other studies. Contrary to expectations, in Hoeken's study causal evidence proved not to be the most convincing evidence. It was in fact just as persuasive as anecdotal evidence, and less persuasive than statistical evidence.[17] Later research conducted in Nijmegen has focused on the relative persuasiveness of different types of arguments.

Since the 1980s, quantitative empirical research has also been carried out in argumentation theory, albeit not by a great many scholars. In order to establish to what extent in argumentative reality the recognition of argumentative moves is facilitated or hampered by factors in their presentation I conducted experimental research together with Grootendorst and Bert Meuffels (van Eemeren et al. 1984b).[18] Hample and Dallinger (1986, 1987) and Hample (1991) investigated in the same period the editorial standards people apply in designing their own arguments.[19] And Sanders et al. (1991) compared the assessments given by different ethnic groups in evaluating the strength or quality of warrants used in

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[17]Corresponding with its actual persuasiveness, statistical evidence is rated as stronger than anecdotal evidence. Ratings of the strength of the argument are in both cases strongly related to its actual persuasiveness. In contrast, causal evidence received higher ratings compared to its actual persuasiveness.

[18]See Garssen (2002) for experimental research into whether ordinary arguers have a pre-theoretical notion of argument schemes.

[19]More recently, Hample et al. (2011) in answering the question of when people are inclined to start a discussion.

argumentation with assessments given by experts in the field of argumentation and debate (p. 709).[20]

Several quantitative research projects have concentrated on ordinary arguers' pre-theoretical quality notions—or *norms of reasonableness*. Bowker and Trapp (1992), for example, studied laymen's norms for sound argumentation: Do ordinary arguers apply predictable, consistent criteria on the basis of which they distinguish between sound and unsound argumentation? Their conclusion is that the judgments of the respondents partially correlate with the reasonableness norms formulated by informal logicians such as Ralph Johnson and Anthony Blair, and Trudy Govier (p. 228).[21]

Together with Garssen and Meuffels I carried out a comprehensive research project, reported in 2009 in *Fallacies and Judgments of Reasonableness*, to test experimentally the intersubjective acceptability of the pragma-dialectical norms for judging the reasonableness of argumentative discourse (van Eemeren et al. 2009).[22] Rather than being "emic" standards of reasonableness, the pragma-dialectical norms are "etic" standards for resolving differences of opinion on the merits. They are designed to be "problem-valid"—or, in terms of Crawshay-Williams (1957), *methodologically necessary* for serving their purpose. Their "intersubjective"—or, in terms of Crawshay-Williams, "conventional"—validity for the arguers however is to be tested empirically. The general conclusion of our extended series of experimental tests is that all data that were obtained indicate that the norms ordinary arguers use when judging the reasonableness of contributions to a discussion correspond quite well with the pragma-dialectical norms for critical discussion. Based on this indirect evidence, the rules may be claimed to be *conventionally valid*—taken both individually and as a collective.[23]

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[20]Another type of quantitative research focuses on cognitive processes. Voss et al. (1993), for instance, present a model of informal argument processing and describe experiments that provide support for the model.

[21]Making also use of an "empiricistic" method, Schreier et al. (1995) introduced the concept of *argumentational integrity* to develop ethical criteria for assessing contributions to argumentative discussions in daily life based on experimental findings.

[22]This research was, of course, not aimed at legitimizing the model of a critical discussion. All the same, by indicating which factors are worth investigating because of their significance for resolving a difference of opinion on the merits, the model gives direction to the research.

[23]Within the field of experimental psychology, Mercier and Sperber (2011) have recently proposed an "argumentative theory" which hypothesizes that the (main) function of reasoning is argumentative: "to produce arguments so we can convince others and to evaluate others' arguments so as to be convinced only when appropriate" (Mercier 2012, pp. 259–260). Putting forward this hypothesis on the function of reasoning enables them to (re)interpret many of the findings of tests conducted in experimental psychology. As to further research, Mercier (2012, p. 266) proposes to take typologies regarding argument schemes and their associated critical questions developed in argumentation theory as a starting point for experimental studies regarding the evaluation of arguments. In this way, it might become clear which cognitive mechanisms are at play when people evaluate certain types of argumentation.

4.3   Contextualization of the Treatment of Argumentation

A second striking development in argumentation theory is the greatly increased attention being paid to the context in which argumentation takes places. By taking explicitly account of contextual differentiation in dealing with the production, analysis and evaluation of argumentative discourse this development goes beyond mere empiricalization. All four levels of context I once proposed to distinguish play a part in this endeavour: the "linguistic," the "situational," the "institutional," and the "intertextual" level (van Eemeren 2010, pp. 17–19). Most prominent however is the inclusion of the institutional context I designated earlier the *macro*-context, which pertains to the kind of speech event in which the argumentation occurs. Paying attention to the macro-context is necessary to do justice to the fact that argumentative discourse is always situated in some more or less conventionalized institutional environment, which influences the way in which the argumentation takes shape.

Although in formal and informal logical approaches the macro-context has not very actively been taken into account,[24] in modern argumentation theory the contextual dimension has been emphasized from the beginning. In the rhetorical perspective in particular, contextual considerations have always been an integral part of the approach, starting in Antiquity with the distinction made in Aristotelian rhetoric between different "genres" of discourse. Characteristically, Perelman and Olbrechts-Tyteca see context in the first place as "audience," which is accorded a central role in their *new rhetoric*. Tindale (1999) insists that in a rhetorical perspective there are still other contextual components than audience that should be taken into account (p. 75).[25]

According to Bitzer (1999), rhetoric is situational because rhetorical discourse obtains its character from the situation which generates it. By the latter he means that rhetorical texts derive their character from *the circumstances of the historic*

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[24]The exception is "natural logic," which studies arguments in a context of situated argumentative discourse in describing the "logic" of ordinary argumentative discourse in a non-normative, "naturalistic" way.

[25]A first contextual component Tindale (1999) distinguishes is *locality*, "the time and the place in which the argument is located" (p. 75); a second one is *background*, "those events that bear on the argumentation in question" (p. 76); a third one is the *arguer*, the source of the argumentation (p. 77); and a fourth component of context he distinguishes is *expression*, the way in which the argument is expressed (p. 80). Characteristically, Tindale defines audience relevance—an important element of contextual relevance which is a precondition for the acceptability of argumentation—as "the relation of the information-content of an argument, stated and assumed, to the framework of beliefs and commitments *that are likely to be held by the audience for which it is intended*" (1999, p. 102, my italics).

context in which they occur.[26] The rhetorical situation should therefore be regarded "as a natural context of persons, events, objects, relations, and an exigence which strongly invites utterance" (1999, p. 219). Thanks to Bitzer, more and more rhetorical theorists began to realize that their analyses should take the context of the discourse duly into account.

In the 1970s, in "contextualizing" the study of argumentation, American communication scholars picked up Toulmin's (2003) notion of *fields*. In 1958, Toulmin had maintained that two arguments are in the same field if their data and claims are of the same *logical type*. However, the difficulty is that he did not define the notion of "logical type" but only indicated its meaning by means of examples. Some features or characteristics of argument, Toulmin suggested, are field-invariant, while others are field-dependent. In 1972, in *Human Understanding*, Toulmin had already moved away from this notion of fields, and had come to regard them as akin to academic disciplines.[27]

Because, in Zarefsky's view, the concept of "fields" offers considerable promise for empirical and critical studies of argumentation, he thought it worthwhile to try to dispel the confusion about the idea of field without abandoning the concept altogether (1992, p. 417).[28] He noted an extensive discussion at conferences of the communication and rhetoric community in the United States on whether "fields" should be defined in terms of academic disciplines or in terms of broad-based world-views such as Marxism and behaviourism (2012, p. 211). It can be observed however that, varying from author to author, the term *argument fields* is generally used more broadly as a synonym for "rhetorical communities," "discourse communities," "conceptual ecologies," "collective mentalities," "disciplines," and "professions." The common core idea seems to be that claims imply "grounds," and

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[26]In Bitzer's view, every rhetorical situation has three constituents: (1) the *exigence* that is the "imperfection" (problem, defect or obstacle) which should be changed by the discourse; (2) the *audience* that is required because rhetorical discourse produces change by influencing the decisions and actions of persons who function as a "mediator of change"; and (3) the *constraints* of the rhetorical situation which influence the rhetor and can be brought to bear upon the audience (pp. 220–221). The rhetorical situation may therefore be defined as "a complex of persons, events, objects, and relations presenting an actual or potential exigence which can be completely or partially removed if discourse, introduced into the situation, can so constrain human decision or action as to bring about the significant modification of the exigence" (Bitzer 1999, p. 220).

[27]In spite of the confusion, some argumentation scholars still found the idea of argument fields useful for distinguishing between field-invariant aspects of argument and aspects of argument that vary from field to field.

[28]Zarefsky identifies and discusses three recurrent issues in theories about argument fields: the purpose of the concept of argument fields, the nature of argument fields, and the development of argument fields.

that the grounds for knowledge claims lie in the epistemic practices and states of consensus in specific knowledge domains.[29]

Currently, in communication research in the United States the notion of "argument field" seems to be abandoned. Instead, a contextual notion has become prominent which is similar but not equal to argument field. This is the notion of *argument sphere*,[30] which was in 1982 introduced by Thomas Goodnight.[31] Each argument sphere comes with specific practices.[32] Goodnight offers some examples but does not present a complete list of such practices or an overview of their defining properties. For one thing, spheres of argument differ from each other in the norms for reasonable argument that prevail.[33] Members of "societies" and "historical cultures" participate, according to Goodnight, in vast, and not altogether coherent, superstructures, which invite them *to channel doubts through prevailing discourse practices*. In the democratic tradition, these channels can be recognized as the *personal*, the *technical*, and the *public* spheres, which operate through very different forms of invention and subject matter selection.[34] Inspired by Habermas and the Frankfurt School, Goodnight aims to show that the quality of public

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[29]The positions of the advocates of the various denominators can be interpreted by inferring the kinds of backgrounds they presuppose: the traditions, practices, ideas, texts, and methods of particular groups (Dunbar 1986; Sillars 1981). Willard, for one, advocated a sociological-rhetorical version of the field theory. For him, fields are "sociological entities whose unity stems from practices" (1982, p. 75). Consistent with the Chicago School, Willard defines fields as existing in the actions of the members of a field. These actions are in his view essentially rhetorical. Rowland (1992, p. 470) also addresses the meaning and the utility of argument fields. He argues for a purpose-centred approach. In his view, the essential characteristics of an argument field are best described by identifying the purpose shared by members of the field (p. 497).

[30]See Goodnight (1980, 1982, 1987a, 1987b). For a collection of papers devoted to spheres of argument, see Gronbeck (Ed., 1989).

[31]Although Goodnight does not reject the notion of argument field, he finds it "not a satisfactory umbrella for covering the grounding of all arguments" (2012, p. 209). In his view, the idea that all arguments are "grounded in fields, enterprises characterized by some degree of specialization and compactness, contravenes an essential distinction among groundings" (p. 209).

[32]Zarefsky (2012, pp. 212–213) proposes a taxonomical scheme for spheres which consists of the following distinguishing criteria: Who participates in the discourse? Who sets the rules of procedure? What kind of knowledge is required? How are the contributions to be evaluated? What is the end-result of the deliberation?

[33]While the notion of "argument field" seems to be abandoned, argumentation scholars still frequently use the notion of "sphere." Schiappa (2012), for instance, compares and contrasts in his research the arguments advanced in the technical sphere of legal and constitutional debate with those used in the public sphere.

[34]Hazen and Hynes (2011) focus on the functioning of argument in the public and private spheres of communication (or, as they call them, "domains") in different forms of society. While an extensive literature exists on the role of argument in democracy and the public sphere, there is no corresponding literature regarding non-democratic societies.

deliberation has atrophied since arguments drawn from the private and technical spheres have invaded, and perhaps even appropriated, the public sphere.[35]

A rather new development in the contextualization of the study of argumentation is instigated by Walton and Krabbe (1995), who take in their dialectical approach the contextual dimension of argumentative discourse into account by differentiating between different kinds of *dialogue types*: "normative framework[s] in which there is an exchange of arguments between two speech partners reasoning together in turn-taking sequence aimed at a collective goal" (Walton 1998, p. 30).[36] Walton and Krabbe's typology of dialogues consists of six main types: persuasion, negotiation, inquiry, deliberation, information-seeking, and eristics, and additionally some mixed types, such as debate, committee meeting, and Socratic dialogue (1995, p. 66).[37] The various types of dialogue are characterized by their initial situation, method and goal.[38]

Over the past decades the pragma-dialectical theorizing too has developed explicitly and systematically towards the inclusion of the contextual dimension of argumentative discourse, especially after Peter Houtlosser and I had introduced the notion of *strategic manoeuvring* (van Eemeren and Houtlosser 2002a). Strategic manoeuvring does not take part in an idealized critical discussion but in the multi-varied communicative practices that have developed in the various communicative domains. Because these practices have been established in specific *communicative activity types*, which are characterized by the way in which they are conventionalized, the communicative activity types constitute the institutional macro-contexts in which in "extended" pragma-dialectics argumentative discourse is examined (van Eemeren 2010, pp. 129–162). The primary aim of this research is to find out in what ways the possibilities for strategic manoeuvring are determined by the institutionally motivated extrinsic constraints, known as *institutional preconditions*, ensuing from the conventionalization of the communicative activity types concerned.

In order to identify the institutional preconditions for strategic manoeuvring in the communicative activity types they examined, the pragma-dialecticians first determined how these activity types can be characterized argumentatively. Next

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[35]Goodnight (2012) suggests that the grounds of argument may be altered over time: A way of arguing appropriate to a given sphere can be shifted to a new grounding. This means that spheres start to intermingle. It is important to realize that Goodnight combines in fact two ideas (the idea of the spheres and the idea of a threat to the public sphere), but that this is not necessary: One can find the "spheres" notion analytically useful without accepting the idea of a threat to the public sphere.

[36]Walton (1998) defines a dialogue as a "normative framework in which there is an exchange of arguments between two speech partners reasoning together in turn-taking sequence aimed at a collective goal" (p. 30). There is a main goal, which is the goal of the dialogue, and there are goals of the participants. The two kinds of goals may or may not correspond.

[37]In a recent version of the typology (Walton 2010), the list consists of seven types, since a dialogue type called *discovery*, attributed to McBurney and Parsons (2001), is added to the six types just mentioned.

[38]An *inquiry*, for instance, has a lack of proof as its initial situation, uses knowledge-based argumentation as a method, and has the establishment of proof as a goal.

they tried to establish how the parties involved operate in conducting their argumentative discourse in accordance with the room for strategic manoeuvring available in the communicative activity type concerned. To mention just a few examples: in concentrating on the legal domain, they examined strategic manoeuvring by the judge in a court case (Feteris 2009); in concentrating on the political domain, strategic manoeuvring by Members of the European Parliament in a general debate (van Eemeren and Garssen 2011); and in concentrating on the medical domain, the doctor's strategic manoeuvring in doctor-patient consultation (Labrie 2012).

Meanwhile, at the University of Lugano, Eddo Rigotti and Andrea Rocci have started a related research program concentrating on argumentation in context. Characteristic of their approach is the combination of semantic and pragmatic insights from linguistics, and concepts from classical rhetoric and dialectic, with insights from argumentation theories such as pragma-dialectics. The communicative activity types they have tackled include mediation meetings from the domain of counseling (Greco Morasso 2011), negotiations about takeovers from the financial domain (Palmieri 2014), and editorial conferences from the domain of the media (Rocci and Zampa 2015).

Recently the pragma-dialectical research of argumentation in context has moved on to the next stage. It is currently aimed at detecting the *argumentative patterns* of constellations of argumentative moves that, as a consequence of the institutional preconditions for strategic manoeuvring, characteristically come into being in the various kinds of argumentative practices in the legal, political, medical, and academic domains.[39]

4.4 Formalization of the Treatment of Argumentation

The third development I would like to highlight is the "formalization" of the treatment of argumentation. When Toulmin and Perelman and Olbrechts-Tyteca, each in their own way, initiated modern argumentation theory, they agreed— unconsciously but emphatically—that the formal approach to argumentation taken in modern logic was inadequate. In spite of the strong impact of their ideas upon others, their depreciation did not discourage logicians and dialecticians from further developing such a formal approach.

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[39]The underlying assumption here is that in the argumentation stage protagonists may in principle be supposed to aim for making the strongest case in the macro-context concerned by trying to advance a combination of reasons that will satisfy the antagonist by leaving no critical doubts unanswered. In the process they may be expected to exploit the argument schemes they consider most effective in the situation at hand and to use all multiple, coordinative and subordinative argumentation that is necessary to respond to the critical reactions the antagonist may be expected to come up with.

It is important to note that in the various proposals "formality" enters in rather diverse ways and a borderline between approaches that are formal and those that are not is not always easy to draw. A theory of argumentation, whether logical or dialectical, can be "formal" in several senses—and can also be partially formal or formal to some degree.[40] Generally, in a "formal logical" or a "formal dialectical" argumentation theory "formal" refers to *being regimented* or *regulated*. Often, however, "formal" also means that the locutions dealt with in the formal system concerned are rigorously determined by grammatical rules, their *logical forms being determined by their linguistic shapes*. Additionally, an argumentation theory can be "formal" in the sense that its rules are wholly or partly *set up* a priori.

A formal theory of argumentation can be put to good use in different ways. The most familiar kind of use probably consists in its application in analyzing and evaluating arguments or an argumentative discussion. Formal systems often used for this purpose are propositional logic and first order predicate logic. Their application consists of "translating" each argument at issue into the language of one of these logics and then determining its validity by a truth table or some other available method.

Using a formal approach to analyse and evaluate real-life argumentative discourse leads to all kinds of problems. Four of them are mentioned in the *Handbook*. First, the process of translation is not straightforward. Second, a negative outcome does not mean that the argument is invalid—if an argument is not valid according to one system it could still be valid in some other system of logic. Third, by overlooking unexpressed premises and the argument schemes that are used the crux of the argumentation is missed. Fourth, as a consequence, the evaluation is reduced to an evaluation of the validity of the reasoning used in the argumentation, neglecting the appropriateness of premises and the adequacy of the modes of arguing that are employed in the given context. Formal logic can be of help in reconstructing and assessing argumentation, but an adequate argumentation theory needs to be more encompassing and more communication-oriented.

A second way of using formal systems consists in utilizing or constructing them to contribute to the theoretical development of argumentation theory by providing clarifications of certain theoretical concepts. In this way, Woods and Walton (1989), for instance, show how formal techniques can be helpful in dealing with the fallacies. Employing formal systems to instigate theoretical developments is, in my view, more rewarding that just using them in analyzing and evaluating argumentative discourse.

From Aristotle's *Prior Analytics* onwards, logicians have been chiefly concerned with the formal validity of deductions, pushing the actual activity of arguing in discussions into the background. This has divorced logic as a discipline from the

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[40]Of the three distinct senses of "formal" pointed out by Barth and Krabbe (1982, pp. 14–19), and the two added by Krabbe (1982, p. 3), only three are pertinent to argumentation theory. Krabbe's first sense refers to Platonic forms and need not be considered here. The same goes for the fifth sense, which refers to systems that are purely logical, i.e., that do not provide for any material rule or move.

practice of argumentation. Lorenzen (1960) and his Erlangen School have made it possible to counteract this development. They promoted the idea that logic, instead of being concerned with a rational mind's inferences or truth in all possible worlds, should focus on discussion between two disagreeing parties in the actual world. They thus helped to bridge the gap between formal logic and argumentation theory noted by Toulmin and the authors of *The New Rhetoric*.

Because Lorenzen did not present his insights as a contribution to argumentation theory, their important implications for this discipline were initially not evident. In fact, Lorenzen took not only the first step towards a *re-dialectification* of logic, but his insights concerning the dialogical definition of logical constants also signal the initiation of a *pragmatic* approach to logic. In *From Axiom to Dialogue*, Barth and Krabbe (1982) incorporated his insights in a formal dialectical theory of argumentation. Their primary purpose was "to develop acceptable rules for verbal resolution of conflicts of opinion" (p. 19). The rules of the dialectical systems they propose, which are "formal" in the regulative and sometimes also in the linguistic sense, standardize reasonable and critical discussions.

A third kind of use of formal systems consists in using them as a source of inspiration for developing a certain approach to argumentation. Such an approach may itself be informal or only partly formal.

In argumentation theory the approaches inspired by formal studies serve as a link between formal and informal approaches. The semi-formal method of "profiles of dialogue" is a case in point.[41] A profile of dialogue is typically written as an upside down tree diagram, consisting of nodes linked by line segments. Each branch of the tree displays a possible dialogue that may develop from the initial move. The nodes are associated with moves and the links between the nodes correspond to situations in the dialogue.

In pragma-dialectics, the method of profiles of dialogue inspired in its turn the use of "dialectical profiles" (van Eemeren et al. 2007, esp. Sect. 2.3), which are equally semi-formal as argument schemes and argumentation structures. A *dialectical profile* is "a sequential pattern of the moves the participants in a critical discussion are entitled to make—and in one way or another have to make—to realize a particular dialectical aim at a particular stage or sub-stage of the resolution process" (van Eemeren 2010, p. 98).

A fourth and last use of a formal approach proceeds into the opposite direction. This is, for instance, the case when insights from argumentation theory are employed for creating formal applications in Artificial Intelligence. In return, of course, Artificial Intelligence offers argumentation theory a laboratory for examining implementations of its rules and concepts.

Formal applications of insights from argumentation theory in Artificial Intelligence vary from making such insights instrumental in the construction of "argumentation machines," or at any rate visualization systems, interactive dialogue

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[41]Walton was probably the first to introduce profiles of dialogues by that name (1989a, pp. 37–38; 1989b, pp. 68–69). Other relevant publications are Krabbe (2002) and van Laar (2003a, 2003b).

systems, and analysis systems, to developing less comprehensive tools for automated analysis. Of preeminent importance in these endeavours is the philosophical notion of *defeasible reasoning*, referring to inferences that can be blocked or defeated (Nute 1994, p. 354). In 1987, Pollock pointed out that "defeasible reasoning" is captured by what in Artificial Intelligence is called a *non-monotonic* logic. A logic is non-monotonic when a conclusion that, according to that logic, follows from certain premises need not always follow when more premises are added. In a non-monotonic logic, it is possible to draw tentative conclusions while keeping open the possibility that additional information may lead to their retraction.[42]

Although in *The Uses of Argument* the term *defeasible* is rarely used, Toulmin (2003) is obviously an early adopter of the idea of defeasible reasoning. He acknowledges that his key distinctions of "claims," "data," "warrants," "modal qualifiers," "conditions of rebuttal," and his ideas about the applicability or inapplicability of warrants, "will not be particularly novel to those who have studied explicitly the logic of special types of practical argument" (p. 131). Toulmin notes that H.L.A. Hart has shown the relevance of the notion of defeasibility for jurisprudence, free will, and responsibility and that David Ross has applied it to ethics, recognizing that moral rules may hold *prima facie*, but can have exceptions. The idea of a *prima facie* reason is closely related to non-monotonic inference: Q can be concluded from P but not when there is additional information R.

In order to take the possibility of defeating circumstances into account, in Artificial Intelligence the notion from argumentation theory called *argument scheme* or *argumentation scheme* has been taken up.[43] The critical questions associated with argument schemes correspond to defeating circumstances. Bex et al. (2003) have applied the concept of argumentation scheme, for instance, to the formalization of legal reasoning from evidence. One of the argument schemes they deal with is *argument from expert opinion*.

Viewed from the perspective of Artificial Intelligence, the work on argument schemes of Walton and his colleagues can be regarded as a contribution to the theory of knowledge representation. This knowledge representation point of view is

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[42]Dung (1995) initiated the study of argument attack as a (mathematical) directed graph, and showed formal connections between non-monotonic logic and argumentation. Just like Bondarenko et al. (1997), Verheij (2003a) developed an assumption-based model of defeasible argumentation. Prakken (1997) explored the connection between non-monotonic logic and legal argumentation.

[43]In the pragma-dialectical theory of argumentation, argument schemes are distinguished from the formal schemes of reasoning of logic. These argument schemes are defeasible. They play a vital role in the intersubjective testing procedure, which boils down to asking critical questions and reacting to them. By asking critical questions, the antagonist challenges the protagonist to make clear that, in the particular case at hand, there are no exceptions to the general rule invoked by the use of the argument scheme concerned.

further developed by Verheij (2003b). Like Bex et al. (2003), he formalizes argument schemes as defeasible rules of inference.[44]

4.5   Bingo!

In my view, argumentation theory can only be a relevant discipline if it provides insights that enable a better understanding of argumentative reality. The empiricalization, contextualization, and formalization of the treatment of argumentation I have sketched are necessary preconditions for achieving this purpose. Without empiricalization, the connection with argumentative reality is not ensured. Without contextualization, there is no systematic differentiation of the various kinds of argumentative practices. Without formalization, the required precision and rigour of the theorizing are lacking.

Only if all three developments have come to full fruition, an understanding of argumentative reality can be achieved that constitutes a sound basis for practical intervention by proposing alternative formats and designs for argumentative practices, whether computerized or not, and developing methods for improving productive, analytic, and evaluative argumentative skills. In each case, however, there are certain prerequisites to the indispensable empiricalization, contextualization, and formalization of the treatment of argumentation.

Case studies, for instance, can play a constructive role in gaining insight into argumentative reality by means of empirical research, but, however illuminating they may be, they are not instrumental in the advancement of argumentation theory if they only enhance our understanding of a particular case. *Mutatis mutandis*, the same applies to other qualitative and quantitative empirical research that lacks theoretical relevance.[45] Some scholars think wrongly that qualitative research is superior because it "goes deeper" and leads to "real" insight, while other scholars, just as wrongly, consider quantitative research superior because it is "objective" and leads to "generalizable" results.[46] In my view, both types of research are necessary for a complete

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[44]Reed and Rowe (2004) have incorporated argument schemes in their Araucaria tool for the analysis of argumentative texts. Rahwan et al. (2007) have proposed formats for the integration of argument schemes in what is called the Semantic Web. Gordon et al. (2007) have integrated argument schemes in their Carneades model.

[45]A great deal of the qualitative empirical research that has been carried out in argumentation theory is not only case-based but also very much ad hoc. In addition, a great deal of the quantitative persuasion research that is carried out suffers from a lack of theoretical relevance.

[46]An additional problem is that the distinction between qualitative and quantitative research is not always defined in the same way. Psychologists and sociologists, for instance, tend to consider interviews and introspection as qualitative research because the results are not reported in numerical terms and statistics does not play a role. There are also less restrictive views, in which numerical reporting and the use of statistics are not the only distinctive feature. .

picture of argumentative reality, sometimes even in combination.[47] In all cases however it is a prerequisite that the research is systematically related to well-defined theoretical issues and relevant to the advancement of argumentation theory.

In gaining insight into the contextual constraints on argumentative discourse both analytical considerations concerning the rationale of a specific argumentative practice and a practical understanding of how this rationale is implemented in argumentative discourse play a part. In order to contribute to the advancement of argumentation theory as a discipline, the analytical considerations concerning the rationale of an argumentative practice should apply to all specimens of that particular communicative activity type—or dialogue type, if a different theoretical approach is favoured. To enable methodical comparisons between different types of communicative activities, and avoid arbitrary proliferation, the description of the implementation of the rationale must take place in functional and well-defined theoretical categories.

In the recent trend towards formalization, which has been strongly stimulated by the connection with computerization in the interdisciplinary field of artificial intelligence, not only logic-related approaches to argumentation are utilized, but also the Toulmin model and a variety of other theories of argumentation structure and argument schemes, such as Walton and Krabbe's (1995). However, responding to the need for formal adequacy so strongly felt in information science may go at the expense of material adequacy, that is, at the expense of the extent to which the formalized theorizing covers argumentative reality. Relying at any cost on the formal and formalizable theoretical designs that are available in argumentation theory, however weak their theoretical basis may sometimes be, can easily lead to premature or too drastic formalizations and half-baked results. Because of the eclecticism involved in randomly combining incompatible insights from different theoretical approaches, these results may even be incoherent.

Provided that the prerequisites just mentioned are given their due, empiricalizing, contextualizing, and formalizing the treatment of argumentation are crucial to the future of argumentation theory, and more particularly to its applications and computerization. As the title of my keynote speech indicates, succeeding in properly combining and integrating the three developments would, in my view, mean: "Bingo!".

Let me conclude by illustrating my point with the help of a research project I am presently involved in with a team of pragma-dialecticians. The project is devoted to what I have named *argumentative patterns* (van Eemeren 2012, p. 442). Argumentative patterns are structural regularities in argumentative discourse that can be observed empirically. These patterns can be characterized with the help of the theoretical tools provided by argumentation theory. Their occurrence can be explained by the institutional preconditions for strategic manoeuvring pertaining to a specific communicative activity type.

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[47]In the pragma-dialectical empirical research concerning fallacies, for instance, qualitative and quantitative research are methodically combined—in this case by having a qualitative follow-up of the quantitative research, as reported in van Eemeren et al. (2009). .

Dependent on the exigencies of a communicative domain, in the various communicative activity types different kinds of argumentative exchanges take place. The discrepancies are caused by the kind of difference of opinion to which in a particular communicative activity type the exchanges respond, the type of standpoint at issue, the procedural and material starting points, the specific requirements regarding the way in which the argumentative exchange is supposed to take place, and the kind of outcome allowed.[48]

Each argumentative pattern that can be distinguished in argumentative reality is characterized by a constellation of argumentative moves in which, in dealing with a particular kind of difference of opinion, in defence of a particular type of standpoint, a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure (van Eemeren 2012).[49] The theoretical instruments used by the pragma-dialecticians in their qualitative empirical research aimed at identifying argumentative patterns occurring in argumentative reality, such as the typologies of standpoints, differences of opinions, argument schemes, and argumentation structures,[50] are formalized to a certain degree.[51] Further formalization is required, in particular for computerization, which is nowadays a requirement for the various kinds of applications in actual argumentative practices instrumental in realizing the practical ambitions of argumentation theory.[52]

Certain argumentative patterns are characteristic of the way in which argumentative discourse is generally conducted in specific communicative activity types. In parliamentary policy debates, for example, a "prototypical" argumentative pattern that can be found consists of a prescriptive standpoint that a certain policy

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[48]Viewed dialectically, argumentative patterns are generated by the protagonist's responding to, or anticipating, (possible) criticisms of the would-be antagonist, such as critical questions associated with the argument schemes that are used.

[49]If an argument in defence of a standpoint is expected not to be accepted immediately, then more, other, additional or supporting arguments (or a combination of those) need to be advanced, which leads to an argumentative pattern with a complex argumentation structure (cumulative coordinative, multiple, complementary coordinative or subordinative argumentation (or a combination of those), respectively).

[50]We will make use of the qualitative method of analytic induction (see, for instance, Jackson 1986).

[51]To determine and compare the frequencies of occurrence of the various prototypical argumentative patterns that have been identified on analytical grounds while qualitative research has made clear how they occur, the qualitative empirical research will be followed by quantitative empirical research of representative corpuses of argumentative discourse to establish the frequency of occurrence of these patterns and to determine whether they are indeed "prototypical". This quantitative research needs to be based on the results of analytic and qualitative research in which it is established which argumentative patterns are functional in specific (clusters of) communicative activity types, so that theoretically motivated expectations (hypotheses) can be formulated about the circumstances in which specific argumentative patterns occur in particular communicative activity types and when they will occur.

[52]In view of the possibilities of computerization, other theories of argumentation that have been formalized only to a certain degree could in principle benefit equally from further formalization.

should be carried out, justified by pragmatic argumentation, supported by arguments from example. Such prototypical argumentative patterns are of particular interest to pragma-dialecticians because an identification of the argumentative patterns characteristically occurring in particular communicative activity types is more insightful than, for instance, just listing the types of standpoints at issue or the argument schemes that are frequently used.[53] Thus documenting the institutional diversification of argumentative practices paves the way for a systematic comparison and a theoretical account of context-independency and context-dependency in argumentative discourse that is more thorough, more refined, and better supported than Toulmin's account and other available accounts. In this way, our current research systematically tackles one of the fundamental problems of argumentation theory: universality versus particularity.

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[53]An argumentative pattern become stereotypical due to the way in which the institutional preconditions pertaining to a certain communicative activity type constrain the kinds of standpoints, the kinds of criticisms and the types of arguments that may be advanced.

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Part II
The Pragma-Dialectical Research Program

Chapter 5
Argumentation Studies' Five Estates

Frans H. van Eemeren

To those of you who know David Lodge's satirical novel *Small World* it might be enlightening to confess that the invitation to deliver this keynote speech, flattering as it may be, instantly reminded me of Professor Arthur Kingfisher's similar undertaking at the conference on 'The Crisis of the Sign' which in the book takes place in Chicago. This is how Fulvia Morgana, who is, by the way, one of the most interesting characters, informs professor Morris Zapp about Kingfisher's keynote speech:

> "He gave the – what do you call it – keynote address. On the first evening."
> "Any good?"
> "Terrible. (…) 'E said, on the one hand this, on the other that.
> 'E talked all around the subject.'E waffled and wandered.
> (…) It was embarrassing." (1984: 118–119)

Embarrassment is not what I'm aiming for. But some wandering is exactly what I have in mind in this tour of argumentation land.

Let me first return for just a little while to that nice Professor Zapp. One of his wisecracks should be remembered here, because I think there is something in it for us. This is when Zapp explains to his young colleague Persse McGarrigle how modern scholars work:

> "There are three things which have revolutionized academic life in the last twenty years, though very few people have woken up to the fact: jet travel, direct-dialling telephones and the Xerox machine. Scholars don't have to work in the same institution to interact, nowadays: they call each other up, or they meet at international conferences. And they don't have to grub about in library stacks for data: any book or article that sounds interesting they have Xeroxed and read it at home. Or on the plane going to the next conference. I work mostly at home or on planes these days. I seldom go into the university except to teach my courses."
> "That's a very interesting theory," said Persse. "And rather reassuring, because my own university has very few buildings and hardly any books." (1984: 43–44)

We still don't altogether live up to all Professor Zapp's standards, I am afraid, but we could say that we are on our way. In fact, the main point of my discourse is that in order to emancipate the study of argumentation as an academic discipline, it is precisely the course of international and interdisciplinary communication and interaction which must now be pursued with gusto.

5.1   The Study of Argumentation as Normative Pragmatics

In order to give you a clearer picture of my general view of our joint venture, I would like to invite you for a short sightseeing tour of the realm of the study of argumentation. Let's go by whirlybird, so that we get a clear bird's-eye view of the various estates and their interconnections. This way I hope to supply you with a map which does justice to the ecological diversity in the field, rather than having the estates appear as mere blots on the landscape.

It is my considered opinion—and for dialectical if not for other reasons it is good to know that this opinion is shared by Rob Grootendorst, so I could also say: it is *our* considered opinion—that the study of argumentation should constitute the right environment for insights from different perspectives on discourse to converge. In brief, it is the calculated fusion of normative modelling and empirical description which is in our view the major and distinguishing task of scholars in argumentation.

Normative modelling is in this context most strikingly exemplified in modern logics, irrespective of their theoretical shape.[1] For fear of getting metaphysical cold feet or psychologizing, modern logicians strictly limit themselves severely to "world-independent" (or non-empirical) formalism. On the other hand, contemporary linguistics, particularly in its more sectarian branches of discourse analysis, such as "conversation analysis", exemplifies a preoccupation with purely empirical description, being unwilling to take into account any theoretical (or, for that matter, non-theoretical) consideration, let alone leaving room for normative standardization. This attitude, undoubtedly, also stems from an inferiority complex of being taken for a priggish pedantic purist.

We think that the required integration of normative idealization and empirical description perspectives on discourse can be realized by construing the study of argumentation as part of *normative pragmatics*. This is what Rob Grootendorst and I tried to do in our book *Speech Acts in Argumentative Discussions*, defining the crucial term *argumentation* (or, as some colleagues would prefer: *argument*) as:

> (…) a speech act (…) designed to justify or refute an (…) opinion and calculated (…) to convince a rational judge (…) (1984: 18).[2]

This definition combines normative and descriptive aspects. In brief: it is descriptive in its pragmatic conception of argumentation as an ordinary, albeit complex, speech act, while it is normative inasmuch as it relies on a, somehow idealized, "rational judge". This way a mixed perspective on argumentation is

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[1]Grize's Piaget-inspired "natural" logic is a notable exception, but then the question arises: ought we call this "natural" logic *modern*? It rather seems to belong to the "psychological" stage of the development of Logic. Authors such as Peirce, Dewey and Quine, by the way, have put forward ideas on logic which are of similar interest to the study of argumentation.

[2]In van Eemeren et al. (1987) we stressed the "process/product ambiguity" of the term *argumentation*, which relates it not only to a process but also to a product. O'Keefe, Trapp and others seem to make too much out of this, which is, I think, partly due to their solely concentrating on the use of this word in English.

provided which enables us to overcome the limitations of an exclusively normative logic, while not suffering from the limitations of painstakingly descriptive linguistics.

Here we have, or rather: hope to have, a point of general significance: the idea that a whole series of false dilemmas, such as (to name just a few of the most familiar labels) the acknowledged dichotomies of description and prescription, empiricism and rationalism, correspondence and consistency, realism and idealism, can be eliminated and maybe even surmounted (I won't say: transcended) by recognizing their compatibility at a different (you might say: higher) level.

Intellectual progress would be totally impossible without some kind of systematic and permanent interaction between the constructions of human knowledge and the many states of reality. Data can't just be shaken down off trees but must first be shaped via symbols and models: by means of interpretation and transformation. For example, before we are able to identify an argument as, say, *pragmatic* argumentation, or, for that matter, as belonging to any type of argument at all, we first need to have some theoretical conception of argumentation types. Otherwise pragmatic arguments, although they may be just as "real" without such a conception, can't be said to "exist" in any sense which is relevant to other minds. Here, reality can't be externalised without modelling.

As advocates of the study of argumentation we are, just as everybody else, at the same time "passive", that is, receptive, and "active", namely interpretative and constructive. In a sense both logicians and linguists—for practical purposes I restrict myself here to these two groups—may be said to deny this interaction, by exaggerating either the (normative) significance of rational constructionism or the (descriptive) significance of empirical experience, respectively. In the study of argumentation these two perspectives are closely interwoven, at least I think they should be, so that the study of argumentation can bridge the gap between normative and descriptive insights (to name just the most pertinent dichotomous pair) and serve as a *trait d'union*. Eventually, we should make it our business to clarify how we can reconcile the real and the ideal.

On this occasion, I can, of course, do no more than give you just a glimpse of my ideas on how we should go about this. In an Academy of Argumentation which is functioning well there should, I think, always be two distinct but complementary schools which have to be integrated. On the one hand, argumentation specialists, just like other practitioners of speech communication, choose their point of departure right in the concrete world around us and start from the, sometimes shocking, moral challenges we are confronted with in what is known as "real life". On the other hand, these specialists will keep their reflective distance, contemplating from their argumentation Valhalla what would be appropriate as far as rules and regulations go. However, if things are going as they should go, these separate schools of thought are premeditatedly and mutually accommodating. Argumentation theory and research ask for interdisciplinary co-operation where they converge.

The study of argumentation requires a research programme which is designed to ensure the systematic interaction of observation and proclamation, analysis and

evaluation, description and prescription, each occupying its proper place. This way its point of departure in the "objective", "concrete" and "real" world is connected with "subjective", "abstract" and "ideal" models.

How is the interaction between argumentation theory and argumentative reality to take place? It cannot start, unilaterally, from experience, as discourse analysts sometimes suggest, nor from mere intellectual construction, as rationalist logicians claim, but these two approaches must be closely interwoven in an integrating perspective on argumentation.[3] To put it bluntly: the study of argumentation should serve as an interdisciplinary connector in science. This would, by the way, be in perfect agreement with the appraisal of argumentation by modern, sociologically-minded philosophers as the ultimate decisive force in science.

Let me now, starting from this keynote, sketch the topography of the realm of the study of argumentation. In taking you on a tour round the main Estates, I shall try to draw a map of the landscape which gives you an unfiltered picture of its outlines— not confined to one specific approach in particular, say (to name just the obvious candidates from which my illustrations are drawn) the New Rhetoric or the New Dialectic. I think there are Five Estates of the Realm. In my view, each of these Estates represents a subject of research in its own right which is a necessary component of a full argumentation school, whereas only taken together, and interdependently, can the Estates be sufficient for this.

5.2   The Philosophical Estate

Let me lead you, using a very simple sample of everyday argumentation into the Philosophical Estate, which is a *Chambre de Réflexion*. Imagine a Mr. So-and-since being reprimanded by a very wise man, say: a rabbi, because he and his wife are always arguing (in all possible senses of the word, I assume). "Why don't you ever agree with your wife?", the rabbi asks. "How can I?", Mr. So-and-since says: "She's never right."

Rather than about right or wrong (or, for that matter, true or false, or acceptable or unacceptable), the study of argumentation is about the way claims to acceptability, truth, rightness, et cetera (like Mr. So-and-since's implicit claim that he couldn't agree with his wife), are, or ought to be, supported or challenged. It is a study of justifications and refutations. Witness the example of "She is never right", such *pro-* or *contra-arguments* (as the individual constituents of an argumentation are called) are nothing out of the ordinary. They are, in fact, common but nonetheless intriguing phenomena in everyday discourse, spoken as well as written. Where there is a will, there is an argument. Scholars of argumentation should detect

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[3]This is why we combined these two aspects in our definition of argumentation. Cf. van Eemeren and Grootendorst (1984, 18) and van Eemeren et al. (1987, 7).

them wherever they can, thus trying to live up to Woody Allen's significant maxim that some people can find an argument in any subject.

As indicated in the definition of argumentation, its study is, Alpha and Omega, concerned with practical effects: the speech act of argumentation should convince a rational judge of a certain point of view. This means that arguments must be studied in their interactional function of rational cogency. Those of you who think that this outlook on arguments is self-evident, I would like to remind of other possible viewpoints, as, for instance, the vision once put forward by E.M. Forster, who claimed that he was only interested in arguments as "gestures", i.e. as clues to somebody's personality.[4]

To emphasize the study of argumentation's concentration on the ways arguments are designed in order to bring about acceptance effects on a rational judge, it might be good to further clarify our definition of argumentation by precizating the position of our rabbi, as *a rational judge who acts reasonably*. In this way, we have a point of departure which is shared by all scholars of argumentation and which at the same time explains their different outlooks. As it happens, it is their joint interest to specify what the rabbi acting reasonably amounts to, but their perspectives on what is meant by "acting reasonably" may diverge from the outset. This is where philosophy comes in.[5]

Though the philosophical estate can best be described as a real wilderness, which is partly impenetrable, it would be short-sighted to deny, for fear of loose talk, its general importance as a necessary source of contemplation. Philosophical reflection is indispensable since it concerns the vital questions—some would say: the fundamentals—of any scholarly discipline. Any consistent scholarly proceeding starts from some philosophy which affects the theorizing and is also expressed in the choice of topics, the way research is carried out and the mode of putting results into practice. This is why scholars of argumentation should start from a well-chosen and consistent philosophical perspective.[6]

With the help of the "She is never right" example, I can show you in what ways different philosophical positions on rationality and reasonableness would, roughly speaking, affect the rabbi. "Being a rational judge who acts reasonably", the rabbi wonders, "when am I to regard argumentation as acceptable?" As notions such as "acceptable" and "unacceptable", or their substitutes, whatever their nomenclature and their exact meaning, are central to the study of argumentation, it might be good

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[4]Cf. Furbank (1977, 77).

[5]Cf. Govier (1987), Willard (1983) and Wenzel (1987).

[6]Philosophical reflection may, of course, take rather diverse questions into consideration, and all kinds of positions can be adopted, varying from allegedly strict positivism to so-called soft hermeneutics. As far as I am concerned, the study of argumentation should not be tied and confined to just one particular meta-theoretical stance. Its philosophical range should allow for general laws to be established or discovered as well as for special and unique pieces of argumentation to be interpreted and judged. This means that the classical dichotomy between nomothetic and ideographic is not considered to be a conundrum to be resolved. It also means that neither an exclusively finalist nor an exclusively causal methodology is favoured in advance.

to have a closer look at the various philosophical perspectives the rabbi could take.[7]

Following Toulmin, we could make a distinction between a *geometrical*, an *anthropological* and a *critical* perspective on reasonableness. For our rabbi, a geometrical perspective would mean that he wonders if the reasoning "I couldn't agree with her. She's never right" represents a substitution instance of a valid form of inference and if there is any reason why the premiss "She's never right" should be regarded as an indisputable starting-point. In the case of an anthropological perspective, the rabbi wonders whether he himself, being the intended audience, accepts the statement that Mr. So-and-since's wife is never right, and whether he is actually persuaded by the way this argument is presented. If the rabbi chooses a critical perspective, he tries to establish which argumentation scheme has been used and to answer the critical questions which go with it.

At this juncture, the crucial distinction seems to me to be between philosophers who want to demonstrate how things are (geometricists) and philosophers who prefer to discuss them (anthropologists and criticals). The latter try to convince you by way of argumentation, reckoning right from the start of the testing of their claims with the necessity of distinguishing between two distinct discussion roles, whereas the demonstraters try to prove their claims by showing that they, ultimately, follow from something which in an undisputable certainty.[8] The geometrical conception of reasonableness is actually altogether part of the demonstrators's tradition, and in fact anti-argumentational. Due to the way this conception is usually put forward, this deplorable fact often escapes attention. Many logicians who favour the geometrical outlook conceal geometrical dogmatic premisses in a veiled argumentational presentation.

This still leaves our rabbi with the choice between the anthropological and the critical perspective on reasonableness. If he were using the anthropological perspective, his general answer to the key question of when, philosophically speaking, he is to regard argumentation as acceptable, could be: "When it agrees with the standards prevailing among the people in whose cultural community the argumentation takes place". The anthropological perspective is dominated by the idea of the cultural relativity of our conceptions of rationality and reasonableness. These notions are not objective, static, and universal, but intersubjective, dynamic and culture-related, that is, specific to particular people in a particular historical situation. What is considered to be reasonable is, in this view, group-dependent as well

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[7]We must be prepared to recognize that the way reasonableness is dealt with often combines or intermingles with a variety of other epistemological, ideological, didactic, or perhaps just practical, premisses. Some of these are of philosophical significance, some are not. Together they may imply a philosophy of argumentation which is part of a world view which is rather less coherent than one would hope for. As Barth (1974) has clearly pointed out with regard to the use of generic expressions, we should be aware of the dangers of sometimes hidden lapses from a consistent world view caused by eclectic insertions of preconceived ideas, and not belittle their consequences.

[8]For geometrical philosophers who happen to be absolutists such an undisputable certainty would eventually be the Absolute.

as time-dependent.[9] That's why I call this an *anthropological-relativist* perspective on reasonableness.[10]

A nice example of how this perspective could be carried to its sociological extremes is provided by the biographer Paul Levy in *G.E. Moore and the Cambridge Apostles:* "My claim is that what Moore's followers had in common was admiration—even reverence—for his personal qualities; but that as their hero happened to be a philosopher, the appropriate gesture of allegiance to him meant saying that one believed, his propositions and accepted the arguments for them." (1981, 9). It is undeniable that Levy gives a recognizable description of how arguments often function, so I guess its so-called "representational validity", which is deemed so important these days, will be all right. This semiotic symptom function of arguments, however, can only be fulfilled thanks to the primary function of rational cogency which argumentation, according to its definition, is primarily deemed to have. The symptom function is derivative, or—as John Searle would prefer to call it—parasitical.

As a rule, scholars favouring the anthropological perspective won't go as far as saying clearly that the mere fact of arguments being presented to the audience is sufficient. They will stress the necessity of a link between the arguments' contents and some elements in the system of belief of the audience. The persuasiveness of certain arguments is then explained by pointing to the knowledge and beliefs that a particular audience already has—for short: its *epistemes*.[11]

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[9]These relativist tendencies are most prominent in Wittgensteinian ideas about inconvertible language games which can be characterized by their distinct modes of argumentation. If they were to be characterized by their varying modes of argumentation, and not the other way round, Toulmin's fields of argument would fit in here. Anyway, the anthropological-relativist main point is that there is not just one reality behind the diversity of argumentation modes, but several, depending on people's ways of life, and that it's no use to try to find one common denominator.

[10]Just like the anthropological reasonableness conception itself, attempts to make plausible that this divergence exists by showing some of its symptoms seem to belong to the psychological phase (I won't say that they got stuck in that phase). As far as argument forms are concerned, I don't think that they ever succeeded in proving their point. I would rather say that classical, medieval and current logics display, on closer inspection, striking similarities. Without any doubt, however, at other levels of presentation there are very interesting cultural socio-geographical and temporal differences, which are in fact most intriguing.

[11]In order to describe "epistemes"—or, for that matter, people's "schemes of argumentation" *material* information is required. It is doubtful whether this information can be arrived at, say transcendentally, by normative introspection, as is obviously thought by some scholars of argumentation. The question arises who is to tell what these claims are worth. One could, however, also try to get the required information empirically, by a meticulous description of argumentative reality, but then a full-scale examination of all kinds of argumentative practices is called for. Either way, epistemological relativism appears hard to avoid, and communication problems are created rather than solved. In the Perelman School of New Rhetoric, which in the study of argumentation most prominently represents the anthropological-relativist perspective on reasonableness, an unclear mixture is offered of the introspection and the empirical approach. Nevertheless, the anthropologists are to be credited for providing some vital insights, which allowed critical rationalists to develop their perspective. Judging from appearances you might think that there is also a considerable influence the other way round, but this is not so. Though Perelman pays a lot of

The *critical* perspective on reasonableness starts from the suspicion that we can't be sure of anything, so that we ought to be sceptical of any claim, whoever made it and whatever its subject. Philosophers who favour such an outlook, propagate a discussion-minded attitude, which invites one party's claims to be systematically subjected to another party's critical doubts, thus explicitly eliciting argumentation, which may again be challenged, until the dispute is resolved in a way which is acceptable to the parties. This way, all argumentation is regarded as part of a critical discussion between, parties who are willing to comply with an agreed discussion procedure. A general *critical* answer to the rabbi's key question of when, philosophically speaking, he is to regard argumentation as acceptable, could therefore be: "When it is instrumental in resolving a dispute according to discussion rules which are acceptable to the parties concerned."

In the critical perspective on reasonableness certain insights from the geometrical and the anthropological perspective conjoin with critical insights advocated by Popper and Albert et al. Formalization which is reminiscent of geometry is aimed for by formulating the discussion procedure for rational discussants who want to act reasonably as a self-contained and orderly set of rules. This formal procedure is designed as a set of rules to resolve disputes. The "problem-validity" of any set of rules which is proposed as a procedure depends on the extent to which it actually enables discussants to solve their conflicts of opinion. As I can think of no convincing reason for assuming a final and absolute reasonableness, in my perception, reasonableness is a gradual notion and the degree of reasonableness to be attributed to a certain rule depends on its problem-validity as part of a procedure for critical discussions.

You might say that "intersubjective validity", being the other half of the double reasonableness requirement of the critical perspective, replaces the anthropological perspective. The fact that there can be *more* discussion procedures, the one more, or less, reasonable than the other, already suggests that in some respects reasonableness might be something less than universal. Justice is done to this predicament by the criterion of "intersubjective validity". Contrary to geometrical pretensions, in this, criterion reasonableness is, as it were, confined to human judgement, or rather: related to a certain group of people at a certain place at a certain moment of time.[12]

(Footnote 11 continued)

lip-service to dialectics, it is clear from its general set-up that his theoretical approach is in fact still "idea- ist", as Hacking (1975) terms it. Coining one of Perelman's phrases, it could be called *quasi-dialectical*.

[12]If a certain group of people deliberately have been given a special status that authorizes them to lend conventional validity to what they consider to be intersubjectively valid, this is a special form of cultural relativism. Some philosophers assign such an authority to what they call the "Science Forum", Perelman and his New Rhetoricians have their "Universal Audience", and there are also modern variants of conventionalism, such as the "consensus theory", which have a similar function. It is not always altogether clear, however, exactly who is entitled to be a member of the elite group and why. Sometimes the reasoning even, threatens to become circular: when the group is defined by its ways of arguing or by its use of language ("academic discourse").

An important advantage of adding the criterion of intersubjective validity to the usual (problem-oriented) criterion of logical validity, is that—via the acceptability for listeners and readers—a connection is guaranteed with ordinary—who knows, even "natural"—thinking. The chances are great that a good many of the well-known logical rules may count on general—who knows, even "universal"—acceptance. On the other hand, it may be unavoidable to bother language users who are really interested in resolving their conflicts by way of argumentation, with at least a few proposals as to standardization. To make up for some inconvenient peculiarities of our established language use, some reconstructions seem to be necessary in order to get a medium which is more adequate for discussion—or in order to have at least a suitable point of reference (or "ideal model") for argumentative discussions. This concerns, for instance, the use of generic expressions.[13]

This Popperian version of the critical conception, thus complemented with rationalist insights, is what I call a *critical-rationalist* perspective on reasonableness. In a theory of argumentation which starts from this philosophy of argumentation, problem-validity and intersubjective validity (which may become conventional validity) can best be pursued by way of functionalization and dialectification, and externalization and socialization of the research subject, respectively, thus bringing ordinary argumentative discourse within the scope of standardized critical discussion. Apart from critical rationalism, the rationale for this can be found, in pragmatic and utilitarian philosophies, but I won't elaborate on that now.[14]

To set the record straight, I shall elaborate somewhat on the appreciation of *logic*. First, it should be clear that, contrary to that which Toulmin suggests, not all logicians favour the geometrical perspective. At least verbally, many of them share the critical perspective nowadays, whereas a very few others might be considered to favour the anthropological perspective. Secondly, if modern mathematical logic is a more advanced stage of development of logic than, the traditional Aristotelean and the psychological Cartesian logic, as philosophers of logic will have it,[15] then present-day logic has long passed the phase of geometrical philosophy and is no longer on a par with the anthropological and the critical perspective.[16]

Let me play the devil's advocate and tell you that the formalism of modern logic is a blessing in disguise. Formalism can take, literally, different forms, which have in common that they are all abstractions designed to facilitate the understanding of certain phenomena (say: argumentative discourses), by making the relevant factors (say: argumentation structures), more clearly visible at the expense of other elements (say: the stylistic qualities of the discursive texts). In that particular set-up,

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[13]Cf. Barth (1974).

[14]See for a more elaborate exposition of this philosophical rationale van Eemeren and Grootendorst, "Rationale for a Pragma-Dialectical Perspective" (1988).

[15]Beth, for one, defended this position.

[16]Judging from his own account of logic in *The Uses of Argument*, as if there were only syllogistic logic, it would not come as a big surprise if Toulmin actually thought otherwise.

these abstract formalisms serve that particular purpose and they can only be evaluated against that background. As long as you are not forced to use it, it does not make sense to fight the instrument of formalism in general or any specific kind of formal instrument as such.

Formalism has made it possible for modern mathematical logic to allow for "empty" terms in the premises of an argument, dismissing all material questions as being dependent upon empirical data. Thus, no "existential import" is attributed to universal statements, and, paradoxically, in this way, more justice is done to "natural" thinking than, for example, in less formalized syllogistic logic. This can be illustrated by an argument in the *Barbari modus* which is *not* valid in modern logic or, as far as I can tell, in natural thinking, but which is nevertheless permitted by syllogistic logic.[17] Imagine the following "Cornutus" dialogue:

> Rabbi: "Did you ever give support to your wife's claims?"
> Mr. So-and-since: "No, I've never given support to her claims"
> Rabbi: "What you didn't give, you still have; you didn't give your wife support; so you have support"

One of the main advantages of modern formal logic is that reasoning from supposition and other kinds of hypothetical reasoning can be taken into account and that logic can be made dialogical (which syllogistic logic was explicitly not intended to be).

However, as seen from the viewpoint of a scholar of argumentation, a major drawback of modern logic's artificial character is that the communicative function of utterances is, from sheer necessity, forcibly and unambiguously fixed once and for all, while in ordinary language—as Mr. Strawson so rightly observed— expressions only get their full meaning in the broader framework of their context, verbal and non-verbal.[18] As a consequence of its detachment from any context, modern logic's formal validity criterion offers the study of argumentation, in my view, nothing more than a reduced and deflated *Ersatz*. By arbitrarily robbing speech acts of their contexts, terms and expressions are deprived of their social function, and at the same time of their specific meaning. Unwarrantedly, and often incorrectly, it is pretended in so-called "applied" logic that the contexts in which the terms and expressions are used in the argument, are simply *identical*, but this need by no means be the case. Without resorting to this artificial reductionism, the argument might not be valid at all.

Of course, reductionism is to a certain extent inevitable (and, as I have said, there is nothing against formalism in itself), but the idealization ought to be adequate for the purpose involved, that is the abstractions must not do injustice to the subject and object of research and must accord with its philosophical starting-point. Unfortunately, this is exactly where logic with its enervating defunctionalisations and its making uniform of speech acts in argumentative discourse goes wrong.

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[17]I owe this insight to Beth.

[18]Here I have to resist the temptation to enlarge upon the many advantages of the speech act approach. See Grootendorst (Chap. 33).

Abstracting by taking a step backwards has its advantages, but if you withdraw too much, the ditch may have become too wide to traverse. Scholars of argumentation, however, should not overreact and immediately proclaim logic worthless for their study. Unlike Toulmin and Perelman suggested in their praiseworthy revitalizations of the study of argumentation, it is exactly because of its formal character that logic can be a useful and maybe even an indispensable tool, especially for the elucidation of hidden arguments.[19]

I hope to have made it clear by now that the question as to when a rational judge who acts reasonably should accept an argument, may be answered in several ways, but basically two interesting ones, each reflecting a different philosophical perspective. For an anthropological-relativist it should be in agreement with the standards prevailing among the people in whose cultural community the argumentation takes place. For a critical-rationalist it should be in agreement with discussion rules which are instrumental in resolving a dispute and which are acceptable to the parties concerned. This is splendid, but what good it all will do for the study of argumentation largely depends on the kind of theoretical propositions which can be formulated within, each of these perspectives, which is where the Theoretical Estate comes in.

5.3   Theoretical Estate

Typical of the Theoretical Estate are its treacherous waters which may run very deep. Of course, the main streams seem to be navigable, but in order to drift with the right stream, you certainly have to be aware of the current. I'd better not say anything about turning the tide.

In the Theoretical Estate the various conceptions of reasonableness get a particular theoretical shape. This means that a consistent set of propositions is formulated which provide a model of what it means for a rational judge to act reasonably. In this model a specific meaning is given to notions such as "acceptable" and "unacceptable", and "justification" and "refutation", which signify the crucial properties and relations in an argumentation theory. The theoretical propositions in the model are defined in terms of such psycho-pragmatic primitives.

Different philosophical perspectives lead to different theoretical approaches and, eventually, to different theories.[20] The primary question is, however, what is the meaning of giving a certain philosophical perspective a particular theoretical shape?

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[19]Cf. van Eemeren and Grootendorst (1984, 119–149).

[20]In van Eemeren et al. (1987) we gave a survey of contributions to the theory of argumentation in which the already classical works of Crawshay-Williams (1957), Naess (1966), Toulmin (1958) and Perelman and Olbrechts-Tyteca (1958) feature most prominently. After the completion of that book (in 1981) so many interesting theoretical approaches to argumentation are proposed that I can do nothing more than refer to a few examples of books where they can be found: Barth and Krabbe (1982), Johnson and Anthony Blair (1983), Cox and Willard (1982), Cox et al. (1985), Woods and

Exploiting a rather well-worn metaphor, one could say that a theoretical model provides a pair of spectacles through which reality can be seen in the chosen perspective. Some scholars think that their spectacles show them "the real reality", or they try to construct their prosthesis precisely to this effect, while others consider these model spectacles as a means of gaining a particular perception of reality, and still others, idealists, even use them to define reality as what they see through their spectacles, so that looking through different spectacles automatically shows them different realities.

Spectacles may vary a lot: the lenses can be coloured and polished in many different ways. If they are just plain glass, they aren't of much use, except perhaps as a facade. More sophisticated spectacles, however, can cause illuminating distortions, which may resemble effects varying from those of magnifying glasses to those of carnival mirrors. Similarly, theoretical models in the study of argumentation may have varying designs—some models are said to be created for merely descriptive purposes, while other models have more articulated normative pretensions. In all cases some degree of (formal) idealization is involved, otherwise it wouldn't make sense to have a model at all. The idealization takes place in line with a certain philosophical conception of what it means for a rational judge to act reasonably.

An ideal model is needed to enable scholars of argumentation to get an adequate grip on their problems and to approach these problems systematically. It plays an instrumental role in mediating between abstract philosophy and "concrete" reality. An extra complication in the study of argumentation is that in this attuning manoeuvre there are also normative aspects involved. If things work out well, the design of the model will be optimally geared to the conception of reasonableness inherent to the favoured philosophical perspective, so that the model can fulfil an heuristic as well as an analytical and critical function in argumentation theory.[21]

Our rabbi knows that in the Theoretical Estate philosophical perspectives on reasonableness are given a particular theoretical shape. In entering this Estate, he wonders which instruments are available to him for dealing systematically with his problem, concerning the acceptability of argumentation. He would like to know what theoretical aid he can get in order to pass a reasonable judgement on the acceptability of the argument "She is never right" as a justification for Mr. So-and-since's claim "I couldn't agree with her". What ideal model of reasonableness can he rely on?

Regardless of whether he is an anthropological relativist or a critical rationalist, the rabbi will have to deal with the problem of assessing the quality of Mr. So-and-since's argument for his claim that he couldn't agree with his wife. Coming prepared out of the philosophical wilderness, he can discern at least two main

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(Footnote 20 continued)

Walton (1987). Our own theoretical ideas are summarized in van Eemeren and Grootendorst, "Fallacies in Pragma-Dialectical Perspective" (1987a, b).

[21]Cf. van Eemeren and Grootendorst, *Argumentation, Communication and Fallacies* (1991).

streams in the troubled waters of this Theoretical Estate and, thus, as many answers to his key question. One stream would lead him to an answer like: "I can make use of a stock of knowledge about the systems of beliefs entertained by different audiences and the ways they can be turned to account in argumentation." The other stream leads to an answer like: "I can make use of an ideal model of a critical discussion and a code of conduct for the performance of speech acts in such a discussion." In the first case his theoretical stance could be characterized as *epistemo-rhetorical* and in the latter as *pragma-dialectical*.

The epistemo-rhetorical stream has its source in anthropological relativist philosophy. If the rabbi is indeed a *rhetorician*, he'll have to make sure that the argument is effective in persuading the intended audience, and know why. In this example this would simply amount to a self-examination, but in other, less private, cases it could have led him to an extensive measuring of responses among the target group. Perelman and Olbrechts-Tyteca, in fact, supply him with a long catalogue of starting-points and argumentation schemes which are deemed to be useful ingredients of persuasive argumentation techniques. But are they really persuasive? And to whom and when?

In carrying out this kind of research it would be a great help if the rabbi could profit from results of anthropological studies comparing the ideas of reasonableness and the argumentation rules which go with it, from different cultural settings. As empirical facts are supposed to be dependent on theories, and theories depend in their turn on the world-views, paradigms and cultural images beyond it, the success of such a venture would be of great general, significance. Maybe Galtung's broad ideas about differing Anglo-Saxon and Teutonic styles of thought and argumentation could be of use here.[22] However, our rabbi should be warned that in this kind of work a lot of concealed metaphysics seems to be involved.

The second theoretical mainstream has its source in critical rationalist philosophy. This pragma-dialectical approach to argumentation leads the rabbi to an examination of the quality of Mr. So-and-since's argument for its convincingness in view of problem-valid and intersubjectively valid discussion rules. Being a *dialectician*, our rabbi should make sure exactly where in the process of resolving a dispute the argumentation comes in. Thereupon he should, among other things, check which critical questions go with the argumentation scheme that is used and how these questions in this case have to be answered. In carrying out this kind of research the rabbi could profit from pragma-dialectical insights.

In the pragma-dialectical approach to argumentation every argument is regarded as part of a discussion, whether explicit or implicit, between people who are attempting to resolve a conflict of opinion, which may be explicit or implicit. In

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[22]Even more striking differences exist between Western and Eastern cultures. In countries like Japan, for instance, it seems that *expressing* one's differences of opinion is not done, because of "face." Within Western cultures, at least at the level of presentation, the argumentation styles in predominantly "Anglo-saxon" countries and predominantly "Teutonic" countries already differ considerably. In my opinion, a really interesting explanation of these differences can't be given without taking into account the differing philosophical traditions in the background.

order to resolve the dispute, the discussion has to pass through four indispensable stages of discussion. The dialectical aspect of this theoretical approach consists in there being two parties who try to resolve the dispute by means of a methodical exchange of discussion moves. The pragmatic aspect is represented by describing these discussion moves as speech acts.

The ideal model explains which rules apply to the distribution of speech acts in the four stages of such a "critical discussion". Although the consequences of violating these rules may vary in their seriousness, every violation is a potential threat to the successful conclusion of the discussion. All violations of the rules are incorrect rules in a critical discussion, which correspond roughly with the kind of defects traditionally referred to as "fallacies". The problem-validity of the code of conduct for rational discussions based on these rules is shown by its being fallacy-proof. Its claim to being also intersubjectively valid, and thus potentially conventionally valid, is sustained by the obvious pragmatic and ethical advantages which accrue to people who actually observe the code.

Whether a theoretical model is used which is aimed at gaining approval or a theoretical model which is aimed at resolving disputes, in both cases reality has to undergo some degree of interpretation before insights provided in the model can be brought to bear in practical situations. The Reconstruction Estate has to take care of that.

5.4 Reconstruction Estate

Perhaps it is because I am a Dutchman that I can't help thinking of the Reconstruction Estate as a polder, where the wasted waters are drained to reclaim the land we need and to consolidate it. Sometimes realities as we find them are not yet ready for use, and we have to reshape them somewhat. This cultivation work may amount to nothing more than digging a canal, filling in a ditch, etc., but it can also lead to very complicated Delta works. What we undertake and how we do it depends on our theoretical masterplan. In the case of argumentation study, this would be our ideal model. Using the theoretical model in this way, we are not putting it to an empirical test, but we are trying to make use of it, where this makes sense, for the reshaping of reality, in our case that of argumentative discourse, in such a way that we get a reconstruction which makes clear to what extent it fits the model.

Risky as it may seem, a study of argumentation which purports to be practical must incorporate normative as well as descriptive elements in the theorizing process. Such a calculated merger of the normative and the descriptive is aimed for in the *normative reconstruction* of argumentative discourse. This reconstruction reflects both the peculiarities of the reality where it started from and those of the ideal model which served as a framework for analysis. The significance of normative reconstruction is that it offers scholars of argumentation the chance of sensibly joining together the philosophical "ideal" with the practical "real". This

happens via a systematic confrontation of the levels of norms and descriptions, which ends up in a theoretically motivated fusion. In my view, the Reconstruction Estate is therefore to be regarded as a vital asset of the study of argumentation.

In order to comment constructively on a sample of discourse, whether it be argumentative or not, we must know to what extent the verbal utterances comprising the discourse are adequate in view of the purpose of the discourse. As linguistic usage can, as we all know, serve more than one goal at once, and the argumentative function will not always be the chief of these, it is first necessary to establish to what extent it is possible to reconstruct the "speech event" as it unfolds in practice, wholly or partly, as argumentative. This gives normative reconstruction a conditional character: the analysis may hold true only insofar as the discourse can indeed be considered argumentative. Furthermore, one form of discourse will be closer to the ideal than another, so that in the one case a more comprehensive reconstruction may be necessary than in the other. This lends the analysis an open character as well.

Bearing all these provisos in mind, the reconstruction can have great advantages in terms of surveyability and discernment, especially in more complex discourse. If the reconstruction takes place within the framework of an ideal model which is in accordance with a well-considered philosophical starting-point, then it will make the things we're looking for more clearly visible. This is due to the selection, completion, arrangement and notation which are the result of analysis.

Whatever its philosophical starting-point and whatever form it takes, normative reconstruction is a many-facetted process, which consists of several distinct operations. These operations can be considered transformations of the discourse. Because the normative reconstruction must be adequate, the transformations to be carried out should be accounted for by the ideal model which serves as its theoretical framework. This means that the model must explain which transformations are required and what they amount to. It should also explain when and why they are useful, not only with regard to argumentation but also to standpoints and other relevant utterances in the discourse.[23]

In entering the Reconstruction Estate, our rabbi wonders how he can get a clearer picture of what is relevant for him in what is going on in the argumentative discourse. In answering this key question, he views argumentative reality in the light of his special interests in argumentation. Depending on the theoretical stance he takes, the rabbi will get a different answer to the key question of this Estate. Although one specific angle of approach need-not necessarily exclude another, it is a good idea if he makes sure that he is keeping the different perspectives separate, in order not to confuse them in the analysis.

If the rabbi is in favour of the epistemo-rhetorical approach, he will try to get an *audience-oriented* reconstruction, because in this case, first and foremost, he would

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[23]Cf. van Eemeren (1986, 1987) and van Eemeren and Grootendorst, *Argumentation, Communication and Fallacies* (1991). An approach which is in several respects akin to ours is developed in the many interesting articles of Jackson and Jacobs, for example in Cox and Willard (1982).

like to know which elements in the discourse play a part in the persuasion process. The answer to his key question will then be something like: "By uncovering the rhetorical patterns and reconstructing the discourse as an endeavour to persuade the audience." This means that he must try to uncover the rhetorical patterns of the discourse and reconstruct it as if it were designed to be a work of persuasion only.

In an audience-centered reconstruction of a discourse, certain rhetorical transformations have to be carried out. These are transformations which are motivated by the epistemo-rhetorical ideal. Carrying out these transformations is usually called making a *rhetorical analysis* of the discourse. Perelman and other authors of the same conviction provide us with many examples of parts of such an analysis, but they usually seem to be rather ad hoc. Analysis seems to lean heavily on introspection and individual intuition. Is it relevant in view of the "She is never right"—example's persuasiveness that it is "quasi-logical" or rather that it is a wisecrack? A consistent apparatus for rhetorical analysis, providing us with all the necessary tools for transformation, is, in spite of the long-standing tradition of this form of analysis, not yet available. Moreover, the need for it is not generally recognised, I'm afraid, and neither is the impact on the normative aspect of the analysis.

In these respects rhetorical analysis reminds me of "conversation analysis". Just like rhetorical analysis, conversation analysis claims to describe what is going on in the discourse from the viewpoint of the language users involved, trying to let the data "speak for itself". But, as we all know, data don't speak. They can't even be called "data", were it not for some kind of, partly concealed, theoretical frame of reference. Without any avowed theoretical starting-point, such over-cautious approaches to reconstruction are, in my opinion, lacking in explanatory power and therefore not living up to their potential.

If the rabbi follows another line of thought, and favours the pragma-dialectical approach, then he will try to get a *resolution-oriented* reconstruction, because in that case, first and foremost, he would like to know which elements in the discourse play a part in the process of resolving the dispute concerned. His answer to the key question of the Reconstruction Estate will then be something like: "By carrying out dialectical transformations and reconstructing the discourse as an endeavour to resolve a dispute." This means that he must try to get his clearer picture by trying to detect the resolution-relevant stages in the discourse and reconstruct them as though the discourse were designed solely as a critical discussion.

Because it is a prerequisite for a critical discussion that the discourse be externalized, functionalized, socialized and dialectified, in order to reconstruct fragments of discourse such as the "She is never right" example dialectically, these fragments must be identified as being part of a particular discussion stage and, consequently, certain transformations should be carried out.[24] The question "How can I?", for

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[24]Functionalization means that argumentation is treated as a goal-oriented language usage activity, externalization that argumentation is related to the verbal expression of standpoints and other positions, socialization that argumentation is linked to one or more language users who have to be convinced, and dialectification that argumentation is placed in the context of a critical discussion in

example, can, with the help of the transformation of substitution, be analysed as the standpoint "I couldn't agree with my wife". Mr. So-and-since's statement "She is never right" can with the help of the transformation of addition be reconstructed as an argument. The missing premiss in this argumentation can also be expressed with the help of the transformation of addition. Et cetera. All these transformations, and also those of deletion and permutation, are motivated by the pragma-dialectical ideal model.[25] This model serves as an heuristic tool for a systematic resolution-oriented reconstruction of the relevant stages and speech acts in the discourse—thus providing for a *dialectical analysis* of the discourse.[26]

Regardless of whether the normative reconstruction is audience-oriented or resolution-oriented, however, the transformations of a discourse can only be accounted for if we can start from an insightful description of the interpretative clues which are provided by argumentative reality. If in a certain context a particular transformation would be motivated by the theory adhered to, the question is whether or not the conditions are fulfilled which allow for that reconstruction to take place. In order to be able to check this, we have to know more about how the aspects of the discourse which seem relevant are actually perceived by listeners and readers, and whether this adds to the plausibility of the reconstruction. Such an assignment leads to close and detailed examinations of argumentative reality—with the help of pencil-and-paper tests, experiments and all that. This is where the Empirical Estate comes in.

(Footnote 24 continued)

which pro- and contra-argumentation is advanced, so that a regulated interaction of speech acts can take place. Together, these four steps provide the normative starting-point for a resolution-oriented reconstruction of argumentative discourse.

[25]The first transformation that is needed entails selection from the text as it is presented. Elements that are relevant for the process of resolution are recorded, elements that are irrelevant for this purpose are omitted. This transformation amounts to the removal of information that is not required for the chosen goal. For this reason it is known as dialectical deletion. The second transformation entails a process of completion. This is partly a matter of explicitizing implicit elements, partly of supplying unexpressed steps. In such cases something is added that is not explicitly present. Thus this transformation is supplementary by nature; it is accordingly called addition. The third transformation entails a degree of ordering or rearrangement. What may be an effective order of presentation in analytical terms has to do with the way in which the process of resolution would proceed in the ideal situation, and this need not necessarily be the same as the actual chronology. This transformation of ordering or rearranging the relevant elements is called dialectical permutation. The fourth transformation entails an attempt to produce a clear and uniform notation of elements fulfilling the same dialectical function in the text. Ambiguities and vaguenesses are replaced by unambiguous and clear formulations, et cetera. The transformation of translating the literal wording into the language of dialectical theory amounts to replacing formulations by standard formulations and is accordingly called dialectical substitution.

[26]In order to give the speaker or writer at least the benefit of the dialectical doubt, this analysis may in certain cases even lead to following the strategy of *maximal argumentative interpretation*. This strategy, together with other, similar strategies, ensures that every part of the discourse that may play a part in the resolution of the dispute is taken into consideration.

5.5 Empirical Estate

The bare lands of this Empirical Estate are extensive and not yet cultivated. In order to exploit them in the way we want, a well-considered plan of action is needed for their exploration. The country is so vast and there are so many ways to explore it that you can easily get lost. With the help of the surrounding wildernesses, the waters and the artificially designed polders, we can try to orient ourselves in those parts of the land which may be significant to us, and draw a selective map of the area. What this all amounts to is that we should get a description of the landscape which is systematically related to the requirements of reconstruction, theoretically motivated and consistent with an articulated philosophy.

In the Empirical Estate, attempts are being made to describe argumentative reality. The focus of these descriptions depends in particular on what is considered to be relevant in view of the need for reconstruction and can be problematical in practice. Empirical descriptions do not just mirror reality, as some "objectivist" empiricists would have us believe, but necessarily involve some kind of scientific reductionism. We'd better realize this right from the start, and ask ourselves what kind of reductionism we are after. I think that this is determined by two leading questions: (1) What have we got to go on as far as reconstruction, is concerned?, and (2) How do we go about furthering practical improvements?

Normative reconstruction indicates what kind of empirical research makes sense, and should, systematically speaking, come first. It provides the possibility of selection and systematization among the many possibilities and desirabilities in empirical research. Neither audience-oriented rhetorical nor resolution-oriented dialectical reconstruction makes readymade and watertight methods of analysis that will always produce the correct results. At every stage of analytical activities, certain decisions have to be made. Ideally, these will be reasoned decisions. It is here that the Empirical Estate can offer its services.

Empirical research could, for instance, make clear in exactly which circumstances something is in practice already perceived as being part of what rhetoricians call the "peroration" and what dialecticians call the "concluding stage". It could also inform us when exactly listeners or readers take a verbal utterance to be a standpoint or an argument. The general question to be answered here is which factors influence the identification of the relevant speech acts.

Sometimes the reconstruction will be more or less automatic, but it will often be necessary to turn again to the broader textual context for assistance. How far we are justified in choosing the reconstructive angle of approach depends on various factors in the actual "speech event". For this, a theoretically underpinned version of conversation-analytic notions such as "adjacency pair" and "repair" would come in handy in the hypothesizing phase of empirical testing (and in this way they *would* get some real testing). Of course, factors influencing argumentation production also need to be investigated, but in view of the reconstruction aim the listener/reader perspective has priority.

In order to get a proper answer to the question of how we should go about furthering practical improvements, which will be prominent in the next Estate, we also need empirical knowledge. Otherwise we would not know whether a proposal for improvement is realistic. Research is required into the actual "on line" processes of production, identification and evaluation of argumentative discourse and the way they are administered by speakers, writers, listeners and readers. It should be borne in mind, however, that "measuring" always amounts to setting an artificial standard which allows for deviations to be determined. In order to make exact measurement possible, this usually implies a conversion of qualities (like the colours of things) into quantitative data (like frequencies). Along these lines, argument recognition has, for instance, been made operational by defining it as correctly filling out a pencil-and-paper test and also by equating it with the latency-time scores in computer tests.[27]

In entering the Empirical Estate, our rabbi wonders what specific knowledge he can gain about argumentative reality which is useful to him. He would like to know what is known about argumentative reality as far as his special interest goes. Empirical knowledge can be useful, say, in order to decide whether it is indeed realistic to assign the "standard translation" which is required by rhetorical or dialectical theory to a certain part of discourse. In the "She is never right"—example this kind of knowledge could consist in decisive information about whether "She is never right" is really meant as an argument and not just as a joke.

Among the more clearly defined responses to the key question of the Empirical Estate are, again, epistemo-rhetorical and pragma-dialectical answers. If the rabbi aims for an audience-oriented reconstruction, adopting anthropological-relativist premises and epistemo-rhetorical theoretical instruments, then his empirical descriptions should be *persuasion-centered*. This is because in this case his main interest lies with talking the audience into something, or out of it. Then his answer to the Estate-profiling question would be something like: "I must find out what kind of audiences should be distinguished and which rhetorical patterns have persuasive force for them."

This means that it would be informative for the rabbi to know exactly which factors make people actually change their minds about something. Many kinds of experiments have been carried out to find out more about this. As it is primarily the result that counts in persuasion-centered research, rhetoricians tend to be more interested in the concrete factors of influence involved than in the psychological processes beyond them. Persuasion is linked with immediate response in the form of the audience carrying out some, verbal or non-verbal, action, or abandoning it, and this explains why persuasion-centered descriptions seem to stem mainly from a behaviourist type of research.

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[27]In van Eemeren et al. (1989) we report on a series of empirical tests and experiments on argument recognition in which both these operationalisations play a part. (Previous reports about this project are in Dutch.) Other reports on empirical research which are of interest here, are supplied by, for instance, Benoit (1987) and Trapp et al. (1987).

In order to know what appeals to an audience, it must be clear what kind of things strike these people and make an impression. These questions are akin to those researched in *Rezeptionsesthetik* in literary theory and dramaturgy. Persuasion research concentrates in particular on questions concerning the effectiveness of argumentation, such as whether the categories from rhetorical theory indeed have the kind of impact they are supposed to have. Precisely what kind of point of departure or argumentation scheme can be brought to bear on what type of audience?

If, on the other hand, the rabbi aims for a resolution-oriented reconstruction, adopting critical-rationalist premises and pragma-dialectical theoretical instruments, then his empirical descriptions should be *convincingness-centered*. This is because in this case his main interest would be to overcome all doubts in order to resolve the dispute. Then the rabbi would give an answer like this to the key question: "I must find out which factors and processes play a part in the convincingness of argumentative discourse." This means that he will have to be engaged in cognitive research.

Much more complex cognitive activities on the part of the listener or reader are involved in convincing him than in persuading him. Whereas persuasiveness consists in bringing about the instantaneous effect of the audience responding to the argumentation in the desired way, convincingness presupposes some further reflection by the recipient. In order to be convinced he first has to understand that an argument is put forward and what this argument amounts to, before he can start contemplating how convincing it is to him. For their success, rhetorical tricks, on the other hand, usually even depend on their not being recognized as such.

Precisely because the convincingness which is required for the resolution of disputes involves a whole series of mental processes, in order to get adequate resolution-centered empirical descriptions, a well-considered long-term research programme is necessary which guarantees continuance in the research (including the required replications) as well as systematic order, starting with the problems of identification.[28] These identification problems range from the description of factors influencing the recognition of simple argumentation and indirect and more complex argumentation, to the "on line" processes in which these identifications take place.

In fact, the problems hinted at when dealing with the other Estates already suggest some kind of systematic empirical research programme. For the sake of

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[28]In the resolution-oriented reconstruction of argumentative discourse the "rational cogency" effect aimed for by an argumentation is the externalized acceptance of a standpoint. Its cognitive analogue in the discussant's psychological reality would be that the person who accepts the standpoint is convinced. There is a vital difference, however, between being convinced and being persuaded. Whereas being persuaded consists in the instantaneous effect of responding as desired to the argumentation, being convinced presupposes some further reflection, on the part of the recipient. In fact, instead of saying that someone "is" convinced one should rather say that getting convinced is an ongoing process, and it is hard to tell for sure when precisely it has come to an end. Critical-rationalist philosophers would even say that there is no reason to assume that "the" "final" point of convincingness is ever reached. So there is no apparant reason to assume, contrary to critical-rationalist philosophy, one final mental state of being convinced.

being realistic, dialecticians would, for instance, like to know to what extent normal language users in real-life contexts are indeed inclined to try to resolve their disputes, and when and why not. They would also like to know what kind of clues there are that a confrontation has taken place and a critical discussion is going to start. Do argumentation schemes and argumentation structures as distinguished by pragma-dialectical theorists in any sense play a part in everyday discourse? And is there any evidence for the fact that normal language users may be inclined to carry out the same kind of transformations as dialecticians suggest? These are the kind of practical questions which occupy empirical researchers engaged in making resolution-centered descriptions of argumentative discourse.

Although it is undeniable that scholars of argumentation have practical pretensions with these kinds of projects, it would be very unwise to say that empirical research should only be undertaken in order to solve practical problems, let alone that it should always start from such problems. If that were to be the case, fallacies, for instance, would almost by definition be excluded from research, and many other important questions would go unnoticed. Without any doubt, however, the relevance of empirical research is more immediately visible if it relates directly to practical problems. That brings us to the Practical Estate. Let's go and see what's going on there.

5.6 Practical Estate

The Practical Estate ranges over all human settlements in the Realm, including towns and big cities, but also hamlets, oilrigs and sea-vessels. It has a multifarious ecology, which encompasses all the different modes and manners in which the lands and waters of the Realm are used. In this Estate all kinds of argumentative skills and abilities are put to good use, concerning both the oral and written production of argumentative discourse and its reception and evaluation.

Argumentative competence, however defined and delineated, is at any rate a gradual disposition, the mastery of which is relative to the specific goals that are set and which can only be measured by standards relating to these goals. That's why, in order to improve argumentative practice, argumentation should be studied in the varying institutionalized and non-institutionalized contexts in which it occurs: ranging from the formal contexts of government and law, as in argumentation in an address to the court, to private letters and perfectly ordinary conversations, as in argumentation in small talk at "cocktail parties". In discourse which takes place in formal and institutionalized settings the goals will, generally, be more clearly established than in informal and spontaneous talk. This has its consequences for the demands that are made on argumentative competence.

If we want to influence argumentative practice, by way of education or by other means, we must develop argumentative methods which take the variety of practices explicitly and systematically into account. Such methods should adapt insights concerning the production, analysis and evaluation of argumentative discourse from

the Philosophical, Theoretical, Reconstruction and Empirical Estates and translate them into recommendations which are directly suited, to the diverging needs of the various segments of the Practical Estate. Irrespective of whether they are inspired by a critical-rationalist or an anthropological-relativist philosophy, that is, irrespective of whether the gaining of approval or the resolution of disputes is considered to be the principal aim of argumentation, these argumentative methods must be designed to bring about practical effects which can be helpful in achieving the specific goals of a particular mode of oral or written argumentative discourse. Scholars of argumentation have a major and complex task here, and in view of their practical alpha and omega they certainly can't escape from it.

It is clear that in order to get outsiders, let's say teachers, to bring an argumentative method developed by argumentation scholars into use, a number of conditions need to be fulfilled. Firstly, space should be created within the teaching timetable. I am not sure how the situation is in these parts of the world, but in Europe it will undoubtedly be some time before the study of the principles of argumentation is taken for granted in schools. Secondly, and this aspect should perhaps precede the first, teachers should be sufficiently *au fait* with developments surrounding the study of argumentation. It's not only a question of them and others realising the importance of integrating an argumentative method in the curriculum, but possibilities should also be created for teaching this subject adequately. A most important further factor preventing the immediate implementation of the principles of argumentation in schools is, at least in Europe, the lack of the proper teaching methods. An elaborately worked-out theory of argumentation is not enough: an effective syllabus needs to be developed and this material should be presented using reliable pedagogics. A course in the principles of argumentation should be structured in such a way that the students work step by step toward a final objective. While taking into account interest, age and capacity of the pupil, student, etc., suitable didactics must be developed.

Entering the Practical Estate, our rabbi wonders in what ways he can help to improve the practice of argumentative discourse. What could he do to help Mr. So-and-since and his wife to deal with their arguments? For the answer to this key question, again, it makes all the difference in what line of thought he is engaged in as far as the philosophy, theory, reconstruction and empirical research of argumentation is concerned. There are, of course, several possible answers for this question. Among the more clearly defined answers are also two which fit in with the two subdivisions we distinguished in the other Estates.[29]

With an epistemo-rhetorical theory goes, as a rule, an *instruction-minded* attitude towards practice. This is because the anthropological-relativist starting-point of this theoretical approach leads to the idea that getting the approval of an audience is the primary aim of argumentation and that in order to be successful in this all available knowledge regarding the target audience's persuasibility should be effectively

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[29]Other interesting article are, to name just a few names, supplied by Scriven (1987), Paul (1987), and Weddle (1987).

utilized. In this case the rabbi's answer to his Estate-profiling question is that he could draw up instructions for people on how to win an argument and not to let themselves be taken in by the arguments of others.

Practical instructions on argumentation are often sold under titles which are themselves supposed to be appealing to the success-ridden mind, such as *How to Win an Argument*. For his offer the rabbi could have invented the even more direct title *How to Persuade your Wife*, but *Seven Ways to Get your Point Across* would also have been O.K. Of course, there are many less superficial instruction-minded textbooks about the art of persuasion and some of the same insights are to be found in publications about composition and in writing manuals. Furthermore, it should be noted that not only politicians take an interest in public debate and public address.

A pragma-dialectical theory would lead to a more *reflective-minded* attitude towards argumentation practice. In this case the emphasis is placed on the dispute-resolving capacity of argumentation and the need for dialogue in order to be really convincing. Reflection is pursued by trying to supply people in all sorts of social practices with the necessary tools for dealing adequately with argumentative discourse, both as speakers and writers and as listeners and readers. This means that the rabbi answers his Estate-profiling question by acknowledging that he could promote critical discussion and stimulate reflection on argumentation by providing adequate instruments for producing, interpreting, analyzing, and evaluating argumentation.

Systematic reflection on what it means to be reasonable is, as far as argumentation is concerned, facilitated by the pragma-dialectical code of conduct. The discussion rules, however, do not provide a simple trick that merely has to be learnt by heart to be applied successfully in practice. The critical rationalist ideas which lie at the root of the reflection principle also remain valid for the way the rules are to be viewed. These rules are not "algorithmic" but could better be characterized as "heuristic". They do not lead to a set of instructions which are simply to be followed, and this at all cost. Argumentation is not an abstract nor a mechanical process, but a verbal and social activity aimed at convincing another person of one's point of view by systematically conquering his doubts. Therefore, argumentation should be studied and taught as a specimen of normal communication and interaction between language users. This means that it must be taken into consideration that there can be evidence of polysemy or elements which remain implicit. It can even occur that a person deliberately formulates something which deviates from what he really means, being indirect or ironic. Seldom can it be suggested that tailor-made solutions are reached or that sound knowledge is offered.

In connection with this, it should be stressed that a student of argumentation should never be regarded as a mere sponge whose instruction is finalised once all the facts have been absorbed. The assumption regarding a reflective-minded practice is that a person who wants to learn something is by no means an ignoramus, but already possesses certain skills and knowledge because he is familiar with verbal practices. Moreover, in the process of learning he is not a passive register who only records necessities, but an active discussion partner who can respond

critically. This means that material should be offered which fits in with existing knowledge, and precipitates further reflection, which should result in greater insight. Such insight can only come about if all the complications which inevitably arise from various subjects are acknowledged by the teacher right from the outset and attributed to the Estates to which they belong, the student thereby being systematically drawn into the reflection process.[30]

The discussion, rules which are the point of departure of reflection represent necessary elements of a code of conduct for the resolution of disputes. This code of conduct may be partially congruous to the system of norms students have internalized anyway. If he wishes, each individual himself can, to a certain extent, fulfil the prerequisites of the reasonable discussion attitude which is assumed in the rules. His freedom to do this, however, is often restricted by factors beyond his control. The internal characteristics which specify a reasonable discussion attitude are "second order" conditions, and the external requirements of the circumstances in which the discussion takes place are "third order" conditions.

For example, in order to fulfil the ("first order") rule which says that parties must not prevent each other from advancing viewpoints or casting doubts on viewpoints, Mr. So-and-since and his wife must, among other things, possess a second order discussion attitude which involves the willingness to express their own opinions and to listen to the other's opinions. In order to be able to adopt this attitude, the psycho-social reality in which Mr. So-and-since and his wife operate—their marriage, so to speak—should be such—so Western, that is—that it fulfils the third order condition that not only Mr. So-and-since, but also his wife, has the right to advance all desired views to the best of his or her ability.

The second order conditions imply a plea for quality education in argumentation which stimulates reflection. The third order conditions make it clear that for scholars of argumentation there is also an important political responsibility in striving for individual freedom, non-violence, intellectual pluralism, and institutional safeguards for rights and means to obtain information and pass criticism. Only insofar as an argumentation theory takes into account these three components, can it, according to reflective-minded scholars of argumentation, provide a socially as well as theoretically interesting clarification of the concept "reasonableness".[31]

To improve practice in a way which really cuts ice, it is also indispensable to examine the philosophical roots of anti-argumentative attitudes which obstruct or hamper critical discussions and to analyze the rationalization of these often covert

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[30]Persons willing to adopt the required discussion attitude, thus guaranteeing the conventional validity of the rules, should accept doubt as an integral part of their way of life and use criticism towards themselves and others to solve problems by trial and error, They use argumentative discussion as a means to detect weak points in their viewpoints regarding knowledge, values and objectives, and eliminate these weaknesses where possible. Such persons are opposed to protectionism with regard to viewpoints and to the immunization of any kind of viewpoint against criticism. Cf. van Eemeren and Grootendorst, "Rationale for a Pragma-Dialectical Perspective" (1988).

[31]Cf. van Eemeren and Grootendorst, "Rationale for a Pragma-Dialectical Perspective" (1988).

attitudes. This will take us to the predestinarian doctrines of hard determinists, such as fundamentalists, orthodox Marxists, radical feminists, etc. Then, we are back to where we started: reflection on practice asks for philosophical contemplation, so our tour of the Estates of the Realm, of the Study of Argumentation can start all over again.

In entering the X-Estate the rabbi wonders Y.

P is a general New Rhetorical answer, while Q is a general New Dialectical answer.

X 1. *The Philosophical Estate*

Y 1 *Being a rational judge who acts reasonably, when am I to regard argumentation as acceptable?*

P 1 When it agrees with the standards prevailing among the people in whose cultural community the argumentation takes place.

Q 1 When it is instrumental in resolving a dispute according to discussion rules which are acceptable to the parties concerned.

X 2. *The Theoretical Estate*

Y 2 *Which instruments are available to me for dealing systematically with problems concerning the acceptability of argumentation?*

P 2 I can make use of a stock of knowledge about the systems of beliefs entertained by different audiences and the ways they can be turned to account in argumentation.

Q 2 I can make use of an ideal model of a critical discussion and a code of conduct for the performance of speech acts in such a discussion.

X 3. *The Reconstruction Estate*

Y 3 *How can I get a clearer picture of what is relevant for me in what is going on in the argumentative discourse?*

P 3 By uncovering the rhetorical patterns and reconstructing the discourse as an endeavour to persuade the audience.

Q 3 By carrying out dialectical transformations and reconstructing the discourse as an endeavour to resolve a dispute.

X 4. *The Empirical Estate*

Y 4 *What specific knowledge can I gain about argumentative reality which is useful to me?*

P 4 I must find out what kind of audiences should be distinguished and which rhetorical patterns have persuasive force for them.

Q 4 I must find out which factors and processes play a part in the convincingness of argumentative discourse.

X 5. The Practical Estate

Y 5   *In what ways can I help to improve the practice of argumentative discourse?*
P 5   I could draw up instructions for people on how to win an argument and not to let themselves be taken in by the arguments of others.
Q 5   I could promote critical discussion and stimulate reflection on argumentation by providing adequate instruments for producing, interpreting, analyzing, and evaluating argumentation.

Argumentation Studies' Five Estates, *Rabbinical P's and Q's.*

5.7   Conclusion

Now I have sketched the five Estates which in my view constitute the Realm of the Study of Argumentation. Each of these Estates represents a necessary component of an adequate research programme, but in a complete, mature and well-worked out programme all Estates should be represented. Specialising in one particular subject may be useful and perfectly legitimate, but in order not to be isolated and ad hoc, the research involved ought to be part of a comprehensive research programme consisting of a series of interdependent projects which are systematically linked to each other. To indicate what a five-part research programme of an argumentation school would look like, we could compare the basic outline of the programme of the New Rhetoric (the Perelman School) with a similar outline of the programme of what I call the New Dialectic (the Amsterdam School).

New rhetoric	New dialectic
1. Anthropological-relativist philosophy	Critical-rationalist philosophy
2. Epistemo-rhetorical theory	Pragma-dialectical theory
3. Audience-oriented reconstruction	Resolution-oriented reconstruction
4. Persuasion-centered description	Convincingness-centered description
5. Instruction-minded practice	Reflective-minded practice
The characteristics of two distinct research programmes	

The five Estates are relatively autonomous. This means that researchers might do all kinds of useful and coherent work on subjects belonging to just one Estate. For example, in the New Rhetoric, persuasion-centered researchers may concentrate—in the Empirical Estate—on measuring persuasive effects, and in the New Dialectic, critical-rationalists may concentrate—in the Philosophical Estate—on the grounds of validity. Although each Estate has to a certain extent its own standards and traditions, the five Estates are also mutually dependent. This, for instance, is something which does not seem to be realised by logicians who, for all their

practical pretensions, when confronted with the problems of applying their models to everyday language, do not seriously take into account the systematic peculiarities of ordinary language use and ignore the problems of reconstruction by treating them as "mere translation problems". Thus, by leaving out some vital components, they deprive their venture of its would-be status as a research programme within the study of argumentation and prove their practical pretensions to be false pretensions indeed.

A genuine research programme ranges over all five Estates. Our New Dialectic programme, for example, combines a critical-rationalist philosophy with a pragma-dialectical theory, a resolution-oriented reconstruction, a convincingness-centered description and a reflective-minded practice. The New Rhetoric school combines an anthropological-relativist philosophy with an epistemo-rhetorical theory, an audience-oriented reconstruction, a persuasion-centered description and an instruction-minded practice. It goes without saying that there are also other approaches and that there is a lot of variety.[32]

It could be enlightening to compare the Realm of the Study of Argumentation and its five Estates with a country, which needs, in order to function, properly, a (written or unwritten) constitution (the Philosophical Estate), specific laws and further regulations (the Theoretical Estate), some form of administration which sees to the implementation of the laws and regulations (the Reconstruction Estate) in such a way that the requirements and possibilities of social reality are met (the Empirical Estate), taking due notice of practical problems and solving them appropriately (the Practical Estate). In a country where the government is unaware of social needs or doesn't take these into consideration, funny things can happen. And this, of course, is also the case if the government couldn't give two pins about its own laws. Just as you can't rule properly without laws and regulations, theory is needed in order to improve practice sensibly. Just as laws and regulations should be consistent with the constitution, a theory ought to be in accordance with its basic philosophy. Just as you cannot make adequate laws and regulations unless you have knowledge of social reality, you cannot make a resolution-oriented reconstruction of a critical discussion unless you know the relevant aspects of empirical reality. This is why argumentation studies are pivoted on normative reconstruction just as the administration is in social life.

The pivotal function fulfilled by the normative reconstruction again focusses the attention on the characteristic cohabitation of philosophical and theoretical efforts on the one hand, and empirical and practical efforts on the other. This explains why a complete research programme can only be carried out adequately in interdisciplinary co-operation. At this juncture, the expertise of philosophers and logicians as well as that of empirically-oriented linguists and speech communication specialists can play an important part. In order to get their contributions effectively connected, a certain degree of multidisciplinary, if not interdisciplinary, co-operation is

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[32]See, for instance, the three volumed proceedings of the First International Conference on Argumentation of the University of Amsterdam (van Eemeren et al. 1987a, b, c).

required. This co-operation, however, does not necessarily mean that these scholars are simply carrying out a joint research programme. Sometimes their combined efforts will lead to a planned merger of ideas into a united argumentation school, but researchers can also co-operate in order to get a clearer picture of their disagreements, to distinctly contrast their insights.

Just like any other discipline, the study of argumentation needs the competition among schools each with its own research programme, which shape separate "paradigms", setting out a framework for various types of research. In my view, the scholarly work done so far should be clearly clustered according to the characteristics of their general research programmes. In this way a convenient arrangement can be made which offers a better view of the state of the art and makes it possible to contrast the available alternatives and promote fruitful competition. The development of well-defined and clearly-delineated research programmes is a prerequisite.

This being said and having taken due note of it, a warning is called for as to the (probably quite natural but nontheless very annoying) scholarly inclination to found, prematurely and wantonly, a school of their own. Of course, it is nice to have your own shop, but too many specialist shops, each with its own display cases full of jargon will only scare the customers away except when there is a sale on. One should not start a school unless in all five components of the research programme a distinctive, articulate and consistent position can be offered, that is, if there is an academic imperative. Otherwise, scholarly co-operation is harmed rather than helped. In fact, scholars of argumentation should not make things more complicated than necessary and should try to be understood by as many interested fellow-scholars as possible. Multidisciplinary and also international communication and interaction among scholars of argumentation will help to prevent this kind of provincialism from occurring. Only then, can we put into practice Professor Zapp's ideas of how the scholars of an academic discipline set about things—these days.

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Chapter 6
The Study of Argumentation as Normative Pragmatics

Frans H. van Eemeren and Peter Houtlosser

6.1 Rhetorical and Dialectical Perspectives on Argumentation

Apart from a shared interest in the study of argumentation, in their academic work students of argumentation with a rhetorical outlook and students of argumentation with a dialectical outlook have not much in common. Although Aristotle, who may be regarded as the intellectual father of both rhetoric and dialectic as a fully-fledged academic discipline, considered rhetoric to be the 'counterpart' (*antistrophos*) of dialectic, so that the distinction reflects primarily a division of labour among students of argumentation, the two intellectual enterprises have over time and by irregular stages grown apart. According to Toulmin (2001), at any rate, since the mid-seventeenth century rhetoric and dialectic have developed into mutually independent disciplines that are at the same time mutually isolated. Currently the dialecticians are more or less stowed away in the exact sciences, logic and philosophy, whereas the rhetoricians have found their home in the humanities among scholars of communication, language and literature. In spite of some recent strong signs of new overtures, it is only fair to say that at the moment there is in the study of argumentation still a *yawning gap* in conceptual approach and mutual understanding between those who favour a dialectical perspective and those who favour a rhetorical perspective. Not only do they take on their studies of argumentation in entirely different ways, but also do they not pay a great deal of attention to each other's intellectual achievements. In practice, they largely belong to different academic communities that are mutually isolated and have their own disciplinary infrastructures, with their own associations, journals, book series, and conferences. In fact, they seem first and foremost not to contest each other's views because they are insufficiently aware of what the others are asserting and why this would matter to their own endeavour. A sharp and ideological separation between dialectic and rhetoric has come into being, which in our view needs to be remedied. In this

article, we intend to show how the pragma-dialectical theory of argumentation can be instrumental to bridging the gap.

6.2 The Pragma-Dialectical Theory of Argumentation

In the last decades of the twentieth century, van Eemeren and Grootendorst have developed a 'pragmatic' variant of a dialectical perspective on argumentative discourse that has become known as the *pragma-dialectical theory of argumentation* (1984, 2004). Unlike 'formal' dialectical perspectives on argumentation, such as those developed by Hamblin (1970), Barth and Krabbe (1982), our 'pragmatic' dialectical perspective combines a dialectical view of argumentation as part of a critical discussion with a pragmatic view of the moves that are made in this discussion as speech acts that play a part in resolving a difference of opinion. In our pragma-dialectical perspective, the dialectical dimension of the study of argumentation is not given a formal logical shape but dealt with as a pragmatic format for carrying out argumentative discourse in a communicative context.[1]

In the pragma-dialectical approach to argumentative discourse, argumentation is studied as a complex of linguistic (and sometimes also non-linguistic) acts with a specific communicative function in a discursive context (*functionalisation*). The focus is on the public commitments that arguers undertake by their performance of argumentative speech acts and on the consequences of these commitments for the argumentative process (*externalisation*). Argumentative speech acts are in the pragma-dialectical approach studied as being performed between two or more parties who are having a disagreement and interact with each other in an attempt to resolve this disagreement (*socialisation*). To transcend a merely descriptive stance, the critical standards are explicated to which reasonable arguers appeal and to which they hold each other accountable when engaging in a regulated process of resolving a difference on the merits (*dialectification*).

The pragma-dialectical theory of argumentation consists in the first place of a procedure for testing the acceptability of standpoints critically in the light of the commitments the parties have assumed in the empirical reality of argumentative discourse. The theoretical device that defines such a procedure is the ideal model of 'critical discussion'. This model provides a description of what argumentative

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[1]In our view, the possibilities for formalization are dependent on the stage of development a theory has reached; in some instances formalization is premature while in others refraining from formalization prevents a theory from developing. In practice, it may of course be the case that some parts of a theory are ready for formal treatment while others can only be formalized at the expense of harmful reductions that are an impediment to gaining real insight. Although pragma-dialectics is primarily a theory of argumentative discourse, formalization is by no means excluded. Dialectic is in our approach regarded as a method of regimented opposition that amounts to the pragmatic application of logic—a collaborative way of putting logic into use so as to move from conjecture and opinion to more secure belief.

discourse would be like if it were optimally and solely aimed at methodically resolving a difference of opinion about the acceptability of a standpoint on the merits.

In the *confrontation* stage of a critical discussion, the objective is to achieve clarity concerning the issues that are at stake in the difference of opinion and the positions that the parties assume. The objective of the *opening* stage is to establish an unambiguous point of departure for the discussion. This point of departure consists of inter-subjectively accepted procedural and material starting points—the mutual 'concessions', as they are called in dialectic—and also includes an agreement about the division of the burden of proof. In the *argumentation* stage, the objective is to test the tenability of the standpoints that shaped the difference of opinion in the confrontation stage, starting from the point of departure established in the opening stage. The objective of the *concluding* stage is to establish the result of the critical testing procedure and to decide whether the protagonist can maintain his standpoint in the light of the criticisms advanced by the antagonist or whether the antagonist can maintain his position of doubt even considering the arguments advanced by the protagonist. Thus the model of a critical discussion specifies the resolution process and the stages that can analytically be distinguished in this process. In addition, it specifies the types of speech acts that are instrumental in resolving the difference in each particular stage. The speech acts that are performed in the discourse have to be in agreement with the dialectical rules for critical discussion that are instrumental to resolving a difference of opinion in all stages of the resolution process. Any move made in the discourse that does not comply with the rules can be seen as an obstruction to achieving the aim of the discussion and may therefore (and in this particular sense) be considered fallacious.[2]

To prepare for a well-considered evaluation of argumentative discourse, in which all the fallacious moves that occur in the discourse are identified, a careful analysis is required in which, starting from the ideal model of a critical discussion, the discourse is *methodically reconstructed* as an attempt to resolve a difference of opinion. This reconstruction excludes all elements from consideration that are not relevant for the aim of dispute resolution, but includes all elements that do serve this aim but are implicit in the discourse, such as so-called 'virtual standpoints' and 'unexpressed premises'. In the reconstruction a resolution-oriented order is imposed on the discourse where this is called for because the sequential order does not mirror the course of the resolution process. Uniformity is secured in the verbal

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[2]Inherent in this approach is an alternative to the so-called *standard treatment* of the fallacies that was so severely criticized by Hamblin (1970). Instead of viewing the fallacies, as they are viewed in the standard approach, as arguments that seem valid but are not valid, the fallacies are now defined more broadly as discussion moves that violate a particular rule for critical discussion. In judging the fallaciousness of argumentative discourse, the single norm of logical validity is thus replaced by a collection of different norms that argumentative discourse has to comply with and that are expressed in the discussion rules. In this way, many of the traditional fallacies can be characterized more clearly and consistently, while fallacies that went earlier unnoticed are now detected.

descriptions that are given of all moves that fulfill the same function in the resolution process. The reconstruction results in an 'analytic overview' of the resolution process.[3]

6.3   A Research Programme for the Study of Argumentation

Among the students of pragmatics, students of argumentative discourse are in a very special position.[4] They are not just interested in learning more about the way in which argumentative discourse is used to persuade people of a certain viewpoint, but also in finding out whether the discourse agrees with the critical standards that have to be complied with in order to make the argumentation *sound*. They are oriented towards the analysis and evaluation of actual cases of argumentative discourse in the light of critical standards for argumentative conduct. For many of them, the 'critical analysis' of argumentative discourse is even the *raison d'être* of the study of argumentation.

In order to serve both their analytic and their critical purposes, students of argumentative discourse have to carry out a research programme that has not only an empirical, descriptive dimension, but also a critical, normative dimension. In this programme, a systematic link has to be established between, on the one hand, insights expressed in normative models of regimented argumentative discourse that are similar to those developed by logicians for the proper conduct of reasoning, and, on the other hand, insights in the actual conduct of argumentative discourse that are based on similar empirical observations as made by conversation analysts and other students of language use. In our opinion, the desired combination of empirical insight into the descriptive characteristics of argumentative reality and the normative standards for sound argumentative discourse can best be achieved by developing a comprehensive research programme in which the study of argumentation is put in the broader enterprise that van Eemeren has earlier called *normative pragmatics* (1990).

The research programme that we propagate consists of five, inter-related components: a philosophical, a theoretical, an empirical, an analytical, and a practical component (van Eemeren and Grootendorst 2004, 9–41). On the normative side, a philosophical ideal of reasonableness must be developed and, starting from this ideal, a theoretical model for acceptable argumentation. On the pragmatic side, argumentative reality must be investigated empirically and it must be determined where, in the practice of argumentative discourse, problems occur. Next, the

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[3]For the pragma-dialectical reconstruction of argumentative discourse, see van Eemeren et al. (1993), van Eemeren and Grootendorst (2004: Chap. 5).

[4]We use the term *argumentative discourse* to refer at the same time to oral communication in argumentative discussions as well as written communication in argumentative texts.

normative and the pragmatic levels of the study of argumentation must be systematically linked together by utilizing analytical instruments for viewing argumentative reality in the light of the favoured ideal of reasonableness.

The systematic linkage of the normative and the descriptive dimensions of the study of argumentation aimed for in carrying out the various types of research that are connected with the five components of the research programme can only be achieved if the research starts from a general and coherent perspective on argumentative discourse. The most important perspectives on argumentative discourse that we have at our disposal are the *dialectical* and the *rhetorical* perspective.[5] They were developed in Antiquity but are still current in amended forms.[6] Basically, in the rhetorical perspective argumentation is treated as a means of persuading an audience of the acceptability of a standpoint, and in the dialectical perspective as the quintessential part of a critical discussion aimed at testing the tenability of the standpoint. In illustrating the five components of the research programme we would like to endorse we shall refer to these two perspectives. This gives me at the same time the opportunity to point at some fundamental differences between the two perspectives.

6.3.1   Philosophical Research: Argumentation and Conceptions of Reasonableness

On the philosophical level, students of argumentation reflect upon the basis of the study of argumentation by taking up the question of what it means for a rational judge to be reasonable. As it happens, the conceptions of reasonableness that are favoured by students of argumentation may diverge from the outset. Following Toulmin (1976), we can roughly distinguish between a formal or 'geometrical' conception of reasonableness, an 'anthropological' conception, and a 'critical' conception. The adoption of either one of these philosophical conceptions of reasonableness influences the way in which the acceptability of argumentation is judged. For characterizing the rhetorical and the dialectical perspectives on argumentative discourse we only need the anthropological and the critical conception.

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[5]Rather than as different kinds of discourse practices, such as public speeches, dialogues or debates, in our view, for academic purposes dialectic and rhetoric are to be primarily viewed as different theoretical perspectives on argumentative discourse. These theoretical perspectives can, of course, be easiest illustrated by referring to specific types of communication, but this should not mean that the two are automatically identified with their most prototypical manifestations.

[6]Leading modern protagonists of a rhetorical perspective on argumentation are Chaïm Perelman and Lucie Olbrechts-Tyteca. Among the more recent rhetoricians are David Zarefsky, Thomas Goodnight, and Michael Leff. The modern protagonists of a dialectical perspective include Charles Hamblin, Paul Lorenzen and his Erlangen School, Arne Naess, Nicholas Rescher, Else Barth and Erik Krabbe, Frans van Eemeren and Rob Grootendorst, and more recently also Douglas Walton.

Rhetoricians generally favour an anthropological outlook and equate reasonableness with the standards for judging argumentation that prevail in a certain community or culture. Argumentation is then regarded as acceptable if the audience that it is aimed at approves of it. Because of this linking of the ideal of reasonableness with a particular group of people at a certain place and time, the rhetorical perspective is always to a greater or lesser extent relative and can be charaterized as philosophically *anthropological*. Dialecticians, on the other hand, maintain a critical outlook. Their starting point is that we cannot be certain of anything and should be sceptical with regard to any claim to acceptability. Dialecticians favour the systematic submission of the one party's standpoints to the other party's critical doubts. In their view, reasonableness is not solely determined "internally" by using the norm of 'inter-subjective validity', which amounts to requiring inter-subjective agreement, but also by applying the "external" norm of 'problem validity', which requires this agreement to be reached in a manner that solves the problem at issue. Because dialecticians regard all argumentation as part of a critical discussion between two parties trying to resolve a difference of opinion, their main criterion for problem validity is whether an argumentation fits in with a discourse procedure that is instrumental to achieving this goal. Because of this linking of the ideal of reasonableness to the methodical conduct of a critical resolution procedure, the dialectical perspective can be philosophically characterized as *critical*.[7]

6.3.2 Theoretical Research: Models of Argumentation in Discourse

On the theoretical level, students of argumentation give shape to their ideal of reasonableness by designing models of what is involved in acting reasonably in argumentative discourse. Such ideal models aim to provide an adequate grasp on argumentative discourse by specifying which modes of arguing are acceptable to a judge who is reasonable in the light of a certain philosophical conception of reasonableness. In such models, terms referring to properties and relations that are crucial to a theory of argumentation, such as 'acceptable' and 'unacceptable', and 'justification' and 'refutation', are given a specific meaning. Thus, the model constitutes a theoretical framework that can fulfil heuristic as well as analytical and critical functions in dealing with argumentative discourse.

In a rhetorical ideal model, the argumentation techniques are listed that are considered to be effective in view of the knowledge and beliefs of the audience or readership. Because the acceptability of argumentation is in this way linked to the specific cultural background of the people that are to be swayed by the

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[7]For 'critical rationalism', one of the most important modern philosophical approaches promoting this critical conception of reasonableness, see Popper (1963/1974), Albert (1967/1975).

argumentation, this theoretical perspective can be labelled *proto-rhetorical*. Dialecticians, on the other hand, opt for a *proto-dialectical* perspective and regard every argumentation to be part of an explicit or implicit critical discussion aimed at resolving a difference of opinion by putting the standpoints at issue to the test. The dialectical ideal model specifies which moves, in the various stages of a critical discussion, can contribute to achieving this critical goal and sums up the procedural rules that must be observed. Though the consequences of violating a rule may vary in their seriousness, every violation is a potential threat to a problem valid conclusion of the discussion. Such dialectically incorrect moves correspond roughly with the kind of defects traditionally referred to as *fallacies*.

6.3.3   Empirical Research: Properties of Argumentative Reality

Students of argumentation carry out empirical research to gain a better insight into the properties of argumentative reality. They attempt to describe the actual processes of producing, identifying and evaluating argumentative discourse and the factors that influence their outcome. Their research may vary from qualitative studies of patterns of interaction in argumentation to pencil and paper tests and other quantitative measuring of skills and attitudes regarding argumentative discourse. The research focuses always on that which is relevant in the light of a certain theoretical perspective. This means that the descriptions that are given concentrate on properties of argumentative discourse that will be of consequence to a specific type of analysis and evaluation.

   In a rhetorical perspective, the emphasis is on the effectiveness that certain argumentative patterns have with different kinds of audiences. The investigation focuses on the stylistic and other phenomena, in a certain context, contribute to changing people's minds. Empirical research that starts from this kind of interest concentrates on *persuasion processes*. In a dialectical perspective, the emphasis in empirical research is on the ways in which various argumentative moves contribute to resolving a difference of opinion in a critical exchange. What is examined is which linguistic and non-linguistic factors play a part in the process of getting a point of view accepted or rejected in a rational and reasonable way. The primary interest of the empirical research in these studies is in *procedural convincingness*.

6.3.4   Analytical Research: Reconstruction of Argumentative Discourse

In their analytic research, students of argumentation, in a similar fashion to Freudian analysts, try to link the exterior appearance systematically with their ideal model by "seeing through" the discourse as it manifests itself in practice and bring

out properties that lay underneath and that are pertinent to the kind of analysis aimed for. On the analytical level, the central question is how argumentative discourse can be reconstructed in such a way that all those, and only those, aspects are highlighted that are relevant in view of the ideal model that is chosen as a theoretical starting point. Such a reconstruction aims at a calculated merger of the ideal and the real that satisfies both the normative requirements exemplified in the ideal model and the descriptive data of empirical reality. Carrying out certain theoretically motivated and empirically justified transformations of deletion, permutation, addition and substitution in the analysis often makes the things the analyst is looking for more clearly visible. Especially when he is dealing with complex argumentative discourse, a careful reconstruction can have great advantages.

Whether a rhetorical model is used in which argumentation is viewed as a means of gaining approval, or a dialectical model in which argumentation is a means of testing the acceptability of a standpoint, in both cases argumentative discourse has to undergo some analytic transformations to bring theoretical insight to bear in practical situations. In a rhetorical analysis, it is attempted to provide more insight into those aspects of an argumentative discourse that may have an effect on the audience by reconstructing the discourse as an attempt to win the audience over to a standpoint. Because of its emphasis on the effectiveness of certain argumentative moves with respect to the people who have to be persuaded, a rhetorical reconstruction is *audience-oriented*. In a dialectical analysis, an attempt is made to provide insight into the aspects of an argumentative discourse that are relevant to the resolution of a difference of opinion by reconstructing the discourse as an attempt to counter doubt regarding the acceptability of a standpoint. Because of its emphasis on the function of argumentation in bringing differences of opinion to an adequate conclusion, a dialectical reconstruction is characteristically *resolution-oriented*.

6.3.5   Practical Research: Ways of Improving Argumentative Practices

On the practical level, students of argumentation try to put their philosophical, theoretical, analytical and empirical insight to good use in developing ways of improving argumentative reality that systematically take into account the diversity of practices. They examine argumentation in its diverse institutionalised and non-institutionalised contexts, ranging from the formal context of law to the informal context of an ordinary conversation at home. Often their final aim is to find out how argumentative procedures in various kinds of practices can be improved and people's argumentative skills and abilities in the production of argumentative discourse and its analysis and evaluation can be methodically increased. Because argumentative competence is a disposition that people can have in different degrees and that is relative to specific goals, their mastery of this competence can only be measured by standards relating to these goals. Students of argumentation who aim

for the improvement of argumentative reality by way of education need to take due account of this need for 'contextualization'.

Irrespective of whether they are inspired dialectically by a critical-rationalist or rhetorically by an anthropological-relativist philosophy, that is, irrespective of whether they are attuned to resolving a difference on the merits or to gaining approval for one's positions, the ways of improving argumentative practices that are proposed must be designed for bringing about the desired practical effects. In a rhetorical perspective, this amounts that they must, first and foremost, provide effective directions for successful argumentation. Usually an attempt is made to teach people how to argue successfully by sampling shining examples and enforcing imitative training. This is why the rhetorical perspective on the practical component of the research programme can be characterized as interested in *persuasive success*. When ways of improving argumentative reality are developed from a dialectical perspective, among the basic ingredients are furthering a discussion-minded attitude and promoting a full awareness of the procedural prerequisites of resolving differences of opinion and the various types of obstacles that may interfere. Dialecticians typically aim for achieving such an awareness by treating their students as active discussion partners who are capable of responding critically and offering them a better understanding of the problems involved in producing, analysing and evaluating argumentative discourse. Because of its emphasis on stimulating independent thinking, such a dialectical approach of the practical component can be characterized as directed at *critical reflection*.

6.4   The Incompatibility of the Rhetorical and the Dialectical Perspective

Our sketch of a research programme for the study of argumentation makes clear that a connected set of different types of research projects must be carried out to integrate the descriptive and the normative dimensions of the study of argumentation in a systematic way. It also makes clear that such an integration can be achieved in different ways, depending on one's perspective on argumentative discourse. Two prominent alternatives have been mentioned in the explanation of all components of the programme: the rhetorical option and the dialectical option.

As Kienpointner (1995, 453) has pointed out, *rhetoric* is seen by many modern scholars as "a rather narrow subject, dealing with the techniques of persuasion and/or stylistic devices", while others conceive of rhetoric as "a general theory of argumentation and communication"—and still others deny that it is a discipline at all. According to Simons (1990), rhetoric can most neutrally be described as *the study and the practice of persuasion*. Using the label 'rhetoric' in this way does not necessarily imply a conception of rhetoric that equates rhetoric without any ado with "winning", let alone with "winning at all cost" or a similar goal often ascribed to rhetoric by its enemies (see, e.g., Biro and Siegel 1992, 88). It *does* mean,

however, that rhetoric is in the end always, and undeniably, associated with getting your point across to the audience.

Dialectic is nowadays often defined as truth finding by way of the Socratic method of 'elenchus' (where *elenchus* is a method for testing the tenability of certain propositions against critical doubt). In our opinion, this emphasis on 'truth' is an undesirable, and even a-historic, simplification, which ignores the possibility of using dialectic to deal with non-factual issues in testing the acceptability of standpoints. If rhetoric is to be given a general description as the study of audience persuasion, then, in the same vein, dialectic should be given a general description that leaves room for various further interpretations. The most suitable general description of dialectic seems to be that of *the study of discussion aimed at critically scrutinizing the acceptability of views in light of possible inconsistencies with the starting points that may be regarded as the "concessions" made by the other party in the difference of opinion*. If an inconsistency is exposed in the discussion, the discussion has come to a conclusion and the typical dialectical closure is "Ipse dixisti!" (Barth and Krabbe 1982).

In most of the literature rhetoric and dialectic are contrasted, more often than not to the point that they are suggested to be incompatible, if not bluntly contradictory. The question, however, is whether this is correct. Unlike what our earlier contrasting characterizations may seem to have suggested, the relationship between dialectic and rhetoric is at any rate not simply that dialectic represents the *normative* dimension of the study of argumentation, dealing with the critical aspect of systematically testing the acceptability of viewpoints, whereas rhetoric represents the *descriptive* dimension, dealing purely with the empirical aspect of effective persuasion. As regards dialectic, it has been clear from the beginning that its relation with empirical reality is essential. As regards rhetoric, from classical Antiquity onwards, starting with Aristotle, all rhetoricians worth mentioning have always claimed that there is a normative "value dimension" inherent in any good and non-trivial rhetoric. Persuasion is then not just equated with practical effectiveness, but connected with the fulfilment of certain other conditions, often of an ethical nature. In such approaches, rather than an empirical fact, effectiveness is conceived as a "right" a certain argumentative discourse or text is entitled to claim on the basis of its merits. But how exactly is the relationship between dialectic and rhetoric then to be conceived? Before going into this question, we would first like to introduce the theoretical perspective on argumentation from which this question will be answered.

6.5 Reconciling Dialectical and Rhetorical Insights in the Analysis

In the past five years, we published a series of articles that show how the pragmatic reconstruction of argumentative discourse, and more particularly its justification, can be considerably strengthened by incorporating rhetorical insight into the

analysis (van Eemeren and Houtlosser 1998, 2002a, b). In these papers, we proposed a systematic integration of rhetorical considerations in the pragma-dialectical framework of analysis starting from the view that dialectical and rhetorical insights can be complementary and can be constructively combined if rhetoric is interpreted pragmatically as the study of skilful—perhaps even artful—persuasion by means of argumentative discourse.[8] Our point of departure is that there is no reason to assume a priori that the rhetorical norm of skilful persuasion is necessarily incompatible with, or even contradictory to, the critical ideal of reasonableness that lies at the heart of pragma-dialectics. Why after all would it be impossible to comply with critical standards for argumentative discourse when attempting to shape one's case to one's best advantage? In practice, it is more likely than not that the situation is quite the reverse, and that argumentative moves that a critical audience considers rhetorically strong will also be in accordance with the dialectical norms applying to the discussion stage concerned.

Whether an argumentative discourse is part of a dialogue or of a speech, it is generally not the arguers' sole aim to "win" in the sense of having things their way, but also to conduct the discourse in a way that may be considered reasonable or is at least perceived as reasonable. As a consequence, the arguers' rhetorical attempts to conclude the discourse in their own favour can be viewed dialectically as being incorporated in an effort to resolve the difference of opinion in accordance with proper standards for a critical discussion. People engaged in argumentative discourse are characteristically oriented towards resolving a difference of opinion and may be regarded as committed to norms instrumental in achieving this purpose— maintaining certain standards of reasonableness and expecting others to comply with the same critical standards. This means that, pragmatically, the parties engaged in an argumentative discourse may at every stage of the resolution process be presumed to hold to the dialectical objective of the discussion stage concerned while also being out for the optimal rhetorical result at that point in the discussion. In their efforts to reconcile the simultaneous pursuit of these two different aims the arguers make use of a communicative tool that we have termed pragmatically as *strategic manoeuvring*. Strategic manoeuvring is aimed at diminishing the potential tension arising from pursuing a dialectical and a rhetorical aim at the same time.

An understanding of the role of strategic manoeuvring in argumentative discourse can be gained by examining how the opportunities that are available in a certain dialectical situation are used to handle that situation in a way that is most favourable for a certain party. Each of the stages in the resolution process is characterized by a specific dialectical aim. Because the parties involved want to realize this aim to their best advantage, they can be expected to make the strategic moves that serve their interest best. In this way, the dialectical objective of a particular discussion stage always has a rhetorical analogue and the presumed

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[8]Likeminded other authors who make a connection between rhetoric and pragmatics are Dascal and Gross (1999), Jacobs (2002).

rhetorical objectives of the participants must be specified according to stage: It depends on the dialectical stage one is in what kind of advantages can be gained.[9]

Strategic manoeuvring can take place at several levels of an argumentative move. The basic aspects of strategic manoeuvring are, in our view, making an expedient selection from the 'topical potential' available at a certain discussion stage, adapting one's contribution optimally to the specific expectations and demands of the audience, and using the most effective presentational devices. Both parties may be expected to select the material they can handle well, or suits them best, develop the perspective most agreeable to their audience, and present their contributions in the most effective way. In each of these three respects, by themselves or combined, both parties have an opportunity to influence the result of the discourse in their own favour.[10]

Although our starting point is that the pursuit of dialectical and rhetorical objectives can well go together, there may nevertheless be tensions that strategic manoeuvring cannot satisfactorily resolve. This predicament explains the occurrence of certain *derailments* of strategic manoeuvring that are to a large extent similar to the wrong moves in argumentative discourse that are known as fallacies. How to distinguish between sound and fallacious argumentative discourse is one of the central problems in the study of argumentation. It is only possible to determine systematically for all stages of the resolution process whether or not a certain argumentative move is fallacious if there are clear *criteria* for deciding when exactly a discussion move violates a particular discussion rule. Establishing these criteria often meets with considerable problems. Our conception of strategic manoeuvring can be of help in solving these problems. As soon as we can rely on an adequate classification of the diverse modes of strategic manoeuvring and a specification of their soundness conditions the criteria for determining whether or not a certain argumentative move is fallacious can be more fully and systematically developed.

The model of a critical discussion provides a good starting point for identifying such modes of strategic manoeuvring. Although the model specifies only the critical objectives of the parties in the various stages of resolving a difference of opinion,

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[9]In the confrontation stage of a critical discussion, the strategic manoeuvring of each of the parties will be aimed at achieving a definition of the disagreement that favours the issues this party wants to discuss and the position this party would like to assume. In the opening stage, the manoeuvring will be aimed at establishing the most workable starting points, for instance by calling to mind, or eliciting, helpful concessions from the other party, and establishing the most opportune allocation of the burden of proof. In the argumentation stage, the parties will aim to make the strongest case and to launch the most effective attack. In the concluding stage, each party's strategic manoeuvring will be designed to reach the most favourable outcome of the discussion.

[10]Integrating rhetorical considerations in this way in a dialectical framework of a pragmatic nature can be instrumental to achieving a satisfactory analysis and evaluation of argumentative discourse. At the same time, it should be apparent that a satisfactory rhetorical reconstruction can only be achieved if dialectical considerations are taken into account because the rhetorical function of speech acts can be determined systematically only if they are first put in a well-defined dialectical perspective of what is at stake in the stage of the discourse concerned.

each of these dialectical objectives has, as we have just argued, its rhetorical complement. This means that both parties can try to exploit all the room that is left to them for attempting to realize the critical objectives to their own persuasive intent and make the moves that further their own case optimally. Starting from such a view enables us to examine more precisely the soundness conditions applying to a particular mode of strategic manoeuvring and to identify the criteria that have to be taken into account in deciding whether or not the strategic manoeuvring has got derailed and a particular fallacy has been committed. In this way the fundamental problem of how to distinguish between sound and fallacious moves in argumentative discourse, can be tackled more effectively with the help of insight into the strategic design of the discourse.

Insight into the strategic design of the discourse gained by making use of the pragmatic concept of 'strategic manoeuvring' can be of added value to the analysis and evaluation of argumentative discourse in at least three ways. First, it provides a clearer view of how argumentative reality can be more accurately reconstructed dialectically. Second, it strengthens the justification of the analysis by enabling a justification that is more comprehensive and better informed. Third, it provides a helpful pointer to the situated conditions that must be satisfied for not overstepping the boundaries between sound moves and fallacious moves. All in all, a more sophisticated and insightful critical analysis of argumentative discourse can thus be achieved.

6.6   Conclusion

Let me end this paper by propounding the bold claim that conceiving the research programme as normative pragmatics not only enables us to overcome the absolute division between the professedly irreconcilable normative and descriptive dimensions of the study of argumentation, but also the absolute division between the professedly incompatible dialectical and rhetorical perspectives. For the analytical component of the research programme we have just shown that adopting this approach involves a more specific interpretation of the rhetorical perspective on reconstruction as not merely audience-oriented but oriented towards the skilful way in which the persuasive power of the argumentation is crafted in the discourse. The emphasis is then on how the resolution-oriented analysis of the critical potential of the discourse is enriched by an analysis of its persuasive potential.

The other components of the research programme are similarly affected by the integration of insight from the rhetorical perspective in the pragma-dialectical approach. In each component, specific aspects of the rhetorical perspective on the study of argumentation are highlighted and this results in specific emphases in the conceptions of the rhetorical as well as the dialectical perspective on the research concerned. In the philosophical component of the pragma-dialectical research programme, a convention-seeking interpretation of the anthropological reason-ableness conception prevailing in the rhetorical perspective is associated with a

pragma-critical philosophy of reasonableness. In the theoretical component, a quality-minded interpretation of the rhetorical model of persuasion is systematically connected with a pragma-dialectical model of a critical testing procedure by means of a critical discussion. In the empirical component, technique-centred rhetorical descriptions of persuasion processes supplement the rule-centred empirical knowledge gained in dialectical research of procedural convincingness. In the practical component, rhetorical interest in empathic ways of understanding successful persuasive practices and stimulating an effective pursuit of such practices goes together with a critical reflection-minded dialectical interest in procedural ways of enhancing the quality of argumentative practices by improving existing discussion formats and teaching methods.

The goals that are to be achieved in the various components of the research programme call in each particular component for special relationships with other disciplines. In the philosophical component, for instance, the reflection on the regimentation of argumentative discourse needs to be connected with thinking about reasonableness and rationality in analytic philosophy, logic and action theory. In the theoretical component, the quality of the model that is designed can benefit from linguistic pragmatics based on speech act theory and Gricean theories of rational exchanges and from dialectical insights developed in formal and informal logic. In the empirical component, a strong overlap exists between the study of argumentative processes and certain activities in discourse analysis and reception and persuasion research in psychology. In the analytical component, insight from discourse analysis and rhetorical criticism can be brought to bear to gain a better understanding of both the 'critical' and the 'strategic' design of argumentative discourse and texts. Finally, in the practical component, insights from disciplines varying from law and political science to pedagogy can be helpful in examining argumentative procedures in more or less institutional contexts and developing methods for improving competence in analysis, evaluation and presentation.

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Chapter 7
From Ideal Model of Critical Discussion to Situated Argumentative Discourse: The Step-by-Step Development of the Pragma-Dialectical Theory of Argumentation

Frans H. van Eemeren

7.1 Introduction

I started developing the pragma-dialectical theory of argumentation, together with Rob Grootendorst, at the University of Amsterdam in the 1970s. Our primary interest was to provide adequate tools for enhancing the quality of the way in which people justify their views and analyse and critically review the justifications of views they encounter in communicating with others. Because of the importance of such justifications for what people believe, associate themselves with and do, we considered argumentation of great intellectual, social and practical significance. A systematic reflection on the tools enabling an adequate production, analysis and evaluation of argumentation seemed therefore crucial to us.

In our view, developing a full-fledged theory of argumentation required a multi-disciplinary—and eventually (when having become established) *interdisciplinary*—approach, based on insights from philosophy and logic as well as linguistics and discourse analysis, communication studies, and psychology.[1] From preparing our first handbook providing an overview of the various kinds of theoretical contributions made to the study of argumentation,[2] we had learned that in building such a comprehensive theory we could stand on the shoulders of eminent predecessors such as Aristotle, Arne Naess, Rupert Crawshay-Williams and Charles Hamblin. We decided to take advantage of a careful critical reflection on the theoretical proposals made by our predecessors—from the Toulmin model and the New Rhetoric to Formal Dialectic. Soon we discovered that still more could be gained from discussions with

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[1]The choice of argumentation as our topic of research was in fact motivated by our wish to be engaged in an academic enterprise that would exceed the (then) narrow disciplinary limits of linguistics (van Eemeren) and speech communication (Grootendorst) and our joint interest in stimulating broad and active reason-based participation in the various argumentative practices that are important to an open and democratic society.

[2]See van Eemeren et al. (1978, 1981, 1986, and its English equivalents, 1984, 1987).

argumentation theorists from the various scholarly communities in which new proposals emerged in the 1980s, such as the American Communication and Rhetoric and the predominantly Canadian Informal Logic community.

Our master plan for developing our theoretical approach of argumentation involved progressing step by step from designing an abstract model of normatively ideal argumentative discourse to dealing with the intricacies of the broad variety of argumentative practices constituting argumentative reality. Starting from the basics and then systematically making our proposals gradually more inclusive, we planned to flesh out the pragma-dialectical theory. Characteristically, in the pragma-dialectical approach argumentation is considered as being aimed at resolving a difference of opinion on the merits by means of critical exchanges of speech acts (or other communicative acts in case of non-verbal communication).[3] It is studied both from a communicative perspective, inspired by pragmatic insights from speech act theory and discourse analysis, and from a critical perspective, inspired by dialectical insights from critical rationalism and dialogue logic (van Eemeren and Grootendorst 1984, 2004).

In the pragma-dialectical theory, the treatment of argumentation as a process and the treatment of argumentation as a product are brought together by means of a procedural approach to argumentative discourse.[4] Simultaneously, a commitment to empirically adequate description is systematically linked with a critical stance towards argumentative practices by carrying out a research program integrating descriptive and normative insights.[5] As a consequence, the pragma-dialectical approach to argumentation differs not only fundamentally from formal and informal logical approaches concentrating primarily on the normative treatment of reasoning problems, but also from the primarily descriptive and explanatory approaches of argumentative discourse chosen in communication studies, rhetoric and linguistics. Although most of these approaches have insights on offer which are similar to certain insights developed in pragma-dialectics, they also have important shortcomings which pragma-dialectics aims to remedy.[6]

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[3]A difference of opinion exists when someone's standpoint is not shared by someone else and argumentation is called for to resolve the difference of opinion in a reasonable way. A difference of opinion does not necessarily involve two opposing standpoints: a standpoint being confronted with doubt is enough.

[4]The process-product feature is in our view a fundamental characteristic of argumentation (van Eemeren et al. 2014, pp. 3, 4). The procedural approach that unites the process and the product dimensions is *formal* in the sense of treating argumentation as being subjected to regulation or regimentation (according to van Eemeren et al. 2014, p. 303, this means "formal in sense 3").

[5]In a keynote in the United States I explained in 1987 that reconciling descriptive and normative concerns is, in my view, the main challenge of argumentation theory (van Eemeren 1987). In the research program that needs to be carried out to achieve this aim I distinguished five components: philosophical, theoretical, analytical, empirical and practical research. Pragma-dialectical researchers concentrate in their research as a rule on specific components.

[6]The meta-theoretical starting points of pragma-dialectics, which serve as its methodological premises, can in fact be seen as constructive responses to the main disadvantages of other

   This paper, which is meant to be an introduction to the present volume, is based on my reflections in preparing a study titled *The Making of Pragma-Dialectics*. It provides an overview of some crucial phases in the development of the pragma-dialectical theory of argumentation and explains their ordering. As I have said, starting from the abstract level of an ideal model for conducting a critical discussion, in various phases the theorizing has been brought closer to the complexities of situated argumentative discourse in actual argumentative practices. In Sect. 2, I sketch the pragma-dialectical standard theory, with the model and the rules for critical discussion, which represent the "standard" theory on which further developments were based. In Sect. 3, I describe some further research that was aimed at consolidating the standard theory and point out which contribution it has made. In Sect. 4, I throw light on the "extended" pragma-dialectical theory by introducing the crucial notion of strategic maneuvering and explain why this extension was vital to the further development of pragma-dialectics. In Sect. 5, I discuss the theoretical background of the experimental empirical research of effectiveness through reasonableness that is connected with the extended pragma-dialectical theory. In Sect. 6, I make clear how the theoretical treatment of strategic maneuvering was completed by taking account of the institutionally conventionalized contexts in which argumentative discourse takes place. In Sect. 7, I elucidate the special attention paid in pragma-dialectical research to argumentative discourse occurring in communicative activity types belonging to the legal, the political, the medical and the academic domains.

7.2 The Pragma-Dialectical Standard Theory

In order to clarify what is involved in viewing argumentative discourse as aimed at resolving a difference of opinion on the merits, Rob Grootendorst and I developed an ideal model of a critical discussion (van Eemeren and Grootendorst 1984; van Eemeren et al. 2014, pp. 527–533). In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoint at issue by finding out whether or not this standpoint is tenable against critical doubt and other criticism in view of certain mutually accepted starting points.[7] Resolving a difference of opinion on the merits does not only require that argumentation is advanced, but also that other argumentative moves are made, such as advancing a standpoint and starting points. In the model we specified the various stages that are to be

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(Footnote 6 continued)

approaches (van Eemeren and Grootendorst 1984, pp. 4–18; van Eemeren et al. 2014, pp. 523–527).

[7]A critical discussion reflects the Socratic dialectical ideal of testing rationally any form of conviction, not only descriptive statements but also value judgments and practical standpoints about actions.

distinguished in the resolution process and the speech acts constituting the argumentative moves instrumental in each of these stages.

The pragma-dialectical model of a critical discussion serves heuristic and analytic functions in dealing with interpretation problems that may arise in dealing with argumentative discourse. It indicates what to look for in reconstructing argumentative discourse from a resolution-minded perspective and in what way the discourse can be most appropriately analysed. The model also serves a critical function by providing, through the rules for critical discussion that Grootendorst and I proposed, a coherent set of norms for determining in which respects an argumentative move deviates from the course that is conducive to resolving a difference of opinion on the merits. As a result of its heuristic, analytic and critical functions, the pragma-dialectical model of a critical discussion constitutes an adequate basis for developing practical guidelines for a methodical improvement of the quality of argumentative practices.

A critical discussion encompasses the four stages an argumentative discourse must pass through for resolving a difference of opinion. First, there is the "confrontation" stage, in which the difference of opinion is expressed. Second, there is the "opening" stage, in which the formal and material starting points of the discussion are established. Third, there is the "argumentation" stage, in which argumentation is advanced to respond to (presumed) criticism. Fourth, there is the "concluding" stage, in which the outcome of the discussion is determined.

In the pragma-dialectical theory we have depicted the standards of reasonableness authorizing the performance of speech acts in each of the four stages as rules for critical discussion (van Eemeren and Grootendorst 2004, pp. 135–157). Together, the rules for critical discussion constitute a dialectical procedure for the performance of speech acts in argumentative discourse. To resolve a difference of opinion on the merits, the speech acts performed by the protagonist and the antagonist of the standpoint at issue must comply in each stage with all the rules. Any violation of any of the rules by any of the parties at any stage of the discussion frustrates or hinders the process of resolving a difference of opinion on the merits. Grootendorst and I therefore proposed to consider every argumentative move in which this happens to be a "fallacy" in this sense.[8] For practical purposes, we "translated" the theoretically motivated rules for critical discussion, which are rather technical, into a more practical "code of conduct" for reasonable discussants (van Eemeren and Grootendorst 2004, pp. 123–157).

In developing the dialectical dimension of the model of a critical discussion and the code of conduct for reasonable discussants we were inspired by insights concerning a comprehensive critical rationalism propounded by Popper (1972, 1974)

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[8]The fact that the rules for critical discussion are instrumental in distinguishing such counterproductive argumentative moves demonstrates their "problem-validity" as a code of conduct for argumentative discourse (van Eemeren and Grootendorst 1994). To serve as tools for resolving differences of opinion on the merits in argumentative practice, the rules also need to be intersubjectively accepted, so that they possess "conventional validity" (van Eemeren, Garssen and Meuffels 2009).

and, more in particular, Albert (1975). The dialogue logic of the Erlangen School and Else Barth and Erik Krabbe's formal dialectic stimulated us to give substance to this dimension by means of a dialectical procedure of rules for critical discussion. The pragmatic dimension, which distinguishes our approach clearly from other dialectical approaches, was given shape by relying on (our amended versions of) insights from "ordinary language philosophy" and discourse analysis, in particular relating to Searle's (1969, 1979) speech act theory and Grice's (1989) logic of conversation. Our treatment of the fallacies as violations of rules pertaining to the various stages of a critical discussion constituted a constructive response to the challenge posed by Hamblin's (1970) devastating criticisms of the "logical standard treatment" of the fallacies.[9]

7.3   Consolidating the Standard Theory

Because they are considered self-evident, and sometimes for less honorable reasons, certain indispensable elements of the resolution process are in argumentative discourse often left unexpressed: the definition of the difference of opinion, the procedural and material starting points, the relations between the different arguments put forward in defense of a standpoint (argumentation structure), and the way in which each of these arguments is supposed to support the standpoint at issue (argument schemes). In particular in argumentation that is, at first sight, part of a monologue some of these elements are usually concealed in the discourse and need to be recovered through a reconstructive analysis in which the model of a critical discussion serves as a heuristic and analytic tool. In this endeavor the model constitutes a "template" that can serve as a point of reference and ensures that the discourse is reconstructed in terms of argumentative moves relevant to resolving a difference of opinion on the merits. This reconstruction is to result in an "analytic overview" highlighting those, and only those, elements in the discourse that are pertinent to a critical evaluation.

As I made clear after the standard theory has been completed, a pragma-dialectical reconstruction of argumentative discourse can take place by carrying out various kinds of *reconstruction transformations* (van Eemeren 1986).[10] The analytic overview achieved by carrying out these transformations needs to trace all discussions stages, to recapitulate the difference of opinion at issue, to identify the positions of the participants and the procedural and material premises that serve as

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[9]We had both read more broadly, but my background was in the first place in linguistics and philosophy of language and Rob's in speech communication. I taught pragmatics and sociolinguistics at the time, Rob specialized in academic writing and critical reading. Together we had also developed an interest in logic.

[10]Depending on the kind of analytic operations involved, four types of transformation can be distinguished: "deletion," "addition," "permutation" and "substitution" (van Eemeren and Grootendorst 1990, 2004, pp. 100–110; van Eemeren et al. 1993, pp. 61–86).

the starting points of the discussion, to survey the arguments and criticisms explicitly or implicitly advanced by the parties, to indicate which argument schemes are used and which argumentation structure has developed, and to report what, according to the participants, the outcome of the discussion is. For analysts to be able to achieve this result, we needed to develop the required analytical tools, such as a method for making unexpressed premises explicit and typologies of argumentation structures and argument schemes. We did so in our monograph *Argumentation, Communication, and Fallacies* (van Eemeren and Grootendorst 1992).[11]

Among the analytical tools developed in pragma-dialectics to reconstruct argumentative discourse in terms of the model of a critical discussion are the *rules of communication* (van Eemeren and Grootendorst 1992, pp. 49–52). These rules are based on an integration of an amended version of the Searlean felicity conditions for the performance of speech acts in communication and an amended version of the Gricean maxims for the conduct of verbal interaction. In cases in which it may be assumed that the *general principles of communication and interaction* are not abandoned, the analyst is to make an effort—just like ordinary listeners or readers do—to reconstruct implicit speech acts in which these rules seem to be violated in such a way that the violation is remedied and the reconstructed speech act agrees with all the rules of communication. Following this procedure, indirect speech acts and unexpressed premises, which violate the rules of communication when the utterances by which they are conveyed are interpreted literally, can be reconstructed (van Eemeren and Grootendorst 1992, pp. 52–59; pp. 60–72).

To investigate the connection of pragma-dialectics with argumentative reality empirical research is required. The qualitative empirical research carried out so far has focused primarily on the way in which argumentative moves that are relevant for a critical discussion manifest themselves in argumentative reality and the clues the way they are presented provides for their reconstruction (van Eemeren et al. 1993). To improve our pragmatic insight into how the requirement can be met that the reconstruction of argumentative moves should be in agreement with the commitments that may be ascribed to the arguers concerned on the basis of their contributions to the discourse, qualitative empirical research is also carried out into the way in which in specific argumentative practices oral and written argumentative discourse is conducted. By revealing, for instance, a standard pattern of confrontation, Rob Grootendorst, Sally Jackson, Scott Jacobs and I have shown that such research enables us to make theoretically pertinent and empirically grounded claims concerning the content, function and structure of argumentative exchanges (van Eemeren et al. 1993).

In the Indicator Project, Peter Houtlosser, Francisca Snoeck Henkemans and I set out to examine the clues for reconstructing argumentative moves systematically with the help of qualitative empirical research (van Eemeren et al. 2007). Our

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[11]This monograph was in fact based on earlier publications in Dutch (van Eemeren et al. 1983, 1984a, 1986b). For the relevant terms and concepts see also van Eemeren et al. (2002).

central goals were to identify the words and expressions that arguers use to indicate the functions of the various moves they make in an argumentative discourse, to classify these moves in accordance with the argumentative functions they can have in the various stages of the resolution process, and to determine under which conditions they fulfil these functions. The indicators of the functions of argumentative moves that are examined include the way in which the moves are presented, the way in which the other party responds to them, and the way in which the first party reacts to these responses.

In the Indicator Project we made use of "dialectical profiles", which specify the kinds of moves that can be instrumental in realizing the specific tasks of the discussants at a particular point in a particular stage of the discussion and the "dialectical routes" in which these moves are included.[12] The dialectical routes are specifications of the various series of analytically relevant moves that can be made in the part of the argumentative exchange portrayed in the dialectical profile. Taking the relevant dialectical profiles as their point of departure, we examined systematically the ways in which argumentative moves are realized in argumentative reality.

To establish the necessary connection between the pragma-dialectical theory and argumentative reality, pragma-dialecticians are since the mid-1980s also engaged in quantitative empirical research of an experimental nature, concentrating initially on the extent to which the recognition of argumentative moves is in argumentative reality is facilitated or hampered by factors in the presentation (e.g., van Eemeren et al. 1984, 1989, 2000). We focussed in particular on tracing general rules, routines and tendencies in the way argumentative moves are identified and assessed by ordinary arguers. Next, we also examined the clues the context provides for the recognition of indirect argumentation. Together, the results of these research projects provide insight in the actual processing of argumentative discourse that is necessary for putting the critical ideal of pragma-dialectics in a realistic perspective and developing adequate methods for improving argumentative practices. The results can also be brought to bear in justifying analytic reconstructions in analysing argumentative discourse.

In order to determine the intersubjective validity of the pragma-dialectical standards for critical discussion, in a comprehensive research project, Conceptions of Reasonableness, Bart Garssen, Bert Meuffels and I concentrated our efforts for more than ten years on ordinary arguers' assessment of argumentative moves. This research has resulted in the comprehensive monograph *Fallacies and Judgments of*

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[12]Van Eemeren and Houtlosser (2007), who introduced the normative concept of a *dialectical profile*, defined it as an overview of the sequential patterns of moves (dialectical routes) that discussants at a certain stage or sub-stage of a critical discussion are entitled (or obliged) to make to resolve a difference of opinion on the merits. In qualitative empirical research a dialectical profile can be a heuristic design for capturing the argumentative moves that are analytically relevant—i.e., potentially relevant to resolving the difference of opinion—at a particular point in a particular stage of a discussion and then identifying the expressions indicative of these moves.

Reasonableness (van Eemeren et al. 2009). This study reports approximately 50 experiments in which we asked the respondents to give their verdict about the reasonableness or unreasonableness of the last argumentative move performed in experimental discussion fragments that were presented to them, which contained both fallacious and non-fallacious moves. Different types of fallacies were examined, which constitute violations of rules for critical discussion spread over all four discussion stages.[13] The general aim of the tests was to check to what extent ordinary arguers judge the reasonableness of argumentative moves according to norms that match the norms expressed in the rules for critical discussion. On the basis of the strikingly consistent results it can be concluded that, time and time again, ordinary arguers judge the fallacies included in the tests as unreasonable discussion moves, while the non-fallacious argumentation with which they were contrasted were found to be reasonable to very reasonable.

To answer the question in what sense the results of this empirical project give indications for the degree of intersubjective validity of the discussion rules for the confrontation stage, the opening stage, the argumentation stage, and the concluding stage that were investigated, we made use of the quantitative notion of *effect size,* which indicates how strongly the respondents discriminate between the unreasonableness and reasonableness of a certain fallacy and its non-fallacious counterpart. The larger the effect size, the stronger the discrimination, and the other way around: the smaller the effect size, the weaker the discrimination. In a relative sense, the larger the effect size, the more the claim to intersubjective validity is substantiated. The general conclusions which can be deduced from the effect sizes in this research project are that, generally speaking, the discussion rules concerned are to quite a high degree intersubjectively valid and that the differences in degree of intersubjective validity between the rules are by no means spectacular (van Eemeren et al. 2009, pp. 222–224). The general conclusion therefore is that all data that are obtained indicate that the norms that ordinary arguers use when judging the reasonableness of contributions to the discussion correspond quite well with the pragma-dialectical standards for critical discussion. Based on this indirect evidence, the rules may therefore be claimed to be conventionally valid, individually and as a group.

7.4   The Extended Pragma-Dialectical Theory

After the standard theory had been consolidated by the development of the required analytical tools and the establishment of its connection with argumentative reality through qualitative and quantitative empirical research, the pragma-dialectical

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[13]In a number of cases a replication study was carried out—sometimes to support interpretations, sometimes to exclude alternative explanations and in doing so guaranteeing the internal validity, sometimes to optimize the external validity.

research has moved on from the ideal model of a critical discussion to the concrete manifestations of the manifold practices of argumentative discourse. At the end of the twentieth century, I set about to strengthen the connection with argumentative reality in a new and fundamental way by including an account of the "strategic design" of argumentative discourse in the theorizing (van Eemeren 2010). The aim of this inclusion of a vital but unexplored facet of argumentative discourse in the pragma-dialectical theorizing was to extend the available analytic and evaluative tools in such a way that more profound reconstructions and more realistic assessments of argumentative discourse could be given, which are at the same time more thoroughly accounted for.[14]

Considering that for explaining the strategic design of argumentative discourse, next to the dialectical dimension of reasonableness predominant in the standard theory, the rhetorical dimension of effectiveness needed to be incorporated in the pragma-dialectical theorizing, I invited my former student Peter Houtlosser to join me in the Strategic Maneuvering Project (van Eemeren and Houtlosser 2002). We took as our starting point the "argumentative predicament" one is confronted with in real-life argumentative discourse that, in every argumentative move, aiming for effectiveness always needs to go together with maintaining reasonableness. In making an argumentative move, an arguer is out to achieve the effect of acceptance by the audience while remaining at the same time committed to the maintenance of reasonableness as defined by the rules for critical discussion. Because of the tension inherent in pursuing simultaneously these two objectives, in our view, "strategic maneuvering" is required to keep the balance. In case, in their pursuit of effectiveness, arguers neglect their commitment to reasonableness and violate one or more of the rules for critical discussion, their strategic maneuvering "derails" into fallaciousness (van Eemeren 2010, p. 198).

Adopting the theoretical notion of strategic maneuvering means adding a rhetorical dimension to the theoretical framework of pragma-dialectics. In order to remedy the complete separation between the dialectical and the rhetorical approaches to argumentative discourse that had been effectuated in the seventeenth century, the conceptual and communicative gap between the two different research communities involved must be bridged (van Eemeren and Houtlosser 2002, pp. 136–138; van Eemeren 2013). In the view taken by Peter Houtlosser and me, the rhetorical and the dialectical perspectives are not incompatible and can even be complementary (van Eemeren 2013). From our point of view, which is at this point critical of the existing dialectical and rhetorical traditions, rhetorical effectiveness in argumentative discourse is only worthwhile to study if it concerns effectiveness reached within the boundaries of dialectical reasonableness while setting dialectical standards of reasonableness in argumentation theory is only of any practical

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[14]The inclusion of an account of the strategic design in the theorizing should also be helpful in developing more sophisticated methods for improving the oral and written production of argumentative discourse.

significance if it is combined with examining how to bring to bear rhetorical tools for achieving effectiveness. This is why, in our view, the future of argumentation theory lies in a constructive integration of the dialectical and the rhetorical perspectives (van Eemeren 2010, pp. 87–92). In this endeavour, the notion of strategic maneuvering is in pragma-dialectics the primary theoretical tool.[15]

7.5   Empirical Research of Effectiveness Through Reasonableness

The introduction of the theoretical notion of strategic maneuvering in the extended pragma-dialectical theory of argumentation has opened up new venues for empirical research. In a comprehensive new research project, Hidden Fallaciousness, Bart Garssen, Bert Meuffels and I have started in 2010 a series of experiments concerning the relationship between the arguers' aiming for rhetorical effectiveness and their complying with dialectical standards of reasonableness. In our paper "Effectiveness through reasonableness" we have formulated three theoretically motivated hypotheses which are vital to starting this kind of empirical research (van Eemeren et al. 2012a).[16] We have also shown that all three of them are strongly supported by pertinent empirical data.

First, because they generally know which contributions to a discussion are to be considered reasonable and which contributions unreasonable, *ordinary arguers are to a certain extent aware of what their dialectical obligations involve*. If they were not aware of any such standards of reasonableness, there could not be a rational relationship between aiming for effectiveness and maintaining reasonableness in their strategic maneuvering. In giving their judgments on reasonableness, ordinary arguers prove in fact to use standards which agree strongly with the norms incorporated in the rules for critical discussion (van Eemeren et al. 2009, p. 206). The fact that they commit themselves to standards of reasonableness equivalent with the pragma-dialectical standards makes it possible to substantiate more clearly what reasonableness means to them.

Second, ordinary arguers assume that *in principle the other party in the discussion will be committed to the same kind of dialectical obligations as they are*. If they did not start from this assumption, it would be pointless for them to appeal to the other party's standards of reasonableness by putting forward argumentation to

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[15]The rapprochement between dialectical and rhetorical approaches to argumentation is also stimulated, albeit not always in the same way, by communication scholars such as Wenzel (1990) and informal logicians such as Tindale (2004). It is supported by the policies of the International Society for the Study of Argumentation (ISSA), the journals *Argumentation*, *Informal Logic*, *Argumentation and Advocacy*, and by the organization of certain joint conferences.

[16]The three hypotheses are closely connected with the theoretical views on the relationship between argumentation and effectiveness in the sense of convincingness that I expounded with Grootendorst in *Speech Acts in Argumentative Discussions* (van Eemeren and Grootendorst 1984).

justify their standpoints. The fact that they assume that there are shared standards of reasonableness makes it possible to connect their standards of reasonableness with their aiming for effectiveness vis-à-vis the other party.

Third, ordinary arguers *prefer*—and assume that their interlocutors prefer—*that contributions to the discussion that do not comply with supposedly shared standards for critical discussion will be regarded as unreasonable and that those who offend these standards can be held accountable for being unreasonable*. If they did not wish the prevailing standards to be put into effect, their argumentative efforts would be pointless. The fact that arguers turn out to give a prescriptive meaning to reasonableness when taking part in argumentative practices, and expect their interlocutors to do the same, makes it possible to interpret the connection between reasonableness and effectiveness in such a way that reasonableness may, in principle, be expected to lead to effectiveness—even if in a particular communicative practice (or in certain kinds of communicative practices) reasonableness would not be the only factor (and not even the most influential factor) that brings about effectiveness. Correlatively, if reasonableness is lacking or deficient, effectiveness may be expected to suffer.

Against the background of these considerations, we concluded that it makes sense for us as argumentation theorists to examine the relationship between reasonableness and effectiveness empirically, covering all stages of the resolution process and taking account of all aspects of strategic maneuvering. In this empirical research, we defined "effectiveness" of an argumentative move as realizing the "inherent" interactional (*perlocutionary*) effect that is conventionally aimed for by performing the speech act by which that argumentative move concerned is made (van Eemeren and Grootendorst 1984, pp. 24–29). In order to serve its purposes optimally, pragma-dialectical effectiveness research concentrates on the pursuit of intended and externalizable effects of strategic maneuvering on the state of the addressee's dialectical commitments.[17] It focuses in the first place on effects achieved by reasonable means which depend, starting from an adequate understanding of the functional rationale of the argumentative moves, on rational considerations on the part of the addressee.[18] Steering the research into this direction agrees with the view of reasonableness as a necessary condition for *convincingness*—the rational version of persuasiveness (van Eemeren and Grootendorst 1984, p. 48).

In light of the finding that discussion moves that are fallacious from an argumentation-theoretical perspective are judged unreasonable by ordinary

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[17]This type of effectiveness research constitutes a critically inspired pragma-dialectical complement to the prevailing (non-dialectical) persuasion research. The pragma-dialectical preference for the label "effectiveness research" rather than "persuasiveness research" is in in the first place motivated by the fact that, unlike the term *persuasiveness*, the term *effectiveness* is not exclusively connected with the argumentation stage but pertains also to argumentative moves made in other discussion stages, such as proposing starting points in the opening stage and stating the outcome of the discussion in the concluding stage.

[18]See the analysis of "interactional" (*perlocutionary*) effects in van Eemeren and Grootendorst (1984, pp. 63–74) and van Eemeren (2010, pp. 36–39).

language users, it might seem remarkable that when such moves occur in argumentative discourse many times the fallacies appear not to be noticed by the participants. A striking example of a fallacy that is easily overlooked is the "abusive variant" of the *argumentum ad hominem*. When rating the reasonableness of clear cases of this fallacy in an experimental situation ordinary arguers overwhelmingly judge the use of this fallacy to be a very unreasonable discussion move (van Eemeren et al. 2009, p. 206). In real life argumentative discourse, however, this fallacy remains in a great many cases undetected. Such striking discrepancies need to be explained.

In "The disguised abusive *ad hominem* empirically investigated", Garssen, Meuffels and I have argued that in certain cases the abusive *ad hominem* can be analyzed as a mode of strategic maneuvering in which this fallacy takes on a reasonable appearance because it mimics legitimate critical reactions to authority argumentation (van Eemeren et al. 2012b). When co-arguers present themselves wrongfully as experts in a certain field, or claim to be trustworthy when in fact they are not, attacking them personally about that is a perfectly legitimate and reasonable move. As a consequence of the fact that there happen to be special cases like these, whether a personal attack must be seen as reasonable critique or as a fallacious *ad hominem* move may not always be clear immediately. In two experiments we have systematically tested the hypothesis that abusive *ad hominem* attacks are seen as substantially less unreasonable when they are presented as if they are critical reactions to authority argumentation in which the person attacked wrongly parades as an authority. The hypothesis was confirmed in both experiments.[19]

7.6 Taking the Institutional Context of Argumentative Discourse into Account

Strategic maneuvering does not take part in an idealized critical discussion but in the multi-varied communicative practices that have developed in argumentative reality. That is why in the extended pragma-dialectical theory due account needed to be given to the macro-context of the institutional environment of the communicative practices in which the argumentative discourse at issue takes place.[20]

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[19]Both in the original test and in the replication carried out to be better able to generalize the results, straightforward abusive attacks are consistently rejected as unreasonable discussion moves and legitimate personal attacks are invariably considered reasonable. The "disguised" abusive attacks presented as responses to a wrong use of authority however are judged as substantially less unreasonable than the overtly fallacious direct attacks.

[20]I use the term *institutional* here in a broad sense, so that it not only refers to established organizations of the law, administration and schools, let alone just to prisons, mental clinics and the army, but to all socially and culturally established macro-contexts in which formally or informally conventionalized communicative practices have developed, including those in the interpersonal sphere. Like Searle (1995), I envision institutions as systems for dealing with rights

We did so by relating our treatment of strategic maneuvering in argumentative discourse immediately to the "communicative activity types" that have established themselves in the various communicative domains in response to the institutional exigencies of the domain. These communicative activity types have been conventionalized in accordance with the needs of the institutional macro-context concerned (van Eemeren 2010, pp. 129–162).[21]

It is through the use of the appropriate "genres" of communicative activity,[22] varying from adjudication and deliberation to disputation, that communicative activity types are designed to realize their rationale: the 'institutional point' reflecting the exigency in response to which the activity type has come into being, such as reaching a well-supported decision on a policy proposal in the case of a parliamentary debate. To complicate matters, in certain communicative activity types in realizing their institutional point several genres of conventionalized communicative activity are activated together. In a political interview, for instance, deliberation is prototypically combined with the dissemination of information to realize the institutional point of enlightening the audience or readership (van Eemeren 2015).

The way in which communicative activity types are conventionalized to realize their institutional point can be explicit and highly formalised in constitutive and regulative rules, as is usual in adjudication in the legal domain. The conventionalization may also be partly implicit and formalised to a lesser degree in looser regulations of some kind, as is often the case in deliberation the political domain. The conventionalization might even be only informal and simply reflect established practices, as is customary in communion-seeking in the interpersonal domain.

The next step we had to take was to explore the consequences that engaging in a particular communicative type has for the conduct of argumentative discourse.[23] The ideal model of a critical discussion can be instrumental in characterizing the particular ways in which, depending on the specific institutional requirements that must be fulfilled to realize their institutional points, in the various communicative activity types the argumentative dimension is substantiated. Taking the four stages

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(Footnote 20 continued)

and duties characterized by socially constructed rules and their associated sanctions (van Eemeren 2010, p. 129).

[21]In pragma-dialectics, communicative activity types are defined as communicative practices whose conventionalization serves the specific communicative needs instigated by the institutional exigencies of a certain domain (van Eemeren 2010, pp. 139–145). The pragma-dialectical approach connects with "rational choice institutionalism" as practiced in New Institutionalism. According to Hall and Taylor, rational choice institutionalism in the political domain draws our attention to "the role that strategic interaction between actors plays in the determination of political outcomes" (1996, p. 951).

[22]Fairclough characterizes a 'genre' of communicative activity broadly as "a socially ratified way of using language in connection with a particular type of social activity" (1995, p. 14).

[23]Only when a communicative activity type is inherently, essentially or predominantly argumentative or when argumentation incidentally plays an important part in it, an argumentative characterization of the communicative activity type will be worthwhile.

of a critical discussion as the point of departure, four focal points can be identified that need to be taken into account in an argumentative characterization of a communicative activity type. They correspond with the empirical counterparts of the four stages in contextualized argumentative discourse: the *initial situation* (confrontation stage), the *starting points* (opening stage), the *argumentative means and criticisms* (argumentation stage), and the *outcome* (concluding stage).[24] Starting from this division helps us to determine in what way exactly the constitutive stages of the process of resolving a difference of opinion on the merits are represented in a communicative activity type.

Because communicative activity types impose extrinsic constraints on the possibilities for strategic maneuvering, the institutional point and conventionalization of the communicative activity type in which the argumentative discourse takes place need to be taken into account when analyzing and evaluating strategic maneuvering. Together, the institutional point and the conventionalization determine the "institutional preconditions" for strategic maneuvering in a particular communicative activity type.[25] Since an argumentative characterization of the communicative activity type in terms of the empirical counterparts of a critical discussion makes clear in what way the argumentative discourse is conventionalized to serve the institutional point of the activity type, this characterization provides an appropriate point of departure for tracing methodically the ways in which the possibilities for strategic maneuvering are affected by the communicative activity type.

As is indicated by its conventionalization, in a particular communicative activity type certain modes of strategic maneuvering will be regarded suitable—or not suitable, as the case may be—to realizing the institutional point of the activity type. For the various communicative activity types, the scope of the possibilities for strategic maneuvering may vary in each of the empirical counterparts of the critical discussion stages. In some communicative activity types, for instance, the participants will be allowed more room for defining the initial situation in accordance with their own preferences than in others. A similar variety may also exist with regard to the choice of procedural and material starting points, the choice of argumentative means and kinds of criticism, and the outcomes of the argumentative exchange that are allowed. In each particular case, all three aspects of strategic maneuvering can be affected by the need to comply with the institutional preconditions pertaining to

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[24]Using the model of a critical discussion as the analytical point of reference in all cases not only ensures a consistent and coherent appreciation of the argumentative dimension, but also creates unity in the comparison between communicative activity types. In this way diversity is not the relativistic point of departure, but the reality-based outcome of a systematic comparison of the various manifestations of argumentative reality.

[25]Pragma-dialectics distinguishes between "primary" institutional preconditions, which are, as a rule, official, usually formal, and often procedural, and "secondary" institutional preconditions, which are, as a rule, unofficial, usually informal, and often substantial (van Eemeren and Garssen 2010, 2011).

the communicative activity type concerned (van Eemeren 2010, pp. 93–127). There may be constraints on the topical choices that are allowed, on the adaptation to audience demand that is regarded appropriate, and on the presentational devices that are permitted. Although, in principle, these constraints are a limitation of the possibilities for strategic maneuvering, they may at the same time also create special opportunities for strategic maneuvering.

7.7 Institutional Preconditions for Strategic Maneuvering and Argumentative Patterns

After we included strategic maneuvering in extended pragma-dialectics we incorporated the contextual dimension of the communicative activity types in the theorizing to further strengthen the connection between the theory and the study of argumentative reality. In examining argumentative practices we have concentrated for practical reasons on four communicative domains: (1) the legal domain, which is often seen as the proving ground for theorizing about argumentation and has been a focal point of pragma-dialectical research since the 1980s; (2) the political domain, which is vital for the use of argumentation in public life and central to arousing laymen's interest in argumentation theory; (3) the medical domain, which has recently moved on from paternalistic decision-making by doctors to aiming for informed consent based on argumentation; (4) the academic domain, which is pervaded by argumentation that is often wrongly considered as unproblematic by outsiders. The general aims of our research are in all cases: (1) *to find out in what ways in specific communicative activity types the possibilities for strategic maneuvering are constrained by institutional preconditions*; (2) *to detect which argumentative patterns of standpoints, argumentation structures and argument schemes are stereotypically activated in realizing the institutional point of specific communicative activity types in accordance with the institutional preconditions*.

Characteristically, in the legal domain the communicative practices have been to a large extent conventionalized. The procedural and material starting points defining the legal counterpart of the opening stage of a critical discussion are generally to a large extent predetermined institutionally rather than determined in mutual deliberation by the parties. To identify the specific constraints on strategic maneuvering in these communicative activity types, pragma-dialecticians examine first how they can be characterized argumentatively. Next they try to establish how in the various kinds of legal practices the parties involved, including the judge, operate in conducting their argumentative discourse and what room for strategic maneuvering they have (Feteris 2009).

Pragma-dialectical research concerning the political domain was initiated by my discussion of the role of argumentation in democracy (van Eemeren 2002). In 2009, I have started a comprehensive research project with Bart Garssen to examine the institutional preconditions for strategic maneuvering in argumentative exchanges in the European Parliament. So far, we have concentrated in the first place on the

impact of a secondary precondition which we call "the European predicament": the convention silently imposed upon Members of the European Parliament that they are at the same time supposed to serve the European cause and to satisfy their electorate by protecting the national interests of their home countries (van Eemeren and Garssen 2010, 2011).[26]

A comprehensive project of Houtlosser and myself concerning the influence of institutional preconditions on confrontational strategic maneuvering in the political domain was carried out by a team of researchers. Tonnard's (2011) aim was to give an account of presentational tactics politicians can use to get the priority issues of their party discussed in Dutch parliamentary debate when they are not on the agenda. Mohammed (2009) examined the Prime Minister's responses to critical questions by members of the opposition in Prime Minister's question time in the British House of Commons. Andone (2013) set out to provide an argumentative explanation for the way in which politicians react in political interviews to the interviewer's accusation that they have taken on a standpoint which is inconsistent with a standpoint they have advanced earlier. In a related project, focusing on how the contextual conditions of political discussion forums on the Internet affect the way in which the participants react critically, Lewinski (2010) examined how on-line technologies create new possibilities for public debate.

In the medical domain, too, strategic maneuvering is needed to comply with institutional conventions (Snoeck Henkemans 2011). Doctors are under the obligation to make clear to the patients who come for a consult that their judgment and advice are sound, but the fact that, as a rule, doctors and patients differ considerably in medical knowledge and experience is an institutional precondition that doctors need to take into account in their strategic maneuvering, for instance when bringing their own authority to bear (Labrie 2012; Pilgram 2015).[27] The relationship between strategic maneuvering and institutional preconditions is also examined in "health brochures" aimed at getting the target audience to eat less, exercise more or do other things that promote good health (van Poppel 2013) and, concentrating again on authority argumentation, in advertisements in which—especially in America—medical drugs are promoted (Wierda 2015).

Pragma-dialectical research directed at determining the institutional preconditions an academic context imposes on the strategic maneuvering taking place in argumentative discourse is still in its infancy. In a first effort to adapt the theoretical instruments of pragma-dialectics for implementation in this type of research, Wagemans (2011) proposes tools for the reconstruction and evaluation of argumentation from expert opinion.

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[26]Other pragma-dialectical research projects focus, for instance, on a the peculiarities of argumentative discourse in Dutch Parliament (Plug 2010, 2011) and the use of pragmatic argumentation in the context of lawmaking debates in British Parliament (Ihnen Jory 2010, 2012).

[27]Van Eemeren and Garssen (2010, 2011) call such institutional preconditions, which are not constitutive but are nevertheless indissolubly connected with a certain communicative activity type, *second order* preconditions.

The communicative activity types that have come into being in the various communicative domains to comply with the exigencies of the institutional macro-context revolve around different kinds of differences of opinion and the types of standpoints at issue vary from evaluative standpoints and prescriptive standpoints to descriptive standpoints and hybrid standpoints combining descriptive, evaluative and prescriptive elements. In combination with the specific starting points that are characteristic of a (cluster of) communicative activity type(s), the specific characteristics of the initial situation will lead to specific kinds of argumentative exchanges in the empirical counterpart of the argumentation stage of a critical discussion and to specific kinds of outcome.

The differences between the kinds of argumentative exchanges that develop or are likely to develop in the various kinds of communicative activity types are not only caused by the differences between the kind of difference of opinion to which they respond, the types of standpoints at issue, and the procedural and material starting points, but also by the specific requirements pertaining in a certain communicative domain to the way in which the exchange between argumentation and criticism is to take place and the kinds of outcome that are to be reached. Depending on the critical questions pertaining to the type of argument scheme that is employed in the main argumentation in support of the standpoint at issue, specific kinds of critical reactions need to be anticipated or responded to in the argumentative exchanges that take place in a certain communicative activity type.

In conducting an argumentative exchange, the arguers are supposed to take into account the institutional preconditions of the communicative type and the critical reactions that are pertinent when a certain argument scheme is used. Doing so will result in the creation of what I have called a specific *argumentative pattern* in the discourse (van Eemeren 2015). Such an argumentative pattern is characterized by a constellation of argumentative moves in which, in order to deal with a particular kind of difference of opinion, in defence of a particular type of standpoint a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure.

Although some argumentative patterns that occur may well be incidental, certain argumentative patterns can be typical of the way in which argumentative discourse is generally conducted in a specific (cluster of) communicative activity type(s). The latter is, in principle, the case if the argumentative pattern concerned is immediately connected with the institutional preconditions for strategic maneuvering pertaining to the communicative activity type that is examined. Such "stereotypical" argumentative patterns, whose occurrence can be explained by the institutional preconditions prevailing in the communicative activity types in which they occur (van Eemeren and Garssen 2014), are of particular interest to pragma-dialectical researchers focusing on determining the context-dependency of argumentative discourse.[28] The stereotypical argumentative patterns pragma-dialecticians are

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[28]In speaking of *stereotypical* argumentative patterns I refer to patterns that are characteristic of the communicative activity type in which they occur. They are characteristic because they are

interested in result from the use of modes of strategic maneuvering that are instrumental in reaching the institutional point in accordance with the institutional preconditions of a certain communicative activity type and in responding to the specific critical questions that are pertinent in view of the institutional conventions of the communicative activity type.

In practice, there may be various argumentative patterns that are stereotypical of a particular communicative activity type. Some of these argumentative patterns may occur more frequently than others and in specific cases a certain argumentative pattern may be dominant. Pragma-dialectical research into strategic maneuvering is currently aimed at detecting the argumentative patterns coming about as a consequence of the institutional preconditions for strategic maneuvering that are stereotypical of the various kinds of argumentative practices in the legal, political, medical, and academic domain. In disclosing such functional argumentative patterns occurring in argumentative reality through qualitative empirical research, the researchers make use of the various theoretical instruments developed in pragma-dialectics, such as the typologies of standpoints, of differences of opinions, of argument schemes, and of argumentation structures (van Eemeren and Grootendorst 1992). The argumentative patterns manifesting themselves in specific constellations of argumentative moves are described in terms of the categories distinguished in these typologies.

In the qualitative empirical research concerning stereotypical argumentative patterns currently carried out by Corina Andone, Eveline Feteris, Bart Garssen, Francisca Snoeck Henkemans, Jean Wagemans and me the argumentative patterns that are functional in specific communicative activity types in the political, legal, medical and academic domain are identified and it is made clear how and why they occur. This qualitative research will be followed later by quantitative empirical research of representative corpuses of argumentative discourse in which the frequencies of occurrence of the various stereotypical argumentative patterns are determined and comparisons are made between the various communicative activity types and domains. Systematically documenting the institutional diversification of argumentative practices in this way provides empirically-based insight in the proliferation of argumentative practices. It also paves the way for a more thorough account of the relationship between context-independency and context-dependency in argumentative discourse than other argumentation theorists have provided (e.g., Toulmin 2003).

(Footnote 28 continued)

instrumental in realizing the institutional point of the communicative activity type. It stands to reason that in practice these instrumental argumentative patterns will indeed be found in specimens of this communicative activity type, but being stereotypical does not mean that they necessarily occur frequently in this communicative activity type, let alone that they will always be present. If one finds the term *stereotypical* too strongly connected with absolute or relative *frequency*, it can be replaced by the term *characteristic* or some other term that does not carry this quantitative meaning.

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Chapter 8
The Case of Pragma-Dialectics

Frans H. van Eemeren and Peter Houtlosser

8.1 The Pragma-Dialectical Approach to Argumentation

In the pragma-dialectical approach to argumentation the term argumentation is used to refer to a process ("I am still in the middle of my argumentation") as well as to its result ("Lets examine what her argumentation amounts to"). Characteristically, argumentation is then studied from a communicative perspective. This communication, which can be oral or written, will generally take place by verbal means, but non-verbal elements (such as gestures and images) may also play a part. In pragma-dialectics, argumentation is viewed as aimed at resolving a difference of opinion by critically testing the acceptability of the standpoints at issue. Thus perceived, the study of argumentation does not only have a descriptive dimension that pertains to the way in which argumentation is conducted in communicative practice but also a normative dimension pertaining to the norms of reasonableness that are employed when argumentation is judged for its quality and possible flaws are detected.

Logicians, whether they are in favor of a formal or an informal approach, tend to concentrate on the problems involved in the regimentation of reasoning. Social scientists and linguists, particularly discourse and conversation analysts, generally focus on empirical observation of argumentative discourse and its effects.[1] In the pragma-dialectical view, however, these two approaches must be closely interwoven. Both the limitations of non-empirical regimentation and those of non-critical observation need to be systematically transcended. Pragma-dialecticians make it their business to clarify how the gap between normative and descriptive insight can be methodically bridged. This objective can only be achieved with the help of a

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[1]For protagonists of a purely normative or a purely descriptive approach, see (Biro and Siegel 1992, Willard 1983, 1989), respectively.

coherent research program in which a systematic connection—*a trait d'union*—is created between well-considered regimentation and careful observation.

Following a classical tradition, the study of the regimentation of critical exchanges is called *dialectics*. The study of language use in actual communication, which belonged in the past largely to the domain of rhetoric, is nowadays generally called *pragmatics*. Hence the choice of the name *pragma-dialectics* for the approach to argumentation that aims for a sound integration of insight from these two studies. Pragma-dialectics combines a dialectical view of argumentative reasonableness with a pragmatic view of the verbal moves made in argumentative discourse.[2]

8.2   The Five Components of the Pragma-Dialectical Research Program

Because the pragma-dialectical research program is designed to achieve a well-considered integration of normative and descriptive insight, it is on the one hand aimed at developing a philosophical ideal of critical reasonableness and, grounded in this ideal, a theoretical model for acceptable argumentative discourse in a critical discussion. On the other hand, argumentative reality is investigated empirically to acquire an accurate description of the actual processes of argumentative discourse and the factors influencing their outcome. Starting from the results achieved in these two enterprises, the conceptual tools are developed to analyze argumentative reality in light of the critical ideal of reasonableness. Then the individual and the procedural problems of the practical analysis, evaluation and production of argumentative discourse—the alpha and omega of the study of argumentation—can be tackled methodically. The research program thus includes a philosophical, a theoretical, an empirical, an analytical, and a practical component.[3]

The fundamental question in the philosophical component is what it means to be reasonable in argumentation. As it happens, the conceptions of reasonableness entertained by argumentation scholars diverge from the outset, leading to quite different outlooks on what acceptable arguments are considered to be. Dialecticians

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[2]The dialectical conception of reasonableness is inspired by critical rationalists and analytic philosophers, such as Popper (1972, 1974), Albert (1975), Naess (1996), and by formal dialecticians and logicians, such as Hamblin (1970), Lorenzen and Lorenz (1978), and Barth and Krabbe (1982). The pragmatic conception of argumentative discourse as consisting of making regulated communicative moves is rooted in Austin (1962), Searle's (1969, 1979) ordinary language philosophy, Grice's (1989) theory of rationality in discourse, and other studies of communication by discourse and conversation analysts. It is in the first place the combination of dialectical and pragmatic insight that distinguishes pragma-dialectics from 'formal dialectic' as developed by Barth and Krabbe (1982) that incorporates dialectical insight in a formal (logical) approach.

[3]For a more elaborate explanation of the research program, see (van Eemeren and Grootendorst 2004, Chap. 2).

maintain a critical outlook. For them, reasonableness does not solely depend on inter-subjective agreement on the norms, as many rhetoricians think, but also on whether these norms are conducive to the goal of resolving a difference of opinion by way of a critical discussion. Because the ideal of reasonableness is linked to the methodic conduct of a critical discussion, the dialectical philosophy of reasonableness is *critical-rationalist*.

In the theoretical component the philosophical ideal of reasonableness is given a shape by designing a model of what is involved in acting reasonably in argumentative discourse. A theoretical model, like the Toulmin (1958) model, aims at getting an adequate grasp of argumentative discourse by specifying modes of arguing and indicating when they are acceptable. The model serves as a conceptual and terminological framework that can fulfill heuristic, analytical, and critical functions in dealing with argumentative discourse. A dialectical model provides rules that specify which moves can contribute to resolving a difference of opinion in the various stages of a critical discussion. If this discussion is viewed, pragmatically, as an interaction of speech acts, the model is *pragma-dialectical*.

In the empirical component insight is sought after in the actual processes of producing, interpreting, and assessing argumentative discourse and the factors that influence their outcome. Such insight is acquired by carrying out qualitative and quantitative research. Qualitative research consists primarily in making observations by means of introspection and case studies, the (sometimes connected) quantative research in experimental and statistical studies. In pragma-dialectical empirical research the emphasis is on explaining how various factors and processes play a role in argumentative reality in resolving a difference of opinion. The interest centers on the aspects of argumentative discourse that affect its *cogency*.[4]

In the analytical component a pragma-dialectical reconstruction of argumentative discourse is made to achieve an 'analytic overview' of the discourse that constitutes a proper point of departure for a critical evaluation. In argumentative discourse things are not only not always immediately obvious, they even may be different from what they seem. Sometimes a more or less complicated reconstruction is needed of what is said before an analysis can be justifiably made. Such a reconstruction takes always place from a perspective that focuses on specific aspects of the discourse, highlighting certain elements while ignoring others. A comparison with a stereotypical Freudian analyst may offer some clarification. Our Freudian analyst examines what is said from a psychological perspective, making use of the analytical tools provided by a particular theoretical background. She is, for instance, interested in mother fixation, signs of inferiority complexes and the likes. It goes without saying that she can only come to an analysis by examining carefully what has actually been said, or conspicuously left out, by her client. She cannot diagnose him as suffering from mother fixation right after the introduction.

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[4]For pragma-dialectical research into the identification of argumentation that is cogency-centered, see, e.g., (van Eemeren et al. 1989). Cf. for experiments concentrating on deductive reasoning (Nisbett and Ross 1980; Johnson-Laird 1983).

Neither can she do this on the sole ground that he has been singing the praise of his mother at every session. Nevertheless, after a careful reconstruction of certain things he said or implied, she might be justified to attribute a mother fixation to him because adding up a series of observations may warrant this analysis. Similarly, in a pragma-dialectical analysis of argumentative discourse a reconstruction of the discourse is carried out that starts from the theoretical model of a critical discussion, with its various stages and division of speech acts, and takes all knowledge gained by empirical investigation methodically into account. In pragma-dialectics, the central question in the analytical component is how argumentative discourse can be reconstructed in such a way that all those, and only those, aspects are highlighted that are relevant to resolving a difference of opinion on the merits. The resulting analysis can therefore be characterized as *resolution-oriented*.

Finally, in the practical component of the research program methods are developed for improving individual skills and specific argumentative procedures. Argumentative competence involves a complex of dispositions whose mastery is gradual and relative to specific communicative situations. This means that argumentative skills can only be measured adequately by applying standards relating to particular types of argumentative endeavors. To improve argumentative practice by way of education or otherwise, argumentation must therefore be studied in a diversity of institutionalized and non-institutionalized contexts, ranging from the formal context of law to the informal context of a conversation with friends. In the practical component, pragma-dialecticians put their philosophical, theoretical, analytical and empirical insight to good use in developing methods for improving argumentative practice while taking account of circumstantial diversity. Because of its emphasis on furthering an awareness of the prerequisites for resolving differences of opinion and stimulating a discussion-minded attitude, the pragma-dialectical approach to the improvement of argumentative practice can be characterized as *reflection-minded*.

8.3 Four Meta-Theoretical Premises Serving as Methodological Principles

In carrying out the pragma-dialectical research program, argumentation is approached with four meta-theoretical premises. These basic premises serve as methodological principles in their concern about how one ought to set about studying argumentation. They constitute a basis for integrating the descriptive dimension of the study of argumentation with the normative dimension.[5]

First, *functionalization*. Argumentation is usually studied as a structure of logical derivations, psychological attitudes or epistemic beliefs rather than a complex of

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[5]The metatheoretical premises are for the first time explained in (van Eemeren and Grootendorst 1984).

verbal (and non-verbal) acts that have a specific communicative function in a context of disagreement. As a result, argumentation is often described in purely structural terms, not only in formal and informal logical approaches, but also in studies of fallacies and practical argumentation. Such structural descriptions tend to ignore the functional rationale of the design of the discourse. The general function of argumentation is managing disagreement. It arises in response to, or anticipation of, a difference of opinion, and the lines of justification chosen in argumentative discourse are contrived to resolving the difference. The study of argumentation should therefore concentrate on the function of argumentation in the verbal management of disagreement.

Second, *socialization*. Especially in approaches concentrating on reasoning, argumentation is usually seen as the expression of individual thought processes. The central question then becomes assessing whether and how the elements that constitute the reasoning hold together in order to validate the arguers position. But argumentation does not consist in a single individual privately drawing a conclusion and it is not put forward in a social vacuum. It is part of a communication process whereby two or more individuals who have a difference of opinion try to arrive at an agreement. Argumentation presupposes two distinguishable discussion roles, that of a protagonist of a standpoint and that of a—real or projected—antagonist. It reflects the collaborative way in which the protagonist in the fundamentally dialogical interaction responds to the questions, doubts, objections, and counterclaims of the antagonist. This is why argumentation should be put in the social context of a process of joint problem solving.

Third, *externalization*. To find out whether or not their opinions will be accepted, people put their standpoints by way of their argumentation to certification, submitting their reasoning to public scrutiny. Channeled by a system of public commitment and accountability, the beliefs, inferences and interpretations that underlie argumentation are expressed or projected in the discourse. Whereas the motives people have for holding a position might be different from the grounds they offer and accept in its defense, what they can be held committed to is the position they have expressed in the discourse, whether directly or indirectly.[6] For that reason, all efforts to reduce argumentation to a structure of attitudes and beliefs or a chain of reasoning are inadequate. Rather than speculating about the psychological dispositions of the people involved in argumentation, the study of argumentation should concentrate on their commitments as externalized in, or externalizable from, the way in which they have expressed themselves in a certain context and on the consequences these commitments have for the process of argumentation.[7]

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[6]This does not mean that it is not important to find out to what extent and in which ways internal reasoning and external argumentation diverge, but this research can only be carried out methodically if the two concepts are kept separate.

[7]The principle of externalization is at odds with those rhetorical approaches that explain the effectiveness of argumentation by referring, without any further ado, to the presumed psychological states of arguers and their audiences.

Fourth, *dialectification*. Argumentation is appropriate for resolving a difference of opinion only if it is capable of accommodating the relevant critical reactions of the antagonist. Discourse and conversation analysts generally restrict themselves to describing argumentation as it occurs, without any regard for how it ought to occur if it is to be appropriate for resolving a difference of opinion. A theory of argumentation, however, must be attentive to critical standards for assessing a discussion aimed at resolving a difference of opinion. This can be achieved by considering argumentation to be subjected to a dialectical procedure for resolving differences of opinion that is problem-valid as well as intersubjectively valid. The problem-validity of a procedure for conducting a critical discussion depends on how efficient and efficacious it is in furthering the resolution of a difference of opinion and excluding fallacious moves; its inter-subjective validity depends on its acceptability to the parties involved.[8] To transcend a merely descriptive stance, argumentative discourse should therefore be viewed from the perspective of a dialectical procedure for critical discussion that is valid in both respects.[9]

8.4 The Model of a Critical Discussion

In pragma-dialectics, externalization, socialization, functionalization, and dialectification of argumentation is realized by systematically combining pragmatic and dialectical insight. Functionalization is achieved by making use of the fact that argumentative discourse occurs through—and in response to—speech act performances. Identifying the complex speech act of argumentation and the other speech acts involved in resolving a difference of opinion makes it possible to specify the

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[8]This terminology was introduced by Barth and Krabbe (1982, pp. 21–22). In their usage, a discussion procedure that fulfills these requirements may claim 'problem solving validity' and '(semi-)conventional validity'. Semi-conventional validity amounts to intersubjective validity. A series of empirical experiments were carried out to test the inter-subjective acceptability of the critical normativity encapsulated in the pragma-dialectical rules (van Eemeren and Garssen 2002; van Eemeren and Meuffels 2002; van Eemeren et al. 2000). The results provide insight in ordinary language users reasonableness conceptions, their consistency, and the social, cultural and other differences between them. They also provide an empirical basis for developing pedagogically adequate textbooks. O'Keefe (2002) makes clear that a normative ideal, in this case argumentative explicitness, may also be persuasively effective.

[9]According to Wenzel (1979, p. 84), a dialectical approach views argumentation as a 'systematic management of discourse for the purpose of achieving critical decisions' Its purpose is to establish how discussions should be carried out systematically in order to critically test standpoints. To avoid the dangers of absolutism (or skepticism) and relativism, a dialectical procedure for critical discussion that agrees with a 'critical' philosophy of reasonableness incorporates both the product-oriented and process-oriented approaches to argumentation based on the 'geometrical' (logical) and the 'anthropological' (rhetorical) philosophies of reasonableness. For these philosophies, see Toulmin (1976).

relevant identity conditions and correctness conditions of these speech acts.[10] In this way, for instance, a specification can be given of what is 'at stake' in advancing a certain 'standpoint', so that it becomes clear what the 'disagreement space' is and how the argumentative discourse is organized around this context of disagreement.[11] Socialization is achieved by identifying who exactly take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. By extending the speech act perspective to the level of interaction, it can be shown in which ways positions and argumentation in support of positions are developed. Externalization is achieved by identifying the specific commitments that are created by the speech acts performed in a context of argumentative interaction.[12] Rather than being treated as internal states of mind, in a speech act perspective notions such as 'disagreement' and 'acceptance' can be defined in terms of discursive activities. 'Acceptance', for instance, can be externalized as giving a preferred response to an arguable act. Finally, dialectification is achieved by regimenting the exchange of speech acts aimed at resolving a difference of opinion in a model of a perfect critical discussion. Such an idealized modeling of the systematic exchanges of resolution-oriented verbal moves, defines the nature and distribution of the speech acts that play a part in resolving a difference of opinion.

The pragma-dialectical model of a critical discussion is a theoretically motivated system for resolution-oriented discourse. Although the model is an abstraction, rather than merely serving as a Utopian ideal, it should provide people who wish to resolve their differences by means of argumentative discourse with vital guidance for their conduct.[13] The model must be constructed in such a way that it can serve not only as a paradigm for systematic reflection upon ones active oral and written participation in argumentative discourse, but also, and even more so, as a point of reference in analyzing and evaluating argumentative discourse. In addition, it can be a standard for guiding the methodical improvement of argumentative practice.

When developing a model of a critical discussion, one first needs to realize that resolving a difference of opinion is not identical with settling a dispute—the point of settling a dispute merely being that a difference of opinion is brought to an end.[14] A difference of opinion is resolved only if the parties involved have reached

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[10]For a definition of argumentation as a complex speech act, see van Eemeren and Grootendorst (1984, pp. 39–46; 1992, pp. 30–33); for the speech act of advancing a standpoint, see Houtlosser (1994); for the distinction between identity conditions and correctness conditions, see van Eemeren and Grootendorst (1992, pp. 30–31).

[11]The term disagreement space was introduced in Jackson (1992, p. 261).

[12]A kindred approach to argumentation in which commitments as well as other basic concepts of pragma-dialectics also play a crucial role is Walton and Krabbe (1995).

[13]In spite of their different philosophical roots, Habermas's (1971) ideal speech situation and the ideal model of a critical discussion are in some respects similar. In pragma-dialectics, however, instead of viewing communication as aimed at achieving consensus, intellectual doubt and criticism are seen as the driving forces of progress, and should lead to a continual flux of opinions.

[14]A dispute may also be settled by relying on the arbitration of a third party, such as an umpire, a referee or a judge, but then it has not really been resolved.

agreement on whether or not the disputed opinion is acceptable. This means that one party has either been convinced by the other party's argumentation, or the other party, realizing that its arguments cannot stand up to the first party's criticisms, withdraws the standpoint.[15] This is why a dialectical procedure designed for methodically resolving differences of opinion is a crucial part of the pragma-dialectical model of a critical discussion.

In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether or not these standpoints are defensible against doubt or criticism. The dialectical procedure for conducting a critical discussion is in the first place a method for exploring the acceptability of standpoints. In a critical discussion, the protagonist and the antagonist of a particular standpoint try to establish whether this standpoint, given the point of departure acknowledged by the parties, is tenable in the light of critical responses.[16] To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion should not deal only with inference relations between premises and conclusions (or concessions' and standpoints'), but cover all speech acts that play a part in examining the acceptability of standpoints. In pragma-dialectics, the concept of a critical discussion is therefore given shape in a model that specifies all the various stages the resolution process has to pass and all the types of speech acts that are instrumental in any of these stages.

8.5 Stages in Resolving a Difference of Opinion

The stages that are to be distinguished analytically in the process of resolving a difference of opinion correspond with the different phases an argumentative discourse must pass through, albeit not necessarily explicitly, in order to be resolve a difference of opinion. Ideally, the discussion starts with a confrontation stage, in which a difference of opinion manifests itself through an opposition between a standpoint and non-acceptance of this standpoint. In real argumentative discourse, this stage corresponds with those parts of the discourse where it becomes clear that there is an opinion that coincides with—real or projected—doubt or contradiction, so that a (potential) disagreement arises. If there is no confrontation of views, then there is no need for critical discussion.

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[15]A critical discussion reflects the Socratic dialectic ideal of rational testing of any conviction, not only of statements of a factual kind but also of normative standpoints and value judgments (Albert 1975). Starting from the fallibility of all human standpoints, critical rationalists elevate the methodological concept of critical testing to the guiding principle of problem-solving.

[16]In accordance with their critical rationalist philosophy, dialecticians place great emphasis on the consequence of the fact that a proposition and its negation cannot both be acceptable at the same time. The testing of standpoints is thus equated with the detection of inconsistencies (Albert 1975, p. 44).

In the opening stage of a critical discussion, the initial commitments—procedural, substantive, or otherwise—of the participants in the dispute are identified and it is decided who will act as protagonist or antagonist. A protagonist undertakes the obligation to defend the standpoint at issue while an antagonist assumes the obligation to respond critically to this standpoint and the protagonist's defense.[17] This stage is manifest in those parts of the discourse where the parties express themselves as such and explore whether there is sufficient common ground. If there is no such opening for an exchange of views, having a critical discussion does not make sense.

In the argumentation stage a protagonist of a standpoint methodically defends this standpoint against critical responses of the antagonist. If the antagonist is not yet wholly convinced of all or part of the protagonist's argumentation, he or she elicits new argumentation from the protagonist, and so on. As a consequence, the protagonist's argumentation can vary from very simple to extremely complex, and the argumentation structure' of the one argumentative discourse may be much more complicated than that of the next.[18] The argumentation stage is gone through in those parts of the discourse in which one party adduces arguments to overcome the other party's doubts, and the other party reacts. If there is no argumentation and no critical appraisal of argumentation, there is no critical discussion and the difference of opinion will remain unresolved.

In the concluding stage the protagonist and the antagonist of a standpoint determine whether the protagonist's standpoint has been successfully defended against the critical responses of the antagonist. If the protagonist's standpoint has to be withdrawn, the dispute is resolved in favor of the antagonist; if the antagonist's doubts have to be retracted, it is resolved in favor of the protagonist. If the parties do not draw any conclusions about the result of their attempts to resolve a difference of opinion, no successful completion of a discussion has been reached. A completion of a critical discussion that is successful, however, does not preclude that the same parties embark upon a new discussion. This new discussion may relate to a completely different difference of opinion, but also to an altered version of the same difference, while the discussion roles of the participants may switch or remain the same. In any event, the new discussion that then begins must again go through the same stages—from confrontation to conclusion.

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[17]The role of antagonist may coincide with that of protagonist of another—contrary—standpoint, but this need not be so. Expressing doubt regarding the acceptability of a standpoint is not necessarily equivalent with adopting a contrary standpoint of one's own. If the latter is the case, the difference of opinion is no longer 'non-mixed', but 'mixed' (van Eemeren and Grootendorst 1992, pp. 13–25).

[18]For an analysis of how different types of argumentation structures can come into being, see Snoeck Henkemans (1992).

8.6   Distribution of Speech Acts in a Critical Discussion

Which speech acts can contribute in the various stages of a critical discussion to the resolution of a difference of opinion? To answer this question, it is useful to distinguish between five basic types of speech acts that can be performed in argumentative discourse.[19] When pointing out the roles that several types of speech acts can fulfill in resolving a difference of opinion it is important to emphasize, right from the start, that in argumentative discourse a great many speech acts are performed implicitly or indirectly, so that a certain role in a critical discussion may be fulfilled by different speech acts. We shall return to this subject when we explain analysis as reconstruction.

A first type of speech acts consists of the assertives. The prototype is an assertion by which the speaker or writer guarantees the truth of the proposition being expressed: "I assert that Chamberlain and Roosevelt never met." Assertives, however, not only relate to the truth of propositions but also to their acceptability in a wider sense ("Baudelaire is the best French poet"). Assertives are, for instance, denying and conceding. In a critical discussion, assertives can express a standpoint at issue, be part of argumentation in defense of a standpoint, and establish a conclusion ("I can maintain my standpoint"). The commitment to a proposition expressed in an assertive may vary from strong, as in the case of an assertion or statement, to fairly weak, as in a supposition.

A second type of speech acts consists of the directives. The prototype is an order, which requires a special position of the speaker or writer vis-à-vis the listener or reader: "Come to my room" can only be an order if the speaker is in a position of authority, otherwise it is a request or an invitation. A question is a special form of request: it is a request for a verbal act—the answer. Other examples of directives are forbidding, recommending, and challenging. Not all directives can play a role in a critical discussion: their role consists in challenging the party that has advanced a standpoint to defend this standpoint or in requesting argumentation to support a standpoint or (part of an) argumentation. A critical discussion does not allow for unilateral orders and prohibitions.

A third type of speech acts consists of the commissives. These are speech acts by means of which the speaker or writer undertakes a commitment vis-à-vis the listener or reader to do something or refrain from doing something. The prototype is a promise: "I promise you I won't tell your father". The speaker or writer can also undertake commitments about which the listener or reader may be less enthusiastic: "I guarantee that if you walk out now you will never set foot in this house again." Other commissives are accepting, rejecting, undertaking, and agreeing. In a critical discussion, commissives fulfill a series of roles: (not) accepting a standpoint, (not) accepting argumentation, accepting the challenge to defend a standpoint, deciding to start a discussion, agreeing to take on the role of protagonist or antagonist, agreeing on the rules of discussion, and deciding to begin a new

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[19]This typology is largely based on Searle (1979, pp. 1–29).

discussion. Some of the required commissives, such as agreeing on the rules, can only be performed in cooperation with the other party.

A fourth type of speech acts consists of the expressives. By means of such speech acts the speaker or writer expresses his or her feelings about something by thanking someone, revealing disappointment, and so on. There is no single prototypical expressive. Joy is expressed in "I'm glad to see you're quite well again" and hope is echoed by "I wish I could find such a nice girl friend". Other expressives include commiserating, regretting, and greeting. In a critical discussion, expressives, as such, play no constitutive role.[20]

A fifth type of speech acts consists of the declaratives. The performance of these speech acts creates a reality by calling a particular state of affairs into being. If an employer addresses an employee with the words "You're fired", he is not just describing a state of affairs but the words actually make a reality. Declaratives are usually bound to a specific institutionalized context in which certain people are qualified to perform a certain declarative: "I open the meeting" only works if you are the chair.[21]

8.7 Analysis as Reconstruction

For various reasons, argumentative reality does not always resemble the ideal of a critical discussion. According to the ideal model, for example, in the confrontation stage antagonists of a standpoint must state their doubts clearly and unambiguously, but in practice doing so can be 'face-threatening' for both parties so that they have to operate circumspectly.[22] Analyzing argumentative discourse pragma-dialectically amounts to interpreting the discourse from the theoretical perspective of a critical discussion. Such an analysis is pragmatic in viewing the discourse as essentially an exchange of speech acts; and dialectical in viewing this exchange as a methodical attempt to resolve a difference of opinion. A pragma-dialectical analysis is aimed at reconstructing all those, and only those, speech acts that play a potential part in bringing a difference of opinion to a conclusion. In accomplishing a systematic analysis the ideal model of a critical discussion is a valuable tool. By pointing out which speech acts are relevant in the various stages of the resolution process the model has the heuristic function of indicating which speech acts need to be considered in the reconstruction.

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[20]This does not mean that they cannot affect the course of the resolution process: sighing that you are unhappy with the discussion, expresses your emotions, which distracts the attention from the resolution process.

[21]Due to their dependence on the authority of the speaker or writer in a certain institutional context, declaratives can sometimes lead to a settlement of a dispute.

[22]Expressing doubt may also create a potential violation of the 'preference for agreement' that governs normal conversation. See Heritage (1984, pp. 265–280), Levinson (1983, pp. 332–336), van Eemeren Grootendorst et al. (1993, Chap. 3).

Van Eemeren et al. (1993) further developed the analytical component of pragma-dialectics in *Reconstructing Argumentative Discourse*. They emphasize that it is crucial that the reconstructions proposed in the analysis are indeed justified. The reconstructions should be faithful to the commitments that may be ascribed to the participants on the basis of their contributions to the discourse.[23] In order not to 'over-interpret' what seems implicit in the discourse, the analyst must be sensitive to the rules of language use,[24] the details of the presentation, and the contextual constraints inherent in the speech event concerned. So as to go beyond a naïve reading of the discourse, empirical insight concerning the way in which oral and written discourse are conducted will be beneficial.[25] The analyst's intuitions can thus be augmented by the results of (qualitative and quantitative) empirical research.[26]

In practice, the first question always is whether, and to what extent, an oral or written discourse is indeed argumentative. Sometimes the discourse, or part of it, is explicitly presented as argumentative.[27] Sometimes it is not, even though it clearly has an argumentative function. There may also be cases in which the discourse is clearly not argumentative—or at least not primarily. The most decicisve demarcation criterion is whether or not argumentation is advanced, so that the discourse is, at least partially, aimed at overcoming the addressee's—real or projected—doubt regarding a standpoint. A discourse can only be justifiably analyzed as argumentative, albeit not necessarily in toto, if, whether directly or indirectly, the complex speech act of argumentation is performed.

8.8 An Analytic Overview of Argumentative Discourse

In order to make it possible to evaluate argumentative discourse in a responsible way, an analytic overview is required of all elements in the discourse that are relevant to resolving a difference of opinion. Achieving such an overview is

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[23]Only in exceptional cases, when interpreting a move as a potential contribution to the resolution process is the only charitable option left, an unsupported reconstruction may be warranted 'for reason's sake'. See van Eemeren and Grootendorst (2004, Chap. 5).

[24]An integration of the Searlean speech act conditions and the Gricean conversational maxims in a set of 'rules of language use' is proposed in van Eemeren and Grootendorst (1992, pp. 49–55), (2004, Chap. 4).

[25]See, e.g., Jackson and Jacobs (1980, 1981, 1982, 1983).

[26]For a brief survey of the various approaches to the analysis of discourse and their empirical basis, see van Eemeren et al. (1993, pp. 50–59).

[27]Even a discourse that is clearly argumentative will in many respects not correspond to the ideal model of a critical discussion—or at least not directly and complete.

therefore the aim of the analysis. In an analytic overview the following points need to be attended to:

1. the issues that are at stake in the difference of opinion;
2. the positions the parties adopt and their procedural and material starting points;
3. the arguments explicitly or implicitly advanced by the parties;
4. the argumentation structure of the complex of arguments advanced in defense of a standpoint;
5. the argument schemes used in the individual arguments to justify a standpoint.

The terms and concepts referred to the components of an analytic overview, such as unexpressed premise, argumentation structure and argument scheme, are defined from a pragma-dialectical perspective.[28] In dealing with unexpressed premises, for instance, first a differentiation is made between the 'logical minimum', i.e., the 'associated conditional' ('if premise, then conclusion'), and the 'pragmatic optimum', i.e., a further specification or generalization of the associated conditional justified by the context and other relevant pragmatic considerations.[29] And in analyzing the argumentation structure, the multiple, coordinative and subordinate structures that are distinguished are associated with different kinds of responses to the critical questions the arguer anticipates, or responds to, when supporting a standpoint.[30] In turn, these critical questions are associated with the argument schemes that are used: they depend on whether the individual arguments and standpoints are connected by means of a causal, symptomatic or comparison relation.[31]

The elements included in an analytic overview are immediately relevant to the evaluation of argumentative discourse. If it is unclear what the difference of opinion is, there is no way of telling whether the difference has been resolved. If it is unclear which positions the parties have adopted, it will be impossible to tell in whose favor the discussion has ended. If implicit or indirect reasons and standpoints are not taken into account, crucial arguments may be overlooked and the evaluation is inadequate. If the structure of argumentation in favor of a standpoint is not exposed, it cannot be judged whether the arguments put forward in defense of the standpoint constitute a coherent and proper whole. If the argument schemes employed in supporting the various standpoints and sub-standpoints are not recognized, it cannot be determined whether the links between the individual arguments and the standpoints are equal to criticism.

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[28]At an introductory level these terms and concepts are explained in van Eemeren et al. (2002). See also van Eemeren and Grootendorst (1992); van Eemeren (2001).

[29]For the analysis of unexpressed premises, see van Eemeren and Grootendorst (1992, pp. 60–72).

[30]For a discussion of the argumentation structures, see van Eemeren and Grootendorst (1992, pp. 73–89).

[31]For a discussion of the argument schemes, see van Eemeren and Grootendorst (1992, pp. 94–102).

8.9 Analytic Transformations in Reconstructing Argumentative Discourse

Generally, in argumentative discourse much remains implicit. Not only is there seldom any mention of the discussion rules or all the common starting points, but also other structural aspects of the resolution process are generally not indicated.[32] Because they are considered self-evident, but also for less honorable reasons, certain indispensable elements of the resolution process are often left unexpressed, including the exact nature of the disagreement, the division of roles, the relation between the arguments put forward in defense of a standpoint, the way in which the premises are supposed to support the standpoint, and even some of the premises. These elements usually are, sometimes in disguise, concealed in the discourse and need to be recovered in the analysis.

A reconstructive analysis of argumentative discourse as favored in pragma-dialectics entails a number of specific analytic operations that are instrumental in identifying the elements in the discourse that play a part in resolving a difference of opinion. Each type of transformation represents a particular way of reconstructing part of the discourse in terms of a critical discussion.[33] The transformations are analytic tools for the externalization of participant commitments that are to be taken into account in an evaluation of the merits and demerits of the discourse. Due to the transformations, the discourse as it is written down or transcribed from a tape and the discourse that is reconstructed may differ in several respects. Depending on the transformations that are carried out, these differences can be characterized as resulting from deletion, addition, permutation, or substitution.

The transformation of deletion entails identifying elements in the discourse that are not relevant to resolving the difference of opinion, such as immaterial interruptions and sidelines, and omitting these elements in the analysis. Any dysfunctional repetitions that merely repeat the same message are also omitted. This transformation amounts to the removal of information that is redundant, superfluous, or otherwise irrelevant to the resolution goal.

The transformation of addition entails a process of completion. This transformation consists in supplementing the discourse as it is explicitly presented with those elements that are left implicit but are immediately relevant to the resolution of the dispute. Addition amounts to making elliptical elements and presuppositions explicit and supplementing moves that are not made explicitly in the text but are

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[32]The implicit and unclear way in which the various stages of a critical discussion often appear in argumentative discourse, distorted and accompanied by diversions, should neither give rise to the premature conclusion that the discourse is deficient nor to the superficial conclusion that the ideal model of critical discussion is not realistic. The former is contradicted by pragmatic insight concerning ordinary discourse, the latter by dialectical insight concerning resolving differences of opinion. See van Eemeren and Grootendorst (1984, Chap. 4, 1992, Chap. 5; van Eemeren et al. 1993, Chap. 3).

[33]See van Eemeren et al. (1993, Chap. 4).

necessary for the discourse to make sense, such as the implicit arguments that are usually called unexpressed premises.

The transformation of permutation entails ordering and rearranging elements from the original discourse in such a way that the process of resolving the difference of opinion is set down as clearly as possible. In a pragma-dialectical analysis, the elements that are directly relevant to the resolution of the difference are recorded in the order that is most appropriate for the evaluation of the discourse. Unlike a descriptive record, the analysis need not necessarily follow the order of events in the discourse. Sometimes, the actual chronology can be retained; sometimes a rearrangement is called for to portray the resolution process. Overlap between different stages of a critical discussion is readjusted, just as anticipatory moves and references to earlier phases of the discourse. In this endeavor, confrontational elements that in the discourse are postponed until the conclusion are moved to the confrontation stage and argumentative moves that are advanced ruing the confrontation are put in their proper place in the argumentation stage.

The transformation of substitution involves an attempt to produce an explicit and clear presentation of the elements that are potentially instrumental in resolving the difference of opinion. Ambiguous or vague formulations are replaced by well defined and more precise standard phrases, giving elements that fulfill exactly the same function in the discourse but are phrased differently the same formulation. Different formulations of the same standpoint, for instance, are recorded in the same way and rhetorical questions that function as standpoints or arguments are noted as such. This process of translating elements from the discourse into standard phrases amounts to substituting pre-theoretical formulations of colloquial speech with formulations that are theoretically meaningful in the technical language of pragma-dialectics.

In analytic practice, these reconstruction transformations are often carried out together in a cyclic process. For example, in reconstructing certain non-assertive speech acts as indirect standpoints, both the transformations of substitution and addition are carried out: a directive may thus first be reconstructed as an indirect assertive by means of the substitution transformation and then its communicative function of a standpoint is explicitly added by means of the addition transformation. Because it may become clear after a transformation has been carried out that some other transformation is also required and justified, the reconstruction process is recurrent and the analysis can be said to have a cyclic character.

For an illustration of the use of transformations in cases of indirectness, we take a closer look at the transformations of by means of substitution and addition. In speech act theory, it is a recognized fact that in ordinary discourse the communicative function—or, as Searle calls it, 'illocutionary force'—of a speech act is not, as a rule, explicitly expressed. In many cases, this does not present much of a problem. The listener or reader is often directed to the desired interpretation by means of verbal indicators such as 'since' or 'therefore'. In the absence of such indicators the verbal and nonverbal context usually provide sufficient clues. Indirectness, however, can pose a problem. The following piece of discourse is an example:

Let's take a cab. You don't want to be late for the show, do you?

In a resolution-oriented reconstruction the analyst would without any doubt say that this is argumentation, but where is the standpoint and what constitutes the argumentation? The standpoint is to be found in the first sentence, the second contains the argumentation. At first sight, however, the first speech act has the communicative function of a proposal, the second speech act that of a question. How can the attribution of the function of a standpoint to the first sentence, and that of argumentation to the second, be justified?

As speech act theory indicates, performing a proposal presupposes that the speaker believes it to be a good proposal. According to the correctness conditions for the performance of a proposal, the speaker wants the proposal to be accepted by the listener; otherwise it would be pointless. One way to get the proposal accepted would be to show that it is in the listener's interest. By asking rhetorically whether the listener wants to be late for the show, the speaker indirectly provides a possibly conclusive reason: The speaker knows very well that the listener does not want to be late (assuming the unexpressed premise that not taking a cab would cause this unwanted effect). By adding the rhetorical question to the proposal, the speaker tries to resolve a potential dispute in advance. This explains how his proposal can be transformed into the standpoint that it is wise to take a cab, and his rhetorical question into the argument that otherwise they will be late for the show (which is undesirable).[34] This reconstruction should suffice to show the merits of a pragmatic perspective in helping to get the transformations of substitution and addition carried out properly. Without speech act theory, no satisfactory analysis can be given.

8.10   Rules for Critical Discussion

In pragma-dialectics, the critical norms of reasonableness authorizing the speech acts performed in the various stages of a critical discussion are accounted for in a set of dialectical rules. Taken together, the model and the rules constitute a theoretical definition of a critical discussion. In a critical discussion, the protagonists and the antagonists of the standpoints at issue not only go through all four stages of the resolution process, but they must also observe in every stage all the rules that are instrumental in resolving a difference of opinion.[35] The dialectical procedure

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[34]There is a difference between these two cases in the degree of 'conventionalization'. The rhetorical question is, as such, highly conventionalized, whereas the indirectness of the proposal is not. Only in a well-defined context indirectness can be easily detected and correctly interpreted. See van Eemeren and Grootendorst (1992, pp. 56–59).

[35]If the rules of the pragma-dialectical discussion procedure are regarded as first order conditions for having a critical discussion, the internal conditions for a reasonable discussion attitude can be viewed as 'second order' conditions relating to the state of mind the discussants are assumed to be in. In practice, people's freedom to satisfy the second order conditions is sometimes limited by psychological factors beyond their control, such as emotional restraint and personal pressure.

proposed by van Eemeren and Grootendorst in *Speech Acts in Argumentative Discussions* (1984) states the rules that are constitutive for a critical discussion in terms of the performance of speech acts.[36] They cover the entire argumentative discourse by stating all the norms that are pertinent to resolving a difference of opinion, ranging from the prohibition to prevent each other from expressing any position one wishes to assume in the confrontation stage, to the prohibition to generalize the result of the discussion in the concluding stage.

Proposing an ideal model with rules for critical discussion may lead to running the risk of being identified with striving for an unattainable utopia. The primary function of the pragma-dialectical model, however, is a different one. By systematically indicating what the rules for conducting a critical discussion are, the model provides those who want to fulfill the role of reasonable discussants with a series of guidelines. Though formulated on a higher level of abstraction and based on a clearly articulated philosophical ideal, they may be to a great extent identical to the norms the discussants would like to see observed anyway.

The pragma-dialectical rules for critical discussion that are to be followed in order to conduct the discussion effectively are to be judged for their capacity to serve this purpose well—their 'problem-validity'. In order for the rules to be of practical significance, they must also be intersubjectively acceptable—so that they can acquire 'conventional validity'.[37] The claim that these rules are acceptable is neither based on metaphysical necessity nor derived from any external authority or sacrosanct origin, but rests on their effectiveness when applied in resolving a difference of opinion. Because the rules have been drawn up to promote the resolution of differences of opinion, assuming that they are correctly formulated, they should be acceptable to anyone who has that aim in view. Viewed philosophically, the rationale for accepting the rules can therefore be characterized as pragmatic.

What sort of people will be willing to provide conventional validity to the discussion rules? They will be people who accept doubt as an integral part of their way of life and use criticism toward themselves and others to solve problems by trial and error. They use argumentative discourse as a means to detect weaknesses

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(Footnote 35 continued)

There are also external, 'third order' conditions that need to be fulfilled in order to be able to conduct a critical discussion properly. They relate to the social circumstances in which the discussion takes place and pertain, for instance, to the power or authority relations between the participants and the discussion situation. Together, the second and third order conditions for conducting a critical discussion in the ideal sense are higher order conditions for resolving differences of opinion. Only if these conditions are satisfied critical reasonableness can be fully realized in practice.

[36]An improved version of the pragma-dialectical rules for critical discussion is to be found in van Eemeren and Grootendorst (2004, Chap. 6).

[37]The notions 'problem-validity' and 'conventional validity', based on insight developed by Crawshay-Williams (Crawshay-Williams 1957), are introduced by Barth and Krabbe (1982). In van Eemeren and Grootendorst (1988a, b, 1992) an account is given of the problem-validity of the pragma-dialectical rules; their inter-subjective validity was examined (and to a great extent confirmed) in a series of experimental tests.

in viewpoints regarding knowledge, values and objectives, and eliminate these weaknesses where possible.[38] It should be borne in mind that the primary aim of a critical discussion is not to maximize agreement but to test contested standpoints as critically as possible.[39]

The pragma-dialectical procedure for conducting a critical discussion is too technical for immediate use in ordinary practice. For practical purposes, based on the critical insight expressed in this procedure, a code of conduct has therefore been developed for people who want to resolve their differences of opinion by means of argumentation. This code of conduct consists of ten basic requirements for reasonable behavior, profanely referred to as the Ten Commandments. I restrict myself here to presenting the succinct recapitulation of the rules for critical discussion given in the Ten Commandments.

8.11   The Ten Commandments of Critical Discussion

The first commandment of the code of conduct is the freedom rule: Discussants may not prevent each other from advancing standpoints or from calling standpoints into question.

Commandment 1 is designed to ensure that standpoints, and doubt regarding standpoints, can be expressed freely. A difference of opinion cannot be resolved if it is not clear to the parties involved that there actually is a difference and what this difference involves. In argumentative discourse the parties must therefore have ample opportunity to make their positions known. In this way, they can make sure that the confrontation stage of a critical discussion is properly completed.

The second commandment is the obligation to defend rule: Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so. Commandment 2 is designed to ensure that standpoints that are put forward and called into question are defended against critical attacks. A critical discussion remains stuck in the opening stage and the difference of opinion cannot be resolved if the party who has advanced a standpoint is not prepared to fulfill the role of protagonist of this standpoint.

The third commandment is the standpoint rule: Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party. Commandment 3 is primarily designed to ensure that attacks—and consequently defenses by means of argumentation—relate to the standpoint that is indeed advanced by the protagonist. A difference of opinion cannot be resolved if the

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[38]Such people, being opposed to protectionism of viewpoints and the immunization of any kind of standpoint against criticism, will reject all fundamentalist 'justificationism' (Letztbegründung). In taking this view, pragma-dialectics connect with formal dialectics as developed by Barth and Krabbe (1982).

[39]See Popper (1971, Chap. 5, note 6).

antagonist criticizes a different standpoint and the protagonist defends a different standpoint.

Commandment 4 is the relevance rule: Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint. Commandment 4 is designed to ensure that the defense of standpoints takes place only by means of relevant argumentation. The difference of opinion that is at the heart of an argumentative discourse cannot be resolved if the protagonist advances arguments that do not pertain to the standpoint or resorts to rhetorical devices in which pathos or ethos take the place of logos.[40]

Commandment 5 is the unexpressed premise rule: Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises. Commandment 5 ensures that the antagonist can examine every part of the protagonist's argumentation critically—also those parts that have remained implicit in the discourse. A difference of opinion cannot be resolved if the protagonist tries to evade the obligation to defend elements that he or she has left implicit, or if the antagonist misrepresents an unexpressed premise, for example, by exaggerating its scope.

Commandment 6 is the starting point rule: Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point. Commandment 6 is intended to ensure that when standpoints are attacked and defended, the starting points of the discussion are used in a proper way. Neither may something be presented as an accepted starting point if it is not, nor may it be denied that something is an accepted starting point if in fact it is. Otherwise it is impossible for a protagonist to defend a standpoint conclusively —and for an antagonist to attack that standpoint successfully—on the basis of commitments that can be viewed as concessions made by the other party.

Commandment 7 is the validity rule: Reasoning that in an argumentation is presented in an explicit and complete way may not be invalid in a logical sense. It is possible for antagonists and protagonists to determine whether the standpoints defended do indeed follow logically from the argumentation that is advanced only if the reasoning that is used in the argumentation is indeed verbalized in full. Commandment 7 is designed to ensure that protagonists who reason explicitly in resolving a difference of opinion use only reasoning that is valid in a logical sense.[41] When the reasoning is valid, the defended standpoint follows logically from the premises that are used, explicitly or implicitly, in the protagonist's argumentation. If not every part of the reasoning is fully expressed, commandment 7 does not apply.

Commandment 8 is the argument scheme rule: Standpoints may not be regarded conclusively defended if the defense does not take place by means of appropriate

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[40]This does not mean that advancing argumentation cannot be combined with, or even include, the use of pathos and ethos, or that relevant arguments cannot be suggested by, or implied in, apparently irrelevant arguments. For an overview of (the history of) classical rhetoric, and an explanation of the role of logos, ethos and pathos, see Kennedy (1994).

[41]What is meant by 'valid in a logical sense' depends on the logical theory that is used.

argument schemes that are applied correctly. Commandment 8 is designed to ensure that standpoints can indeed be conclusively defended if the protagonist and the antagonist agree on a method to test the soundness of the types of arguments that are used and are not part of the common starting point.[42] This implies that they must examine whether the argument schemes that are used are admissible in the light of what has been agreed upon in the opening stage, and whether they have been correctly fleshed out in the argumentation stage.

Commandment 9, bearing on the concluding stage, is the concluding rule: Inconclusive defenses of standpoints may not lead to maintaining these standpoints and conclusive defenses of standpoints may not lead to maintaining expressions of doubt concerning these standpoints. Commandment 9 is designed to ensure that in the concluding stage the protagonists and the antagonists correctly ascertain the result of the discussion. A difference of opinion is resolved only if the parties are in agreement that the defense of the standpoints at issue has been successful or has not been successful.

The tenth and last commandment is the general language use rule: Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations. Problems of formulation and interpretation can occur in any stage of a critical discussion. Commandment 10 is designed to ensure that misunderstandings arising from unclear, vague or equivocal formulations are avoided. A difference of opinion can only be resolved if each party makes a real effort to express its intentions as accurately as possible in a way that minimizes the chances of misunderstanding. Equally, a difference of opinion can only be resolved if each party makes a real effort not to misinterpret any of the other party's speech acts. Problems of formulation or interpretation may otherwise lead to a pseudo-difference or to a pseudo-solution.

8.12   Fallacies as Counterproductive Moves in Resolving Disagreement

A pragma-dialectical evaluation of argumentative discourse is aimed at determining the extent to which the various speech acts performed in the discourse are instrumental in resolving a difference of opinion. In order to achieve this goal, the evaluation needs to make clear which discussion moves hinder or obstruct a critical discussion. When an analytic overview has been compiled on the basis of a justified reconstructive analysis, a suitable point of departure has been created for such an evaluation of the discourse.

In principle, each of the pragma-dialectical discussion rules constitutes a distinct standard or norm for critical discussion. Any move constituting an infringement of

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[42]See van Eemeren and Grootendorst (1992, 94–102).

any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore (in this particular sense) be regarded as fallacious.[43] The use of the term 'fallacy' is then systematically connected with the rules for critical discussion and a fallacy is defined as a discussion move that violates in some specific way a rule for critical discussion applying to a particular discussion stage.

This approach to the fallacies, fleshed out by van Eemeren and Grootendorst (1992) in *Argumentation*, *Communication*, *and Fallacies*, offers an alternative to the Standard Treatment of the fallacies that was criticized devastatingly by Hamblin (1970).[44] Rather than considering the fallacies as belonging to an unstructured list of nominal categories that happen to have been inherited from the past or considering all fallacies as violations of one and the same (validity) norm, the pragma-dialectical approach differentiates a functional variety of norms. Depending on the rule that has been violated, a series of other norms than logical validity are taken into account. In this way, many of the traditional fallacies can be characterized more clearly and consistently, while 'new' fallacies are identified that went earlier unnoticed.

8.13 Violations of the Code of Conduct for Critical Discussion

When it comes to the detection of fallacies, a pragma-dialectical analysis proceeds in a number of steps. An utterance must first be interpreted as a particular kind of speech act performed in a context of discourse aimed at resolving a difference of opinion. Then it must be determined whether the performance of this speech act agrees with the rules for critical discussion. If the speech act proves to be a violation of any of the norms pertaining to a particular stage of the resolution process, the kind of violation must be typified by determining which specific criterion for satisfying the norm that has not been met.

The freedom rule (1) can be violated—in the confrontation stage—in various ways, both by the protagonist and the antagonist. A party can impose certain restrictions on the standpoints that may be advanced or called into question; a party can deny an opponent the right to advance a certain standpoint or to criticize a certain standpoint. Violations of the first kind mean that particular standpoints are declared sacrosanct or that some standpoints are in fact excluded from discussion. Violations of the first kind are directed at the opponent personally and aim at eliminating the opponent as a serious discussion partner. This may be done by

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[43]The pragma-dialectical identification of fallacies is always conditional. An argumentative move may be regarded as a fallacy only if the discourse is correctly viewed as aimed at resolving a difference of opinion.

[44]For an overview of the pre-Hamblin and post-Hamblin theoretical approaches to the fallacies, see (van Eemeren).

putting pressure on the opponent, threatening that person with sanctions (argumentum ad baculum), or by playing on the opponent's feelings of compassion (argumentum ad misericordiam), but also by discrediting the opponent's expertise, impartiality, integrity or credibility (argumentum ad hominem).

The obligation to defend rule (2) can be violated—in the opening stage—by the protagonist by evading or shifting the burden of proof. In the first case, the protagonist attempts to create the impression that there is no point in calling the standpoint into question, and no need to defend it, by presenting the standpoint as self-evident by giving a personal guarantee of the correctness of the standpoint (variant of argumentum ad verecundiam) or by immunizing the standpoint against criticism. In the last case, the protagonist challenges the opponent to show that the protagonist's standpoint is wrong (variant of argumentum ad ignorantiam) or that the opposite standpoint is right.

The standpoint rule (3) can be violated—in all stages—by the protagonist or the antagonist. In a discussion about a mixed difference of opinion they can do so by imputing a fictitious standpoint to the other party or distorting the other party's standpoint (straw man). The first effect can be achieved by emphatically advancing the opposite as one's own standpoint or by creating an imaginary opponent; the second by taking utterances out of context by oversimplification (ignoring nuances or qualifications) or by exaggeration (making something absolute or generalizing).

The relevance rule (4) can be violated—in the argumentation stage—by the protagonist in two ways: by putting forward argumentation that does not refer to the standpoint advanced in the confrontation stage (irrelevant argumentation or ignoratio elenchi); second, by defending a standpoint using non-argumentative means of persuasion. Playing on the emotions of the audience (variant of argumentum ad populum) and parading one's own qualities (variant of argumentum ad verecundiam) are examples. If the audience's positive or negative emotions (such as prejudice) are exploited, pathos replaces logos. For this reason, such violations of the relevance rule are sometimes called pathetic fallacies. If protagonists attempt to get their standpoints accepted by the opponent because of their authority in the eyes of the audience due to their expertise, credibility, integrity, or other qualities, ethos replaces logos; for this reason, such violations of the relevance rule are sometimes called ethical fallacies.

The protagonist can violate the unexpressed premise rule (5)—in the argumentation stage—by denying an unexpressed premise, and the antagonist can violate the same rule by distorting an unexpressed premise. In denying an unexpressed premise ("I never said that"), the protagonist in effect tries to evade the responsibility assumed in argumentation by denying a commitment to an unexpressed premise that is correctly reconstructed as such. Antagonists are guilty of the fallacy of distorting an unexpressed premise if they have produced a reconstruction of a protagonist's unexpressed premise that goes beyond the 'pragmatic optimum' to which the protagonist can actually be held, given the verbal and nonverbal context.

The starting point rule (6) can be violated—in the argumentation stage—by the protagonist's falsely presenting something as a common starting point or by the

antagonist's denying a premise representing a common starting point. By falsely presenting something as a common starting point, the protagonist tries to evade the burden of proof; the techniques used for this purpose include falsely presenting a premise as self-evident, enveloping a proposition in a presupposition of a question (many questions), concealing a premise in an unexpressed premise, and advancing argumentation that amounts to the same thing as the standpoint (petitio principii, also called begging the question or circular reasoning). By denying a premise representing a common starting point, the antagonist denies the protagonist the opportunity to defend his or her standpoint ex concessis, which is a denial of a conditio sine qua non for all successful argumentation.

The validity rule (7) can be violated—in the argumentation stage—by the protagonist in a variety of ways. Some cases of logical invalidity occur regularly and are often not immediately recognized. Among them are confusing a necessary condition with a sufficient condition (or vice versa) in arguments with an 'If …, then …'-premise (affirming the consequent, denying the antecedent). Other violations amount to erroneously attributing a (relative or structure-dependent) property of a whole to its constituent parts or vice versa (fallacies of division and composition).

The argument scheme rule (8) can be violated—in the argumentation stage—by the protagonist by relying on an inappropriate argument scheme or using an appropriate argument scheme incorrectly. The violations can be classified according to the three main categories of argument schemes: symptomatic argumentation of the 'token' type, where there is a relation of concomitance between the premises and the standpoint ("Daniel is an actor [and actors are typically vain], so he is certainly vain"), comparison argumentation of the 'similarity' type, where the relation is one of resemblance ("The measure I would like to take is fair, because the case we had last year was also dealt with in this way [and the one case is similar to the other]", and instrumental argumentation of the 'consequence' type, where the relation is one of causality ("Because Tom has been drinking an excessive amount of whiskey [and drinking too much alcohol leads to a terrible headache], he must have a terrible headache").

Symptomatic argumentation is used incorrectly if, for instance, a standpoint is presented as right because an irrelevant or quasi-authority says so (special variant of argumentum ad verecundiam) or because everybody thinks it is right (populist variant of argumentum ad populum and also a special variant of argumentum ad verecundiam), or if a standpoint is a generalization based upon observations that are not representative or insufficient (hasty generalization or secundum quid). Comparison argumentation is used incorrectly, if, for instance, in making an analogy the conditions for a correct comparison are not fulfilled (false analogy). Finally, instrumental argumentation is used incorrectly if, for instance, a descriptive standpoint is being rejected because of its undesired consequences (argumentum ad consequentiam); a cause-effect relation is inferred from the mere observation that two events take place one after the other (post hoc ergo propter hoc); or it is unjustifiably suggested that by taking a proposed course of action one will be going from bad to worse (slippery slope).

The concluding rule (9) can be violated—in the concluding stage—by the protagonist concluding that a standpoint is true merely because it has been successfully defended (making an absolute of the success of the defense) or by the antagonist concluding from the fact that it has not been proved that something is the case, that it is not the case, or from the fact that something has not been proved not to be the case, that it is the case (making an absolute of the failure of the defense or special variant of argumentum ad ignorantiam). In making an absolute of the success of the defense, the protagonist commits a double error: first, the unjustified status of established fact, the truth of which is beyond discussion, is ascribed to the common starting points; secondly, in doing so, a successful defense is erroneously invested with an objective rather than inter-subjective status. In making an absolute of the failure of the defense, the antagonist commits a double error: first, the roles of antagonist and protagonist are confused; second, it is mistakenly assumed that a discussion must always end in a victory for either a positive or a negative standpoint, so that not having the positive standpoint automatically means adopting the negative standpoint, and vice versa, ignoring the possibility of entertaining a 'zero' standpoint.[45]

The language use rule (10) can be violated—in all stages—by the protagonist or the antagonist by taking undue advantage of unclearness (fallacy of unclearness) or ambiguity (fallacy of ambiguity, equivocation, amphiboly). Various sorts of unclearness can occur: unclearness resulting from the structuring of the text, from implicitness, indefiniteness, unfamiliarity, vagueness, and so on. Again, there are various sorts of ambiguity: referential ambiguity, syntactic ambiguity, semantic ambiguity, and so on. The fallacy of ambiguity is closely related to the fallacy of unclearness; it can occur on its own but also in combination with other fallacies (such as the fallacies of composition and division).

This brief overview may suffice to show that the pragma-dialectical analysis of the traditional fallacies as violations of the rules for critical discussion is more systematic than the Standard Treatment criticized by Hamblin. Instead of being given ad hoc explanations, all the fallacies are understood as falling under one or more of the rules for critical discussion. Fallacies that only were lumped nominally together in the traditional categories are either shown to have something in common or they are clearly distinguished. Genuinely related fallacies that were before separated are brought together. Distinguishing two variants of the argumentum ad populum—one a violation of relevance rule 4, the other of argument scheme rule 8— makes clear, for instance, that these variants are in fact not of the same kind. Analyzing one particular variant of the argumentum ad verecundiam and one particular variant of the argumentum ad populum as violations of the argument scheme rule make clear that these variants are of the same kind when viewed from the perspective of resolving a difference of opinion.

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[45]A 'zero' standpoint occurs in a non-mixed difference of opinion when the other party only has doubts about the acceptability of the standpoint. See van Eemeren and Grootendorst (1992, pp. 13–25).

The analytic overview also reveals that the pragma-dialectical approach makes it possible to identify so far non-recognized and unnamed 'new' obstacles to resolving a difference of opinion: declaring a standpoint sacrosanct (violation of freedom rule 1), evading the burden of proof by immunizing a standpoint against criticism (violation of obligation to defend rule 2) or falsely presenting a premise as self-evident (violation of starting point rule 6), denying an unexpressed premise (violation of unexpressed premise rule 5), denying an accepted starting point (violation of starting point rule 6), falsely presenting something as a common starting point (violation of starting point rule 6), making an absolute of the success of the defense (violation of concluding rule 9), and so on.

8.14   Making Use of Insight in Strategic Maneuvering

However justified it may be to view pragmatics as the modern version of rhetoric, certain attainments of classical rhetoric are then neglected that are vital to the study of argumentation. According to van Eemeren and Houtlosser, the pragma-dialectical method of analyzing and evaluating argumentative discourse can be enriched by a systematic integration of rhetorical insight in the dialectical theoretical framework (van Eemeren and Houtlosser 1997, 1999, 2000a, b, 2002). To remedy the existing separation between dialectic and rhetoric, it is necessary to realize that the two views are not incompatible, but can even be complementary.[46] Generally, in argumentative discourse it is not the arguers' sole aim to conduct the discussion in a reasonable way, but also to win the discussion by having their point accepted. The arguers' rhetorical attempts to have things their way are incorporated in their efforts to realize their dialectical aspiration of resolving the difference of opinion in accordance with the standards pertaining to a critical discussion.

Viewed pragma-dialectically, in argumentative discourse the parties are in every stage of the resolution process out for the optimal rhetorical result at the stage they are going through, but may at the same time be presumed to hold to the dialectical objective of that discussion stage. Thus the dialectical aim of each of the four stages of the resolution process may be taken to have its rhetorical analogue. To reconcile the simultaneous pursuit of these two different aims, the arguers make use of

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[46]Regrettably, in academic practice there is still a yawning conceptual gap and lack of understanding between the protagonists of a dialectical approach and a rhetorical approach. As generally perceived, in Greek Antiquity the difference amounted initially to a division of labor. According to Toulmin (2001), after the 17th century's Scientific Revolution, the division became 'ideological' and resulted in two mutually isolated paradigms, which were regarded incompatible. Rhetoric has become a field of study in the humanities for scholars interested in communication, discourse analysis and literature. Dialectic was first incorporated in the exact sciences and disappeared with the further formalization of logic in the nineteenth century for a long time almost altogether from sight. Until recently, rhetoricians largely ignored the results of dialectical theorizing, and the other way around. The papers in van Eemeren and Houtlosser (2000) are part of an effort to stimulate a rapprochement.

strategic maneuvering aimed at diminishing the potential tension between the two (van Eemeren and Houtlosser 2002). The basic aspects of strategic maneuvering distinguished in pragma-dialectics are: (1) making an expedient selection from the 'topical potential', i.e., the set of available alternatives in a certain discussion stage; (2) adapting one's contribution optimally to 'audience demand', i.e., the specific preferences and expectations of the listener(s) or reader(s); and (3) using the most effective 'presentational devices', i.e., the various stylistic and other verbal and non-verbal means of conveying a message. If the selection results in a concerted succession of moves, in which the choices regarding the three aspects are coordinated, a full-fledged argumentative strategy is used.[47]

A pragma-dialectical analysis can benefit in several respects from using this conception of strategic maneuvering in reconstructing argumentative discourse. Taking the strategic maneuvering into account provides a clearer view of the rhetorical dimension of the discourse, so that a more comprehensive grasp is gained of argumentative reality. Through the more thorough and subtle understanding of the rationale behind the various moves made in the discourse the analysis becomes more profound. And by combining such rhetorical insight with the pragma-dialectical insight already achieved in the reconstruction process, the analysis can be better justified.[48]

8.15 Fallacies as Derailments of Strategic Maneuvering

The strategic maneuvering that takes place in argumentative discourse to maintain the balance between dialectical and rhetorical objectives may sometimes lead to inconsistencies and 'derail'. Such derailments generally coincide with the non-constructive moves in argumentative discourse that are traditionally known as fallacies. One of the crucial problems in detecting fallacies is how sound and fallacious argumentative discourse can be distinguished. In pragma-dialectics, argumentative moves are considered sound if they are in agreement with the rules applying to the stage of a critical discussion in which they are made and fallacious if they violate any of these rules.[49] To be able, however, to determine systematically for all stages of the resolution process whether or not certain argumentative moves

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[47]What the best way of strategic maneuvering is depends in the last instance always on the contextual limits set by the dialectical situation, the audience that is to be persuaded, and the usable linguistic repertoire.

[48]The pragma-dialectical theory as originally developed by van Eemeren and Grootendorst (1984, 1992, 2004) can be seen as a dialectical approach to argumentation that keeps an open eye for rhetorical aspects of argumentative reality by studying argumentative discourse from a pragmatic perspective, but does not explicitly take insight from rhetoric into account.

[49]This approach differs from approaches to the fallacies, such as Biro and Siegel's (1992), Johnson's (2000), that give precedence to—absolute—epistemological considerations, and Willard's (1995), Leff's (2000), that rely on empirical—and relativistic—social considerations.

violate a rule, clear criteria are required for deciding when exactly a certain norm encapsulated in a particular discussion rule has been violated. The concept of strategic maneuvering can be of help in identifying such criteria.

In principle, all the moves made in argumentative discourse are motivated both by the aim of arguing reasonably and the aim of having things one's own way, but these aspirations are not always in perfect balance. On the one hand, speakers or writers may neglect their persuasive interests, e.g., for fear of being perceived as unreasonable; on the other hand, they may neglect their commitment to the critical ideal due to their assiduity to win the other party over to their side. Neglect of persuasiveness will harm the arguer but not the adversary, and is therefore not 'condemnable' as being fallacious. However, if a party allows its commitment to a reasonable exchange of argumentative moves to become overruled by the aim of persuading the other party, the strategic maneuvering derails because the other party becomes the victim and the maneuvering is then condemnable for being fallacious.[50]

Each mode of strategic maneuvering is associated with a certain continuum of sound and fallacious acting and often the demarcation line between the two can only be determined contextually.[51] The criteria for determining fallacious strategic maneuvering can be more fully and systematically determined if we are able to rely on a well-motivated classification of the diverse modes of strategic maneuvering in the various discussion stages. If, for the confrontation stage, for instance, it can be established in which ways the parties may shape the issues on which they differ and the positions they assume to their own advantage, and the modes of strategic maneuvering can be specified that serve certain 'local' and stage-related rhetorical aims, it becomes possible to investigate more precisely which soundness conditions apply. By relating the modes of strategic maneuvering concerned to the dialectical aim of the confrontation stage, appropriate criteria can be established that need to be taken into account in deciding whether or not a particular instance of strategic maneuvering has got derailed and a fallacy has been committed.

To illustrate how the identification of criteria for demarcating fallacious and sound modes of strategic maneuvering may proceed, we take an example from an 'advertorial' in which Shell defends its not pulling out of Nigeria's Liquefied Natural Gas project:

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[50]Because a party who commits a fallacy will at the same time uphold a commitment to complying with the rules of critical discussion, an assumption of reasonableness is conferred on every discussion move (see also Jackson 1995). This assumption is operative even when a particular way of maneuvering violates a certain discussion rule. This explains why fallacies are often not immediately manifest or apparent to others. Echoing the definition of a fallacy criticized by Hamblin (1970, p. 12), one can say that the maneuvering then still 'seems' to obey the rules of critical discussion, although in fact it does not. The approach of fallacies as derailments of strategic maneuvering can thus be of help in explaining the deceptive character of (some of) the fallacies.

[51]There are some specific derailments of strategic maneuvering that can be generally pinned down as clear-cut violations of a certain rule applying to a particular discussion stage, but they are exceptional.

> If we do so now, the project will collapse. […] A cancellation would certainly hurt the
> thousands of Nigerians who will be working on the project, and the tens of thousands more
> benefiting in the local economy. The environment, too, would suffer, with the plant
> expected to cut greatly the need for gas flaring in the oil industry.

Shell chooses its arguments for not pulling out of the project straight from its
opponents' political concerns for the people of Nigeria and the environment, so that
its strategic maneuvering is characterized by the use of conciliatio, i.e., convincing
the other party by exploiting its own views. In view of its opponents' professed
concerns, at the proposition level Shell can be sure of acceptance. But how does the
oil company proceed to ensure the opponents' acceptance of the justificatory
potential of the two arguments for a standpoint that is precisely the opposite of their
own? The company lends support to the view that the arguments of its opponents
have an overriding justificatory potential for its own standpoint by claiming that
there is a causal relation between Shell's pulling out of the project and a deterio-
ration of the human and environmental circumstances. In spite of the use of the
word 'certainly', Shell does not really deter the reader from questioning the sup-
posed causal link, so that it cannot be maintained that a derailment of strategic
maneuvering has actually taken place, and there is no sufficient reason to accuse
Shell of question begging. The use of conciliatio is a derailment of strategic
maneuvering only if it is simply assumed that an argument that has been taken over
has an unquestioning justificatory potential for the standpoint at issue and there is
no room left for criticizing this presupposition.

8.16 Conclusion

In the pragma-dialectical approach, argumentation is studied from a communicative
perspective by means of a comprehensive research program that has a descriptive as
well as a normative dimension. The methodological principles of functionalization,
socialization, externalization and dialectification are realized in the ideal model of a
critical discussion that portrays the distribution of speech acts over the various
stages of the process of resolving a difference of opinion. The rules for critical
discussion pertaining to these speech acts constitute distinct standards for argu-
mentative conduct which can be summarized as a code of conduct for critical
discussion. Any infringement of any of the rules is a possible threat to the resolution
of a difference of opinion and must therefore be regarded as an incorrect discussion
move, which can be analyzed as a fallacy. The problem validity of the rules is
judged, pragmatically, by their theoretical contribution to the resolution of a dif-
ference of opinion. In order to be effective, however, the rules must also be
intersubjectively acceptable to those people who wish to resolve their differences by
means of argumentative discourse. The intersubjective validity of the rules has been
tested empirically by experiments aimed at determining systematically the extent to
which they agree with the norms favored by ordinary language users when eval-
uating argumentative discourse. The pragma-dialectical method for analyzing

argumentative discourse involves a systematic reconstruction of the discourse that results in an analytic overview containing all aspects of the discourse that are pertinent to the resolution of a difference of opinion. A recent crucial step in the development of this method was the introduction of the notion of strategic maneuvering, which referes to the perennial balancing between pursuing at the same time a resolution-minded dialectical objective and the rhetorical objective of having one's own position accepted. In the future, examining strategic maneuvering will no doubt lead to more refined and more thoroughly justified analyses. It will also lead to a better evaluation of derailments of strategic maneuvering. The criteria needed for identifying and evaluating potentially fallacious maneuvering must be determined in relation with the specific context in which the maneuvering takes place.

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Chapter 9
The Pragma-Dialectical Theory of Argumentation Under Discussion

Frans H. van Eemeren

9.1 The Pragma-Dialectical Theory of Argumentation

When Rob Grootendorst and I started studying argumentation in the early 1970s, we were in the first place interested in developing methods for enhancing the quality of argumentative practices: the ways in which people in argumentative reality justify their views in communication with others and respond to the justifications of views given by others. It was our intention to examine argumentation both from a communicative perspective, inspired by pragmatic insights from speech act theory and discourse analysis, and from a critical perspective, inspired by dialectical insights from critical rationalism and dialogue logic (van Eemeren and Grootendorst 1984). By integrating descriptive and normative insights, our 'pragma-dialectical' approach should systematically combine a commitment to empirically adequate description with a critical normative stance. Our master plan for developing this approach involved progressing step by step from an abstract model of normatively ideal argumentative discourse to the intricacies of argumentative practices in argumentative reality.[1]

In order to clarify what is involved in resolving a difference of opinion on the merits by means of argumentative discourse, we developed an ideal model of a 'critical discussion'. In a critical discussion, the parties attempt to reach in a reasonable way agreement about the acceptability of the standpoints at issue by finding out, starting from certain mutually accepted premises, whether or not these standpoints are tenable against critical doubt and other criticisms. The model specifies the various stages that are to be distinguished in the resolution process and the speech acts constituting the argumentative moves instrumental in each of these stages. It serves heuristic and analystic functions in dealing with interpretation problems arising in argumentative discourse. It also serves a critical function in the

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[1]This paper is based on a text I wrote in preparation of a chapter of the *Handbook of Argumentation Theory* that I am co-authoring with Bart Garssen, Erik C.W. Krabbe, A. Francisca Snoeck Henkemans, Bart Verheij, and Jean Wagemans (2014).

assessment of argumentative discourse by providing in a set of rules for critical discussion the norms necessary for determining whether the discourse is conducive to resolving a difference of opinion on the merits. These rules range from the Freedom Rule, prohibiting either party from preventing the other from expressing any position this party wishes to take, to the Concluding Rule, prohibiting either party from misrepresenting the result of the discussion. Any violation of any of the rules for critical discussion, in whatever stage it occurs, amounts to making an argumentative move that is an impediment to the resolution of a difference of opinion on the merits and is therefore fallacious in this sense. In this way, the use of the term *fallacy* is systematically connected with the rules for critical discussion (van Eemeren and Grootendorst 1992, 2004).[2]

Departing from the model of a critical discussion, the pragma-dialectical theorizing has developed gradually and methodically from the analytic level of abstract idealization to the concrete level of the manifold practices of argumentative discourse.[3] At the end of the twentieth century, Peter Houtlosser and I set about to strengthen the connection of pragma-dialectics with argumentative reality in a crucial way by including an account of the 'strategic design' of argumentative discourse in the theorizing (van Eemeren and Houtlosser 2002a; van Eemeren 2010). To explain the strategic design of argumentative discourse, next to the dimension of *reasonableness* predominant in the pragma-dialectical 'standard theory', the dimension of *effectiveness* needed to be incorporated in the 'extended' theorizing. As our starting point, we took the 'argumentative predicament' that in real-life argumentative discourse aiming for effectiveness and aiming for reasonableness always may considered to go together—in every argumentative move. Because of the tension inherent in pursuing these two objectives simultaneously, 'strategic manoeuvring' is required to keep the balance.[4] If arguers neglect in their pursuit of effectiveness their commitment to reasonableness and violate a rule for critical discussion, their strategic manoeuvring 'derails' into fallaciousness (van Eemeren 2010, p. 198).

Strategic manoeuvring does not take part in an idealized critical discussion but in the multi-varied communicative practices that have developed in argumentative reality. Therefore, in the extended theory the institutionally determined conventionalizations of the various 'communicative activity types' that have established themselves in the various macro-contexts of communicative activity, varying from medical consults to political interviews and academic book reviews, are duly taken

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[2]The fact that the rules for critical discussion are capable of dealing with the defective argumentative moves distinguished in the Standard Treatment of the fallacies (Hamblin 1970) is viewed as a test of their 'problem(-solving) validity' (van Eemeren and Grootendorst 1994). For experimental empirical research of the intersubjective accceptability that lends the rules for critical discussion 'conventional valdity,' see van Eemeren et al. (2009).

[3]In van Eemeren et al. (2007), for instance, with the help of the notion of 'dialectical profiles' indicators of argumentative moves are identified that are used in argumentative reality.

[4]Adopting the notion of strategic manoeuvring means adding a rhetorical dimension to the theoretical framework of p ragma-dialectics (van Eemeren 2010).

into account (van Eemeren 2010, pp. 129–162). To realize their 'institutional point', communicative activity types are conventionalized in accordance with the specific demands ensuing from the communicative needs instigated by the institutional exigencies of a certain communicative domain (van Eemeren 2010, pp. 139–145). When a communicative activity type is inherently, essentially or predominantly argumentative (or happens to be crucially argumentative in a particular case), an *argumentative characterization* of the communicative activity type will be worthwhile. Such a characterization of the particular way in which in a specific communicative activity type the argumentative ambit is substantiated, depending on the conventional requirements that must be fulfilled in realizing its institutional point, can be provided with the help of the model of a critical discussion. Taking the stages of a critical discussion as the point of departure, four focal points can be identified that need to be taken into account in an argumentative characterization of their empirical counterparts in contextualized argumentative discourse: the *initial situation*, the *starting points*, the *argumentative means and criticisms*, and the *outcome*.[5]

Because they impose extrinsic constraints on the argumentative discourse, thus determining the 'institutional preconditions' for strategic manoeuvring, the institutional point and conventionalization of the communicative activity type in which the argumentative discourse takes place need to be taken into account in the analysis and evaluation. An argumentative characterization of the communicative activity type constitutes the appropriate point of departure for tracing the preconditions for strategic manoeuvring methodically. Depending on the specific conventionalization of a particular communicative activity type, certain modes of strategic manoeuvring will be regarded suitable or not suitable to realizing its institutional point. As a consequence, the possibilities for strategic manoeuvring may vary to some extent from the one communicative activity type to the other—which will affect the analysis as well as the evaluation. The general aim pursued in empirical pragma-dialectical research of the various communicative practices is to find out to what extent the possibilities for strategic manoeuvring are determined by institutional constraints and to discover the *argumentative patterns* of argumentation structures and argument schemes that are prototypically displayed in a certain communicative activity type.

9.2 The Reception of the Pragma-Dialectical Theory

In carrying out their ambitious research programme, the pragma-dialecticians have not only met praise and approval, but also criticism and objections. In an essay in which he differentiates between the "Pragma-Dialectical theory of argumentation"

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[5]Using a critical discussion in all cases as the point of reference in the characterization not only ensures a consistent and coherent appreciation of the argumentative dimension of communicative activity types, but also creates unity in comparing between communicative activity types.

developed by van Eemeren and Grootendorst and "a pragma-dialectical approach,"[6] Blair (2006) nicely illustrates how virtually every aspect of the pragma-dialectical theory can be (and often has become) a bone of contention. As stands to reason, the critical responses that have been advanced almost invariably start from the critic's own views of argumentation and the way argumentation theory is to develop. Unlike pragma-dialecticians, some scholars—as a rule starting from English usage—seem to consider the terms *argumentation* and *argument* as virtually synonymous. They tend to give 'argumentation' a broader meaning than using argument to convince others in a reasonable way of the acceptability of a standpoint. As a consequence, they also tend to have a different view of the desired scope of argumentation theory than the pragma-dialecticians. Usually they want its scope to be wider and more diffuse, but there are also critics who make it narrower and more specific. Next to having an eye for the peculiarities of scholarly competition, understanding these basic differences between the starting points seems to me the crux to appreciating a great many of the criticisms.

In discussing the criticisms I first mention some comments regarding the dialectical and pragmatic dimensions of the pragma-dialectical theory. Next I concentrate on critics who argue for an extension of the scope of the theorizing because they think something is lacking in pragma-dialectics. Then I pay attention to critical responses regarding the rhetorical dimension of the theory and its moral quality. Subsequently I concentrate on criticisms pertaining to the pragma-dialectical treatment of the fallacies. In closing this chapter I turn to critics who want argumentation theory to concentrate on dealing with epistemic claims—thus narrowing the scope of the theorizing.

As a preliminary it should be noted that Tindale (1999, p. 47) has correctly observed that regularly the criticisms of the pragma-dialectical approach are based on a misunderstanding of the theory. He mentions, for instance, the mistaken belief that the pragma-dialectical perspective is concerned "only with verbal dialogue" in the sense of dialogues conducted orally.[7] Sometimes interpretations are given that are certainly not intended by the pragma-dialecticians and often critics are not aware of other aspects of the theory pertinent to an adequate appreciation of the points they are criticizing. All the same, most responses to pragma-dialectics have been constructive, and only a few seem to amount to an outright rejection.[8]

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[6]Dissociating 'a pragma-dialectical approach' to argumentation from 'Pragma-Dialectics' as the theoretical enterprise of those who have coined the term is in our view just as awkward as it would be to dissociate 'a new rhetoric approach' to argumentation from the 'New Rhetoric' of Perelman and Olbrechts-Tyteca. The term *normative pragmatics*, which van Eemeren (1986, 1990) introduced as a general label, is a more suitable starting point for further differentiations.

[7]In a review of Johnson (2000), van Rees (2001) signals and corrects a whole series of misunderstandings of pragma-dialectics; that it is concerned only with spoken and not with written arguments being just one of them, and that it is concerned only with dialogic and not with monologic discourse another one.

[8]Woods (2006) seems a case in point, but in other publications (e.g., Woods 2004) this critic's conclusions are in the end more positive.

9.3 The Dialectical and Pragmatic Dimensions of the Pragma-Dialectical Theory

Defining both dialectic and pragmatic in a way different way from how they are defined in pragma-dialectics, Harald Wohlrapp judges the theory neither enough dialectic nor enough pragmatic (2009, pp. 41–42).[9] Finocchiaro (2006), on the other hand, characterizes the pragma-dialectical approach as 'hyper dialectical': every argument is viewed as a means to overcome some form of doubt or criticism. In this hyper dialectical view, Johnson's (2000) 'dialectical tier' is both necessary and sufficient to have an argument. Johnson's (logical) 'illative tier' is in pragma-dialectics integrated in the dialectical whole (p. 57). According to Finocchiaro, the analyses carried out by the pragma-dialecticians undeniably support their theory that all arguments conform to the hyper dialectical conception. Whether they are indeed "better and more enlightening" than other analyses still needs to be shown (p. 56).

Hansen (2003) observes that in pragma-dialectics the dialectical rule for the burden of proof (Obligation to Defend Rule) has a purely methodological status and that there seems to be no role for presumptions. In a response, Houtlosser (2003) points out that there is no need to add a rule stating that "If p is part of the common starting points, then presumptively p," because even without such a rule these starting points function as presumptions. In van Eemeren and Houtlosser's (2002b, 2003) view, presumption rests with everything that is part of the pragmatic *status quo*, so that the agreed upon starting points representing the interactional relationship between the parties have in fact a similar function as presumptions.

In 'On pragma-dialectic's appropriation of speech act theory' Fred J. Kauffeld discusses the pragmatic dimension of pragma-dialectics.[10] In van Eemeren and Grootendorst's view speech act theory needed to be amended considerably and Kauffeld acknowledges that in their theory a "very serious modification of Searle's views" has been made (2006, p. 151). In his opinion, however, on the matter of whether illocutionary acts are constituted by conventions the pragma-dialecticians "do not go far enough" (2006, p. 152). According to Kauffeld, their definition of conventions as dependent on regularity, expectation and preference obscures that there are two distinct routes arguers can take in incurring normative commitments: by conforming in agreement with a procedural mandate to practices which are mutually agreeable because they solve communication and interaction problems (as the pragma-dialecticians have in mind), but also by undertaking commitments "to generate presumptions which provide addressees with reason to act in ways which are desired by the speaker" (2006, p. 159). Unfortunately, it is not really clear to me what the latter point involves and how it affects the pragma-dialectical view.

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[9]According to Wohlrapp (2009, p. 41), linguistic pragmatics is insufficient and Popper hardly understood anything of dialectic (2009, p. 41). Wohlrapp also regrets that pragma-dialectics does not account for differences of 'frames' (but see van Eemeren 2010, pp. 126–127).

[10]Bermejo-Luque (2011, pp. 58–72) also tackles the pragmatic dimension of pragma-dialectics, but Andone (2012) points out the weaknesses of Bermejo-Luque's claims.

9.4   The Need for Extensions of the Scope of the Pragma-Dialectical Theorizing

Some authors urging for extensions of the scope of the theorizing emphasize that in practice argumentation—or argument!—can also have other functions than resolving a difference of opinion on the merits (e.g., Goodwin 1999; Garver 2000, p. 307; Hample 2003, p. 465).[11] Goodwin emphasizes that some politicians who advanced 'argumentation' in Congress said explicitly that they did not want to convince, and mentions 'explaining' as one of the functions of 'argumentation', which is a different function of 'argument' than 'argumentation' has in the pragma-dialectical use of this term. They are right, of course, and the pragma-dialecticians have always acknowledged this. However, the question is to what extent these other functions need to be taken into account in a theory of argumentation. The answer to this question depends not only on whether the scope of argumentation theory is defined as resolving differences of opinion on the merits or in some broader way, but also on whether the other goals that are pursued are inherent in argumentation, may go together with advancing argumentation, are parasitic on argumentation, or are perhaps only incidentally connected with argumentation.

Similar issues of scope and inclusion arise concerning the role that emotion and cognition play in argumentative discourse. Gilbert (2005), who promotes 'coalescent arguing', would like pragma-dialectics to move closer towards consensualism. He argues that the pragma-dialectical model is susceptible to the required interpretation in emotional terms, provided that certain changes are made.[12] Dale Hample also thinks that more systematic research needs to be done regarding the "emotional trajectory of arguing" (2003, p. 463). He agrees with Gilbert (1997) that coalescent arguing acknowledges the other's goals in a constructive manner (p. 445). According to Hample, a 'climate' may be cooperative, and lead to coalescent arguing, or competitive, and lead to threats and eristic arguing. In his view, most conflicts involve a mix of motives and hold out the possibility of "either competitive or cooperative behaviors" (2003, p. 453). This either-or division goes against the pragma-dialectical view that the resolution of differences of opinion involves in principle, to put it bluntly, a bit of both. Hample also draws attention to social and psychological factors that play a part in the production and reception of ordinary argumentation (2003, p. 465). Referring to the pragma-dialectical principle

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[11]As her discussion of the Gulf Debate in American Congress makes clear, Goodwin (1999) uses the term *argumentation* in the general sense of 'argument'. Her tentative definition of argumentation as "showing" that a standpoint is acceptable and her reference to the terms *demonstrare* and *apodeixis* confirm this reading.

[12]Gilbert suggests "moving away from the abstract to the actual, from the ideal to the real" (2001, p. 7). Although he presents this as a "continuation" of van Eemeren and Houtlosser's inclusion of the rhetorical dimension of argumentation, what he seems to have in mind is something different: to continue by considering certain terminological and conceptual categories from pragma-dialectics merely as heuristic distinctions.

of externalization (Hample 2007),[13] he concludes that pragma-dialecticians are not interested in such factors. Too hastily, since this does not follow from the principle and the understanding of argumentative moves has in fact been a focus of attention in pragma-dialectical empirical research (e.g., van Eemeren et al. 1989).

According to Bonevac (2003), pragma-dialectics is dynamic, context-sensitive, multi-agent and takes the construction of a theory of fallacies as an explicit goal, but some fruitful new directions can be suggested in which pragma-dialectics might develop. He points out that in defending a position against a variety of opponents, as often happens in a political context, a number of constraints must be met. van Rees (2003) responds that this problem is dealt with in pragma-dialectics by considering such cases as differences of opinion with more than one antagonist, so that the protagonist is at the same time involved in more than one discussion. In response to Bonevac's suggestion to construe fallacies as defeasible arguments relying on reasonable default principles but applied in circumstances in which there are undercutting or overriding considerations, van Rees explains that these considerations are taken up in the critical questions associated with the pragma-dialectical Argument Scheme Rule. She confirms that the pragma-dialecticians agree with Bonevac that to implement the general norms incorporated in the rules for critical discussion precise criteria need to be formulated for the various fallacies.

9.5 The Rhetorical Dimension and Moral Quality of the Pragma-Dialectical Theory

A complaint Kock (2007) issues against pragma-dialectics and other approaches to argumentation making use of insights from rhetoric is that they do not recognize that rhetoric is essentially about deliberation over policy options.[14] Pragma-

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[13]The principle of externalization promotes concentrating on traceable commitments in the analysis and evaluation of argumentative discourse (see 10.). Application of this principle also creates an appropriate starting point for the examination of the cognitive processes involved in the production, perception and appreciation of these commitments. For methodological reasons pragma-dialecticians are reluctant to amalgamate argumentation theory completely with psychology, sociology, epistemology, communication theory or any other discipline belonging to its intellectual resources.

[14]In spite of the fact that generally rhetoricians themselves associate rhetoric primarily with aiming forb effectiveness (see van Eemeren 2010, pp. 66–80), Kock (2007) criticizes the tendency among argumentation theorists to define "rhetorical" argumentation in this way. Arguers "speaking for opposite choices," he also observes, are not "obliged" to resolve their difference of opinion. However, if they aim to convince others of their position their argumentation must be aimed at resolving a difference of opinion with the audience they want to convince (which need not necessarily coincide with the opponents they address). Kock ignores that choosing from different options involves expressing a preference for a certain decision and that political argumentation is as a rule aimed at convincing others of the preferred option.

dialectics, however, takes explicitly into account that argumentation may pertain to 'practical' standpoints involving choices of action between two or more alternatives. The theory is designed to apply equally to argumentative discourse about descriptive standpoints involving a claim to epistemic acceptability, evaluative standpoints involving moral or esthetic judgments, and prescriptive standpoints pertaining to action choices. Since rhetorical insights can be put to good use in all these cases, the scope of rhetoric is in the pragma-dialectical view not limited to the genre of deliberation and is therefore wider than Kock seems to think.

Another complaint, voiced by Hohmann (2002, p. 41) but felt more broadly by rhetoricians, is that by adopting the pragma-dialectical approach rhetoric may become the "handmaiden" of dialectic. However, far from subsuming all of rhetoric, in pragma-dialectics insights from rhetoric are only used in so far as they are of help in the analysis and evaluation of strategic manoeuvring. The scope of rhetoric is, of course, much broader, and utilizing certain rhetorical insights for this specific purpose in a dialectical framework of analysis leaves rhetoric as such untouched. The independent status of rhetoric as a discipline is just as little affected by it as the integrity of mathematics is affected by the use of mathematical insights in physics, economics and other disciplines.

In line with the rhetorical interest in *vir bonus* and 'civil society', Frank (2004) connects argumentation with "moral action" (p. 267). Pragma-dialectics he calls "hostile to the rhetorical tradition" (p. 278).[15] In a more constructive vein, Gerber (2011) criticizes "ethical deficiencies" in 'rationalist' approaches to argumentation such as pragma-dialectics and suggests a "corrective" based on the theories of American pragmatists such as Dewey. In Gerber's view, "pragma-dialectic methodology runs the risks of amorality [such as the advocacy of "undemocratic goals" (p. 25)] because arguments are deemed 'good' as long as they meet the goals of the speaker, regardless of what these goals or purposes may be" (p. 22).[16]

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[15]In a moralistic and confused essay, in which he claims that Perelman "recognized the defining characteristic of totalitarian thought: the absolute commitment to the 'cold logic' of deductive reasoning" (p. 270), Frank (2004) reacts in the first place to criticisms in the handbook *Fundamentals of argumentation theory* (van Eemeren et al. 1996) and its predecessors of some aspects of Perelman and Olbrechts-Tyteca's new rhetoric.

[16]Leaving aside the wrong and extremely rhetorical description of their soundness standard, and the fact that pragma-dialecticians in fact actively promote the democratic cause (e.g., van Eemeren 2002, 2010, pp. 2–4), the use of 'good' is misleading, because pragma-dialecticians, being argumentation theorists, concentrate explicitly and exclusively on the argumentative quality ('soundness') of advocacy, not on other qualities 'good' may refer to.

9.6   Criticisms Pertaining to the Pragma-Dialectical Treatment of the Fallacies

The theoretical approach to the fallacies proposed in pragma-dialectics was warmly welcomed by Douglas Walton, who considered the new conception of the fallacies "light years ahead" of the idea of seeming validity adhered to in the Standard Treatment (1992, p. 265). According to Walton (1991b), the pragma-dialectical approach was the first big step to serious research concerning the fallacies.[17] Next to applause, however, there were also serious criticisms. Some of them deserve closer inspection.

In discussing the criticisms, I start from David Botting's observation that, "we can compare one system of rules against another according to their problem-validity, i.e., their capacity to prevent fallacies" (2010, p. 432). As for problem-validity, we have contrasted the pragma-dialectical treatment of the fallacies with the Standard Treatment and the Woods-Walton approach (van Eemeren 2010, pp. 190–192). As for conventional validity—an additional requirement for practical application of the theory that Botting does not mention—we have determined by means of experimental research to what extent the standards of reasonableness incorporated in our rules are in agreement with the judgments of ordinary arguers, because conventional validity depends on intersubjective acceptability (van Eemeren et al. 2009).[18]

Since the fallacies examined in the Standard Treatment are discussed there precisely because they are clear cases of faulty argumentation, it stands to reason that in some way or other they will also be dealt with in pragma-dialectics, just as pertinent analytical observations and proposals for criteria for deciding about fallaciousness discussed in other approaches may be expected to return.[19] To achieve its aim of covering all fallacies that are impediments to resolving a difference of

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[17]In a more critical vein, Walton (2007) plays down the empirical scope of the pragma-dialectical theory by portraying a 'critical discussion' as just one of the many dialogue types (or communicative activity types) used in argumentative reality, thus ignoring its status of a theoretical construct applying to all of them. See for the scope of pragma-dialectics, e.g., van Eemeren (Ed. 2009), and for a critical response to Walton, Garssen (2009, pp. 187–188).

[18]In van Eemeren (2010) I have summarized the pragma-dialectical position regarding the two dimensions of validity: "Granting that 'conventional validity' based in intersubjective agreement is indeed a prerequisite for reaching a conclusive judgment concerning the acceptability of argumentative moves, I would like to emphasize that, because of its overriding importance, determining their 'problem-solving validity' should come first" (p. 137). In agreement with this hierarchy, Tindale reaches in his discussion of the criticisms against pragma-dialectics eventually also the conclusion that "it is these rules (or the observance of them) which guarantee the reasonableness of the proceedings. So perhaps all along we have only needed to recognize these rules as the necessary objective conditions" (1999, p. 61). "The rules", he acknowledges, "should have priority over the agreement of the discussants" (p. 62).

[19]This answers Tindale's observation that, "in the shift to the new concept", the pragma-dialecticians "appear to bring the old criteria of the traditional fallacies with them" (1999, p. 55).

opinion on the merits, in the pragma-dialectical approach all relevant fallacies distinguished traditionally (such as those discussed in Hamblin 1970) need to be treated and all relevant theoretical insights available (such as those discussed in Woods and Walton 1989) need to be taken into account.

Against this background, the objections are to be valued which have been advanced against the pragma-dialectical theory of fallacies by John Woods. In *The Death of Argument* Woods (2004) calls pragma-dialectics "a widely reputed theory that has some distinctive things to say about the fallacies" (p. 151) and devotes three chapters to a comparison of the Woods-Walton perspective on the fallacies and van Eemeren and Grootendorst's "rival" perspective (2004, p. 149). Woods recognizes from the start the crucial importance van Eemeren and Grootendorst assign to the requirement of problem-validity, involving that the rules of conflict-resolution be "rationally satisfying rules" and that "the arguments accepted by the parties be good arguments, and those they reject be bad" (2004, p. 158).[20] His objections concern some of the starting points of the pragma-dialectical theorizing.

According to Woods (1991), the pragma-dialecticians blur the distinction between separate fallacies because they point out that different fallacies belong to the same category if they involve violations of one and the same standard, i.e., discussion rule, of the various standards of reasonableness pertaining to a critical discussion.[21] He does not acknowledge that, because they are recognized as *different kinds of violations* of a discussion rule, the fallacies concerned remain in fact just as separate as they were in the Standard Treatment (where all fallacies are in fact viewed as violations of one and the same standard of reasonableness—logical validity—and some of them are seen as belonging to a broader category of fallacies, such as the 'fallacies of relevance'). The distinction between fallacies which are different kinds of violations of the same standard is not affected by the pragma-dialectical effort to provide a systematic overview of the ways they are related to each other from the viewpoint of resolving a difference of opinion on the merits.

Another bone of contention is the extent to which the various fallacies have an "objective" existence independent of any argumentation theory. Woods and Walton

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[20]Tindale (1999), who reaches on several points conclusions which do justice to the pragma-dialectical position, also recognizes the importance of problem-validity. It is indeed hard to imagine how one could embark on examining the fallacies from a normative perspective without having some kind of 'etic' approach, involving external critical norms, because in an 'emic' approach argumentative moves which are acceptable to the participants in the discussion do not require any further reflection as to their possible "fallaciousness". See van Eemeren et al. (1993, pp. 50–51).

[21]As a case in point, Woods (2004) claims erroneously that "the *pragma-dialectical* construal makes of *ad baculum*, *ad hominem* and *ad misericordiam* […] the same fallacy" (p. 156). He also observes that this construal of the traditional fallacies provides "brief caricatures straight out of the Standard Treatment" (p. 159, pp. 178–179), without mentioning that van Eemeren and Grootendorst precisely aim to show that pragma-dialectics can, in principle, accommodate the fallacies distinguished in the Standard Treatment.

take the view, which Woods qualifies as "conceptual realism" (2004, p. 161), that the fallacies are already "out there" and are part of the arguer's conceptual tool kit, so that they represent pre-theoretical categories. In van Eemeren and Grootendorst's view the different types of fallacies can be tracked down only within a theoretical perspective on argumentation in which—this is the pragma-dialectical perspective —hindrances of the process of resolving a difference of opinion on the merits are identified. In the latter view, the various kinds of fallacies represent in the first place theoretical categories, while they are a "concept-in-use" to Woods and Walton.

Woods does not think that fallacies are theoretical "in the same extreme way that quarks are" (2004, p. 168). In the end, his conclusion is that "van Eemeren and Grootendorst don't think this either" (p. 168). "If fallacies aren't buttercups [Grootendorst's (1987) phrase], that is not to say that they can't be like GNP [Gross National Products], that is, like things having some degree of pre-theoretical conceptual entity which a new theory must not altogether trifle with. The task of the new theory is to characterize the fallacies in innovative and even startling ways, but not in ways that extinguish their traditional identities, or in ways that do so all at once" (p. 168). Woods explains that in moderate versions the theory-dependency of fallacies "restrains the degree of pre-theoretical conceptual purchase which the fallacies need to be assumed to have and thus leaves to theory at least some of the business of determining their character" (p. 169). The virtue of moderate theory-dependency is twofold: "first, it allows for theoretical innovations that genuinely improve fallacy theory without at the same time losing sight of the things that are generally recognizable as fallacies, as the same things, more or less, that our theoretical forbears were wrestling with" (p. 170).

Next to our view of the conceptual status of the fallacies, Woods discusses our idea that it is worthwhile to aim for a "unified account" of the fallacies (2004, p. 155). Whereas van Eemeren and Grootendorst think that it is recommendable to approach all fallacies from the same perspective—in their case the perspective of resolving a difference of opinion on the merits—so that the rationale for calling an argumentative move fallacious is basically the same in all cases, Woods and Walton refer to the 'exemplar theory of concepts', which has it that everyday concepts are represented by users by "separate descriptions of some of their exemplars" (p. 175). Therefore, if this theory is correct for the concept-in-use fallacy, fallacy will not be a unitary concept (p. 175). According to Woods, "the disunification of the fallacies is nothing to complain of" (pp. 176–177). If the exemplary theory is indeed correct, it is "precisely as things should be" (p. 177). In his view, van Eemeren and Grootendorst's unificationist's effort is a response to the challenge "to displace fragmented concepts-in-use with theoretically powerful *stipulations*" (p. 177). In addition, they propose "that the loose fragments of the concept-in-use need not be altogether given up on, but should be given", as they try to do in *Argumentation, Communication, and Fallacies* (van Eemeren and Grootendorst 1992), "a place in the stipulative theory" (p. 177).

To the idea advanced by van Eemeren and Grootendorst that an approach such as that of Woods and Walton and pragma-dialectics can be to some extent combined, Woods responds that Woods and Walton's treatments of the dialectical

fallacies might be thought "especially amendable to unification" (2004, p. 181). In that regard, he mentions that Walton's (1991a) monograph on begging the question achieves, "if only modestly", a unification with certain parts of pragma-dialectics "in ways that facilitate some of Walton's own results" (p. 181). In his view, prospects are less encouraging, perhaps, for other fallacies. At any rate, "the more that *WW* [Woods-Walton] theories can be made to unify, one by one, with *VEG* [the van Eemeren and Grootendorst approach] the less it will be likely that the overall pattern of unification will be one-way" (p. 181).[22]

9.7 Criticisms Pertaining to the Epistemic Dimension of the Pragma-Dialectical Theory

Several critics have correctly observed that over the years certain (minor) changes have been made in the presentation of the pragma-theoretical theory, some having to do with theoretical developments, others with the wish to prevent misunderstandings. Examples of the latter are the occasional insertion, for clarity's sake, of "solving" after "problem" in 'problem-validity' and the addition of the qualification "on the merits" to "resolving a difference of opinion" (which is exactly what "resolving in a reasonable way" in pragma-dialectics means). As Zenker (2007a) and Botting (2010) correctly observe, the Ten Commandments based on the technical rules for critical discussion are in later publications rephrased as "don'ts" to make the critical rationalist character of the pragma-dialectical discussion procedure more transparent.[23] Contrary to what Zenker (2007b) suggests,[24] however, the reversal of the Validity Rule (now Rule 7) and the Argument Scheme Rule (now Rule 8) has nothing to do with distancing pragma-dialectics from 'deductivism',

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[22]Without adding much original reflection of her own, Cummings (2005, p.178) reaches a negative judgment about pragma-dialectics based on the observations made by Woods. Striking in Wreen's (1994) equally negative judgment are the basic assumptions that fallacies are intrinsically connected with inferences (whereas pragma-dialecticians put them in a broader communicative perspective) and have an objective ontological status (whereas pragma-dialecticians view them as impediments to resolving a difference of opinion on the merits whose identification depends on whether one shares this theoretical outlook on the discourse).

[23]As Botting (2010) observes, from an epistemic perspective a critical discussion models "the critical rationalist procedure of conjecture and refutation" (p. 415).

[24]Zenker concludes from his inventory of the (very few) changes the pragma-dialectical rules have undergone in the course of time that the most important material change is "the acknowledgement of non-deductive forms of validity" (2007a, p. 1588). Lumer (2010) asserts that van Eemeren and Grootendorst "originally" proposed "only one type of argumentation, namely deductive argumentation" and "more recently" included "some further argument schemes" (p. 65), "as a way to explain and justify non-deductive arguments" (p. 66). In reality, van Eemeren and Grootendorst distinguish already since 1978 argument(ation) schemes (van Eemeren et al. 1978, p. 20), next to (deductive and non-deductive) logical argument forms (e.g., van Eemeren and Grootendorst 1984, pp. 66–67).

which was never part of pragma-dialectics (Groarke 1995),[25] but reflects the fact that methodically checking the adequacy of the use of argument schemes comes after checking whether the logical validity norm applies—and if the latter is indeed the case it may even be superfluous.

In documenting the changes that have taken part in the pragma-dialectical rules between 1984 and 2004, Zenker (2007a) isolates the rules which, in his view, other argumentation theorists might also adhere to from the other rules. Strangely, he seems to think that commonly accepted rules do not need to be included in the pragma-dialectical system. In spite of the fact that he correctly traces the critical rationalist background of the pragma-dialectical philosophy of reasonableness, by identifying "the consensual part" [whatever he may mean by this] as "the *genuine* PD-part" (p. 1588), Zenker reinforces the mistaken belief that pragma-dialectics is a "consensualist" theory.[26]

While acknowledging that van Eemeren and Grootendorst only claim that with their rules the whole range of classical fallacies can be analysed in a systematic way, Zenker (2007b) observes that "the necessity of the 15 PD-rules is justified exclusively with respect to their fallacy detection potential" ("detection" is not the right word here since the claim is only distinguishing between sound and fallacious argumentative moves). His incoherent conclusion is that it is best "to doubt the claim that the PD-rules are necessary for the resolution of the difference of opinion." When he states next—out of the blue—that the pragma-dialectical rules are "at most" *sufficient*, one fears that he confuses necessary and sufficient conditions.[27]

A basic misunderstanding complicating the discussion of the epistemic criticisms is that pragma-dialectics' philosophical stance against 'justificationism'

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[25]Another critic who accuses pragma-dialectics of "some form of" deductivism is Kock (2003, p. 162).

[26]Another critic who endorses this wrong characterization of pragma-dialectics is Lumer (2010). Botting (2010) indicates which basic characteristic of argumentative exchanges, captured in the model of a critical discussion, is probably the source of the consensualist misconception: a completed critical discussion "ends with consensus" (p. 416). However, in pragma-dialectics an unequivocal result of the process of resolving a difference of opinion is in a critical rationalist vein viewed as being only a temporary state of affairs in an ongoing flux of opinions. Unlike in consensualism, it does not represent a final point with a desired status, but a provisional outcome. See for a continuation of this discussion about the epistemic dimenstion of pragma-dialectics Lumer (2012) and Botting (2012).

[27]Oddly, Zenker (2007b) ends up calling satisfaction of the preliminary higher order conditions "a further necessary condition" for resolving differences of opinion. Ignoring that the pragma-dialecticians were the ones drawing attention to these *preconditions* for a legitimate application of the rules for critical discussion in evaluating the reasonableness of argumentative discourse, he correctly remarks that the nonfulfillment of certain higher order conditions can explain seemingly unreasonable behaviour (see van Eemeren et al. 1993, pp. 30–35). Without considering how far argumentation theorists should go in extending the boundaries of their efforts, he reproaches the pragma-dialecticians for their "apparent laxness" in not specifying the higher order conditions "precisely and exhaustively". It is doubtful whether examining the fulfillment of psychological and socio-political higher order conditions is really a proper task for argumentation theorists.

would equal not allowing for justificationary argumentation in the sense of a positive defence of a standpoint (see Siegel and Biro 2010). However, from the beginning van Eemeren and Grootendorst have included both 'pro' argumentation, aimed at justifying a standpoint, and 'contra' argumentation, aimed at refuting a standpoint, in their treatment of argumentative discourse (see van Eemeren and Grootendorst 1984, pp. 39–46).[28] Their rejection of justificationism as a philosophy of reasonableness relates to the fact that—in a critical rationalist vein—they do not accept the need to assume that standpoints can be legitimized definitively. Standpoints can sometimes be defended to the full satisfaction of optimally critical discussion partners, but this does not mean that the discussion cannot be reopened on another occasion—by the same discussion partners or by others.

Basically, the criticisms of the epistemic dimension of pragma-dialectics boil down to the accusation that following the pragma-dialectical discussion procedure correctly may in some cases lead to the acceptance of standpoints that are not epistemically tenable[29]—which generally means that they are not to be considered true (Biro and Siegel 2006, p. 7).[30] Leaving aside that it is sometimes hard to tell with certainty that a standpoint which is accepted is untrue,[31] this accusation misses the point. As argumentation theorists, pragma-dialecticians are out for the best method for resolving differences of opinion on the merits and determining whether the standpoints at issue are acceptable on reasonable grounds. This means that they want to develop adequate ('problem-valid') testing procedures for checking the quality of the premises used in argumentative discourse and the way in which they are used in defending standpoints. Three crucial points need to be born in mind, however, when considering how they deal with argumentative reality.

First, in the pragma-dialectical view, argumentation theory is neither a theory of proof nor a general theory of reasoning or argument, but a theory of using argument to convince others by a reasonable discussion of the acceptability of the standpoints at issue. This means that it is not enough that the premises and justificatory or refutatory force of the arguments that are used are in agreement with problem-valid

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[28]Notions such as 'pro argumentation' and 'justificatory force' are in pragma-dialectics understood in a dialectical fashion and acquire a non-justificationist meaning. See also Garssen and van Laar (2010, p. 134).

[29]In a paper marked by incomprehension, Lumer calls pragma-dialectics "a heterogeneous theory composed of unqualified and therefore unsatisfactory consensualism and an ill-conceived form of epistemic rationalism" (2010, p. 67) According to Lumer, pragma-dialectics relies on very problematic epistemologies, "namely Critical Rationalism and Dialogic Logic" (p. 67). However, "much could probably be improved by changing the epistemological basis of Pragma-Dialectics" (p. 58).

[30]A similar point is made by Wreen (1994, p. 300).

[31]Pragma-dialecticians too aim for the most rational outcome, but leave room for the possibility that a definitive verdict about truth cannot be given in all cases because the necessary tools for doing so are lacking. In some cases we have to appeal to experts from the various disciplines, and if they cannot come to a unified verdict we shall have to live with it. Some truths (e.g., non-flatness of the earth, global warming) have been in limbo for some time. As Garssen and van Laar rightly ask (2010, p. 129): who is to decide in such cases?

acceptability tests if their validity is not intersubjectively agreed upon by those who have to decide on the outcome of the argumentative exchange, i.e., need to be convinced. Although a standpoint may remain true even if it is not accepted by anyone, getting the truth of a standpoint accepted by others who are in doubt is another matter.[32]

Second, in the pragma-dialectical view, argumentation and argumentation theory do not only pertain to standpoints which involve an epistemic claim to truth, but also to standpoints involving acceptability claims of a somewhat different nature, such as evaluative standpoints expressing ethical or aesthetic judgments and prescriptive standpoints advocating the performance of a certain action or the choice of a certain policy option (cf. Gerber 2011; Kock 2007).[33] This means that in the pragma-dialectical view a theory of argumentation needs to have a scope that extends dealing with the truth-related issues which are the primary interest of epistemologists.[34]

Third, argumentation theory is, in the pragma-dialectical view, neither a 'positive' branch of study like physics, chemistry, or history, nor equivalent with pools of intellectual reflection like ethics, epistemology, rhetoric or logic—however much some of them may have contributed to its development. In determining whether in argumentation a claim to truth has been successfully defended, these disciplines may have nevertheless a specific role to play. In evaluating an explicit or implicit argumentative exchange, it can for this reason be necessary to rely at a certain point on knowledge and insight from outside the scope or "jurisdiction" of argumentation theory (see Garssen and van Laar 2010).

Caricaturing prag ma-dialectics, Siegel and Biro (2010) state that "the discussants may share, and rely on, unjustified beliefs, and they may accept, and use, problematic rules of inference and reasoning" (p. 458).[35] However, if

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[32]In this perspective, the addressees and their procedural and material starting points are of vital importance to argumentation theory. Siegel and Biro (2010, p. 467) may regret it, and perhaps Tindale (1999, p. 57) too, but as a consequence of argumentation involving not just reasoning but also trying to convince others, besides reaching a "problem-valid" conclusion, intersubjective agreement needs to be aimed for—and this makes it necessary to reach agreement between the parties. A consequence may be that—exceptionally, we hope—in practice—unlike, in epistemics, we hope—"good" arguments and standpoints are eventually rejected and "bad" arguments and standpoints accepted. This happens only on reasonable grounds however if the arguers have complied with all the required testing procedures. A "better" result can only be achieved if the problem-validity of the testing methods for establishing truth etc. are first improved and the tests are made acceptable to would-be discussants.

[33]Although such standpoints can be described in terms of truth values, the disputants are not in the first place out to establish their truth but to determine their acceptability on reasonable grounds.

[34]Siegel and Biro may claim that nothing in the epistemic view suggests that there cannot be arguments about moral, political and legal matters (2010, p. 472), but the "justified beliefs" involved in dealing with evaluative and prescriptive issues can as a rule better be treated in terms of intersubjective acceptability than in terms of objective truth. Problem-validity and intersubjective validity have in pragma-dialectics a broader scope than these epistemologists seem to have in mind.

[35]See also Biro and Siegel (1992, p. 91).

problem-validity is properly understood, this is not possible—at least not—i.e., more problem-valid—alternative available.[36] As Botting explains in response, starting points and rules are reasonable only if they have been subjected to and passed critical tests (2010, p. 423).[37] The mistake the epistemic theorists make, he says, is supposing that the propositions and types of inferences initially agreed upon drop out of the sky.[38] In response to the complaint that in pragma-dialectics the defence of standpoints is always relative to the starting points, he simply points out that this is a common rule in dialectical approaches: "Arguers can only establish their standpoint via propositions and inferences that the other participants are explicitly or implicitly committed to" (2010, p. 425).

According to Garssen and van Laar (2010), the challenges of the objectivist epistemologists are based on incorrect assumptions. In response, they explain what 'resolution' as a normative notion means (p. 124) and what the requirement of problem-validity for logical schemes and argument schemes (p. 128)—and, *mutatis mutandis*, for starting points—involves. In an insightful essay, Botting (2010)—not a pragma-dialectician himself—expresses the view that "critical discussion is an epistemically normative model" (p. 415). He claims that the norms of pragma-dialectics and epistemic norms are not only "not necessarily in conflict and even in collaboration […] but the norms of pragma-dialectics have epistemic normativity inherently […], which is to say that the rules put forward in pragma-dialectics (the Ten Commandments) are truth-conducive" (p. 414). In defending this claim, Botting follows the Popperian idea that corroborated hypotheses have more 'truthlikeness' compared to less successful hypotheses (p. 137).[39] Whatever the defects of pragma-dialectics, he concludes, "they are not epistemological" (p. 414).

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[36]As Tindale (disapprovingly) observes, the whole pragma-dialectical program "has been set up to be resolution-oriented and not audience-oriented (dialectical and not rhetorical)" (1999, p. 63).

[37]Is it reasonable for participants to start from the best material and procedural starting points they have access to or only from starting points which epistemologists consider objectively true or valid? This is what the difference amounts to. As epistemologists Biro and Siegel seem to be only interested in the assessment of argumentation by an external evaluator who judges the argumentation on 'objective' grounds, independently of the particularities of the actual discussion in which it takes place and its intersubjective acceptability (see Siegel and Biro 2010, pp. 467–468). Apart from the question whether this is indeed a better view of what argumentation theory should be, the question arises to what extent in practice such an approach can lead to decisive results and is more suitable for dealing with argumentative discourse in the various communicative practices than the pragma-dialectical approach.

[38]Establishing the acceptability of starting points is, according to pragma-dialecticians, not a proper task of argumentation theorists if it involves more than checking whether they are on the list of jointly accepted starting points. However, because of the critical rationalist rationale of their theory, it is understood that their acceptability is to be established in a problem-valid way.

[39]According to Botting, "there is a way of testing a system of rules, showing that the rules pass these tests is a good way of arguing for their acceptance, and acceptance is, in the long run, a reliable indicator of verisimilitude" (p. 432). In his view "the Normative Claim that standpoints that have the unqualified consensus of all participants in the dispute will *generally* be epistemically sound should be construed in the same way" (p. 432).

9.8   Conclusion

In conclusion, it can be said that the various kinds of critics of pragma-dialectics, depending on their own views of argumentation and argumentation theory, put forward different kinds of demands. Because these demands often point into different directions, and sometimes even go against each other, it is hard—if not impossible—to reconcile them. On the one hand, there are those, starting from a rhetorical or discourse analytic perspective, who seem to value in the first place the internal 'emic' requirement of intersubjective validity. On the other hand, there are those, starting from an objectivist epistemic or logical perspective, who seem to value in the first.

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Part III
The Dialectical Dimension
of Pragma-Dialectics

Chapter 10
Rationale for a Pragma-Dialectical Perspective

Frans H. van Eemeren and Rob Grootendorst

Abstract Starting from a concept of reasonableness as well-consideredness, it is discussed in what way science could serve as a model for reasonable argumentation. It turns out that in order to be reasonable two requirements have to be fulfilled. The argumentation should comply with rules which are both problem-valid and intersubjectively valid. Geometrical and anthropological perspectives don't meet these criteria, but a critical perspective does. It is explained that a pragma-dialectical approach to argumentation which agrees with this critical perspective is indeed problem-valid and that strong pragmatic and utilitarian arguments can be given for its intersubjective validity. Thus, conventional validity is promoted for a code of conduct for discussants who want to resolve their disputes reasonably by way of a critical discussion.

10.1 Reasonableness and Argumentation

In 'Fallacies in pragma-dialectical perspective' (1987), we formulated the rules which form a code of conduct for rational discussants who want to act reasonably. In this article we shall explain the rationale for this code of conduct. This means that we have to clarify our concept of "reasonableness".[1]

Words such as *rational* and *reasonable* are used frequently in everyday language, but with various (albeit partially related) meanings. Starting from these semantic realities we shall stipulate what we mean by *reasonableness*. The different meanings attributed to the words *reasonable* and *rational* in everyday language are not always clearly delineated, nor do they need to be, but if we are going to use them as *termini technici* in argumentation theory, a more precise delineation of their

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[1]The kind of semantic analysis required here is what de Groot (1987) calls "Signific Concept Analysis" (SCA).

scope is needed. The Concise Oxford Dictionary (1976) gives the following descriptions of the word *reasonable:*

(1) Having sound judgement, sensible, moderate, not expecting too much, ready to listen to reason, (2) In accordance with reason, not absurd; within the limits of reason, not greatly less or more than might be expected; inexpensive, not extortionate; tolerable, fair, (3) (arch.) Endowed with faculty of reason.

Webster's (1979) distinguishes as follows:

(1) able to reason; having the faculty of reason; endowed with reason; as, a *reasonable* being, (2) amenable, conformable, or agreeable to reason; just; rational, (3) not immoderate; not excessive; not unjust; tolerable; moderate; sensible; sane, (4) not expensive.

In the COD the difference between *rational* and *reasonable* is less clear, but Webster's defines *rational* as:

(1) of, based on, or derived from reasoning; as, *rational* powers, (2) able to reason; reasoning; as, an infant is not yet *rational*, (3) showing reason; not foolish or silly; sensible; as, a *rational* argument, (4) in mathematics, designating a number or quantity expressible without a radical sign as an integer or as a quotient of an integer.

Disregarding other aspects of meaning which are of no concern to us now, we shall make a primary distinction between the activity of using one's brain and doing this in a considered or well-thought-out manner. Although there are other options open, we comply with a usage tendency discernible in Webster's and use in the first instance the word *rational* as a general term, and in the second the more specific term *reasonable*. This way we maintain the traditional philosophical distinction which is usually indicated by the terms *Verstand/Vernunft*. As made clear by Popper in 'Oracular philosophy and the revolt against reason' (1971a, 225–226), the use of reason has a social character; this means that reasonableness as a product of social life is an *interpersonal* (but not a "collectivist") matter.

The words *reasonable* and *rational* are often used indiscriminately in everyday speech (which is no doubt the reason for their unclear distinction in dictionaries). Unfortunately, many academic writers also jumble up the meanings of "verständing" and "vernünftig" in their terminology. We shall try as much as possible to distinguish the aspect based on thinking (rationality) from the well-thought-out aspect (reasonable). In fact, we are primarily interested in the second, because from where exactly the impulse towards verbal or non-verbal action "originates" (whether the brain or the heart) is of less importance to our purpose.[2] We believe rationality to be a necessary but not a sufficient condition for reasonableness.[3]

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[2]There is not necessarily a contradiction between being emotional and being rational. To a certain extent feelings are also deemed to be reasonable or unreasonable, and sometimes they may be seen as preliminaries to thoughts or as embryonic thoughts.

[3]The need to distinguish a concept of reasonableness, involving extra consideredness conditions to be fulfilled, from a wider concept of rationality is seen also in laments like Jarvie's: "If to be

The question is now what reasonableness as "consideredness" means. As scientific proceedings appear to be the paragon of reasonableness, it seems sensible to establish first of all how philosophers of science (here including the humanities) define reasonableness, but this is not as easy as one would hope. According to some epistemologists, the scientific process can be characterised as the most pronounced form of a reasonable exchange of views. It forms the prototype of a rational, goal-directed discussion. However, it is often said that irrational impetus plays a major role in the "process of discovery" of scientific theories, and philosopher of science, such as Feyerabend and Kuhn, stress that irrational aspects also play a part in the scientific process.[4]

Various methodologists have attempted to give further substance to the concept "reasonableness" by specifying rules and criteria which must be observed when resolving scientific problems. They assume that the resolving of a scientific problem may be regarded as the conduct of a scientific discussion. According to Habermas, the purpose of such a scientific discussion is to reach an intellectual consensus.[5]

The rules which are taken into account in a scientific discussion are based on intersubjective agreements and the conventions of scientific tradition. According to the science philosopher de Groot (1984), scientific methodology derives its reasonableness from the fact that, *by means of argumentation*, consensus of opinion is aimed for in a critical discussion in what he calls the Science Forum.[6] The problems which confront scientific researchers cannot be solved by relying on methodological rules and criteria which are infallible and clear-cut, as these are not available. Of course, the rules and criteria can be formulated to a certain extent, but from sheer necessity they will eventually have to be replaced by arguments which are cogent to the Science Forum: in other words, by arguments which fulfil its soundness criteria.

Because the Science Forum must establish which arguments are acceptable, this Forum functions as a monitor of reasonableness. This is why it is unfortunate that one cannot tell exactly of whom the Forum consists. Furthermore, some philosophers think it necessary to distinguish various forums which are associated with different kinds of questions or question types. This appears a purely practical problem, but the mere fact that the Forum is a normative model which implies total

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(Footnote 3 continued)

rational means no more than trying to apply reason to things, then a wide range of human actions can lay claim to rationality" (1976, 311).

[4]As Kuhn (1962) has pointed out, scientific development also depends on motives and interests which are not a rational part of the scientific proceedings. Feyerabend (1975) even doubts whether this development is a rational process at all. In our use of the term *rational* its scope is much wider.

[5]Although Habermas's ideal of consensus (1971) in a speech situation of communication unimpaired by power relations rests on philosophical starting-points which are different from our own, in some respects his ideal is not dissimilar to ours, albeit that in view of our conception of intellectual doubt and criticism as the driving force of progress, it is eventually not consensus that we are after but rather a continual flux of ever more advanced opinions.

[6]In his 'Forum Theory of Scientific Learning' de Groot (1984) distinguishes between an abstract Forum, which resembles Perelman's universal audience, and more concrete forums of expert opinions, which act as particular audiences.

openness is in itself not a minor obstacle. All the experts involved in the matter should be able to participate in the scientific discussion; by a process of self-selection the quality of the Forum is maintained. Only to an uncertain degree can this company be said to consist of a well-delineated and identifiable group of people. In fact, it appears that the Science Forum could better be characterized by approaching it the other way around: by first establishing which rules of discussion are taken into account, and then which scientists apply them. Here the soundness criterion of argumentation plays a decisive role.

This, however, by no means renders the reasonableness problem solved. In the philosophy of science, it is often assumed (and rightly so) that there is more than one scientific methodology. The suggestion that a set of methodological rules can be compiled which is reasonable in an absolute sense is linked with an ideology of finality which suggests the existence of a final point in a scale of reasonableness, a suggestion now contested. Such speculations are not frequently voiced anymore, but all the same it is still all too readily assumed that everything would be solved were the problem of methodological rules and criteria transposed to rules of discussion and criteria for sound argumentation. Argumentation theory, however, shows clearly that this transposition of the problem by no means automatically results in its solution.

While on the one hand it appears that modern philosophers of science place excessive trust in the problem-solving potential of argumentation and discussion theory, they on the other hand seem to underestimate its scope. This is connected with the *parti-pris* of many philosophers (and others) that a fundamental distinction should be made between factual judgements and value judgements, and that the latter cannot be the subject of a reasonable discussion. Interests, wishes, preferences, and other value judgements would be based only on subjective preferences and conflicts of interests. By restricting the bounds of reason as the positivists do (unlike the pragmatists), discussions on interests, wishes, preferences, and so on, are in fact given secondary importance. They are discussions which do not fall under any standard for reasonableness. A free hand is thus given to those, *in politicis* or elsewhere, who don't give a second thought to reasonableness. They are then, if they like, even provided with an immunizing alibi to dismiss any appeal to rational argumentation.

We see no purpose in excluding goals, wishes, and other value judgements in advance from a reasonable discussion. Without wishing to commit ourselves to exactly this classical tripartition, we can distinguish, in accordance with analytical tradition, aside from the *cognitive* reasonableness, which scientists tend to concentrate on, also *desiderative* and *practical* reasonableness.[7] Cognitive reasonableness concerns the state of the world, desiderative reasonableness concerns wishes, goals and norms, and practical reasonableness is connected to action. Critical rationalists, such as Albert in his *Traktat über kritische Vernunft* (1975), have stressed that any topic on which a regulated discussion can be carried out, may

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[7]Compare "desiderative" reasonableness with Aristotles's *orexis* (*De Anima* 414 b 2 1957).

be dealt with reasonably. Basically, it is not important whether the viewpoint central to the discussion refers to facts or ideas or actions or attitudes or evaluations, or whatever. An adequate argumentation and discussion theory should show in what ways in an argumentative discussion those conditions can be met which are necessary to comply with the reasonableness criterion of consideredness.

10.2   Conceptions of Reasonableness in Argumentation Theories

Although other ideas on theory development have arisen in recent years, the approaches towards argumentation by Toulmin and by Perelman and Olbrechts-Tyteca still dominate the field. We therefore shall base our character-isation of the most influential views on reasonableness within the field on the principle works of these authors: respectively, *The Uses of Argument* (1958) and *La Nouvelle Rhétorique* (1958). Both these argumentation theories have been severely criticised and various amendments are made by the authors themselves as well as by others, but because both works as they are still form the most widely-used sources of reference, we shall direct our discourse to them.[8]

In their conceptions of reasonableness, Toulmin, as well as Perelman and Olbrechts-Tyteca, react against (modern, formal) logic. Therefore, to start with, we will make some comments on the "geometrical" line of approach these authors attribute to logicians.[9] However, from the fact that all modern logic is based on a formal reasonableness standard which is expressed in the validity criterion, it should not be automatically concluded that all logicians support the view of rea-sonableness which Toulmin calls *geometrical*:

> We "know" something (in the full and strict sense of the term) if-and-only-if we have a *well-founded belief* in it; our belief in it is well-founded if-and-only-if we can produce *good reasons* in its support; and our reasons are really "good" (by the strictest philosophical standards) if-and-only-if we can produce a "conclusive", or *formally-valid* argument, linking that belief back to an *unchallenged* (*and preferably unchallengeable*) *starting point* (1976, 89).

This is a reduction of the notion of reasonableness which more or less renders it applicable only to artificial demonstrative argument forms. Consistent maintenance

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[8]This means that we regard both books as independent sections of World III, thus following Popper's distinction between the worlds of physical objects (I), the world of subjective experiences (II), and the world of (externalized) theories (III), in *Objective Knowledge* (1972: 106). For more extensive reviews of the contributions to argumentation theory by Toulmin and by Perelman and Olbrechts-Tyteca, see van Eemeren et al. (1987, Chaps. 4 and 5).

[9]In characterizing this concept of reasonableness used in argumentation theories, we start from the classical distinction between logic, dialectic, and rhetoric, and we also make use of Toulmin's distinction between a geometrical, anthropological, and critical tradition (*Knowing and Acting*, 1976).

of this standard leads to epistemological skepticism which is linked to fundamentalistic justificationism (cf. Albert 1975). However, it is not the case that all logicians automatically equate the soundness of argumentation with the formal validity of the reasoning expressed in the argumentation. Some indeed point out that the argument schema which is used should be *relevant* to the viewpoint defended in the argumentation, although it is certainly true that they have by no means paid attention to this on a large scale. Naess (1966) has emphasised the importance of the relevance criterion. Kahane is another example of a logician who draws attention to the relevance aspect of argumentation (1973, 231; 1976, 6).

Precisely because of their "formal inclination", logicians concern themselves in principle only with the truth of the premises of an argument insofar as this truth depends on the form of the statements in which the premises are expressed. Logicians regard an argument form as valid only if no substitution instance of this argument form with true premises ever produces an untrue conclusion. This, however, does not mean that they are interested in truth values *as such*, let alone that they support the ideal model of knowledge referred to by Toulmin as "the Eternal City of well-founded truths". One does not directly imply the other. If it is nevertheless said that many logicians favour the geometrical approach, then this assertion is not completely accurate, although the chosen categorization would indeed be the most obvious one in view of Toulmin's tripartition.

In general, logicians do not opt for an "anthropological" view of reasonableness, as this would mean that the validity criterion would be substantiated on purely empirical grounds. Then reasonableness would be linked to Wittgensteinian "Lebensformen" (cf. Passmore 1972, 427). It was once not unusual for logicians to regard logic as a descriptive science, but as Haack points out in *Philosophy of Logics*, since Frege's devastating criticism of the psychologistic view of logical principles as "laws of thought", an empirical approach to logic is now virtually obsolete (1978, 238). If an anthropological approach is chosen, this would mean that in certain cases formal fallacies would be regarded as valid arguments. But then, logic as we know it today (whether monological or dialogical), actually abstracts from all factors which are regarded as crucial in the anthropological conception of reasonableness, such as the role of the discussants and the subject of the argumentation.

Some logicians show a distinct preference for a "critical" view of reasonableness, albeit that they seem to take the concept "critical" somewhat differently from Toulmin, identifying it with attempts to refute. Along with Toulmin, they acknowledge that a geometrical as well as an anthropological approach eventually leads to a dead end (skepticism and relativism, respectively), but they certainly won't agree to the justificationary basis of his classification, which links reasonableness exclusively to *justification*. As Jarvie observes in 'Toulmin and the rationality of science', Toulmin continually overlooks the fact that logic in addition to being conceived of as a theory of justification or proof, can also be interpreted as a theory of *criticism* (1976, 329). Jarvie summarizes the quintessence of this Popperian criticism as follows:

> But… besides transmitting truth from the premises to the conclusion, the theory of valid inference also includes the rule of transmission of falsity from the conclusion to the premises, and this can be regarded as (an important element in) a theory of criticism (1976: 330).

In the discussion of logic which accompanies both Toulmin's and Perelman and Olbrechts-Tyteca's contributions to argumentation theory, no attention is paid to this possibility of applying *modus tollens*. This is no longer surprising, however, when one realises that Toulmin's attack on logic only applies to syllogistic logic, and that Perelman and Olbrechts-Tyteca in the introduction to *La Nouvelle Rhétorique* present logic as a completed whole which is no longer open to new developments and which will certainly not generate insights which may be practical to the development of argumentation theory. These authors link logic without further ado to the approach to reason *more geometrico*, and for that very same reason they automatically believe it to be inadequate and irrelevant, if not both.

In Toulmin's argumentation model as well as in Perelman and Olbrecht-Tyteca's New Rhetoric the soundness of argumentation is linked to certain critics, but in answer to the question of who these critics are, the paths of these theorists diverge. Perelman and Olbrechts-Tyteca consider argumentation to be sound if it succeeds with the audience for whom it is intended. This means that they have a rhetorical concept of reasonableness in which soundness is equated with effectiveness. The consequence of this is that argumentation which is sound in one case need not be so in another. Its soundness depends on the criteria an arbitrary judge consisting of a more or less indiscriminate group of people employs in its assessment. This means that an extremely relative standard of reasonableness is chosen and that, in principle, there could be just as many types of reasonableness as there are language users (or even more, in view of the fact that language users can change in the course of time).

The introduction of the possible restriction that argumentation is reasonable only when deemed sound by the *universal audience*, ultimately results in no limitation at all. After all, each individual is free to choose who he includes in the universal audience, which leaves the standard of reasonableness no less arbitrary and relative, the only difference being that the variation is attached to the speakers and not to the listeners. In effect, he who argues may now decide by himself whether or not his argumentation is sound. He is free at any time to imagine a fictitious audience with views on reasonableness akin to his own—which he then regards as a universal audience.

It is clear that in their New Rhetoric, Perelman and Olbrechts-Tyteca opt for a sociological point of departure and apply an anthropological criterion of reasonableness. In Toulmin's argumentation model it is less clear what type of reasonableness standard is applicable. Wenzel (1979, 85) believes that Toulmin's "revolution" in logic still fits in with the logical perspective, but we think that Toulmin makes it clear enough that his reasonableness criterion is not geometrical. Nor is his standard of reasonableness in *The Uses of Argument* of the critical variety, as one might have expected in view of his confirmed preference in his (much later published) *Knowing and Acting* (1976). Toulmin's conception of

reasonableness could instead be characterised as anthropological. For that matter, from his more recent contribution to argumentation theory in *An Introduction to Reasoning* (1979), written with Rieke and Janik, one gets the distinct impression that meanwhile he has adjusted his position: in this book, the critical function of argumentation plays an important role.

Although in *Knowing and Acting* and especially in the earlier *Human Understanding* (1972), Toulmin is not only opposed to the geometrical conception of reasonableness but also to the anthropological view, we believe that in *The Uses of Argument* his views still show strong signs of being anthropological. Ultimately, he deems the soundness of argumentation to be dependent on the particular criteria by which a specific group of discussants believes the argumentation should be assessed, albeit that this group is not arbitrary, as with Perelman and Olbrechts-Tyteca, but consists of experts in the field of argument concerned (whatever this exactly may mean).[10] The analogy between Toulmin's experts and de Groot's Science Forum is striking. Therefore it must be more than a mere coincidence that Toulmin later refers to his experts as *forum* (1979). With Toulmin the role of the experts is connected with the central position, which according to his model of argumentation is taken by the *warrant*. For it is the expert's task to decide whether the warrant enjoys sufficient backing. Of course, this can only be established by language users who are familiar with the field of argument to which the warrant belongs, and this field-dependent evaluation gives Toulmin's conception of reasonableness a relativistic and anthropological character. Toulmin's tendency toward relativism is also observed by others, such as Burleson (1979, 115), and his defence of an empirical approach to argumentation at the end of *The Uses of Argument* seems to lend further confirmation to this interpretation of his position:

> We must study the ways of arguing which have established themselves in any sphere, accepting them as historical facts; knowing that they may be superseded, but only as the result of a revolutionary advance in our methods of thought. In some cases these methods will not be further justifiable — at any rate by argument: the fact that they have established themselves in practice may have to be enough for us (1958: 257).

A further examination of the "warrant" as the crucial element in his model makes it clear that Toulmin's relativistic view of reasonableness is unwarranted and stems from a confusion between logical inference rules and premises. He freely equates logical inference rules with the major premises of syllogistic logic. This also explains his claim that logicians concern themselves with the "soundness" of arguments, and it helps to understand why he so readily ascribes a geometrical view of reasonableness to logicians.

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[10]The way Toulmin uses the term *field of argument* is confusing, especially because he uses another undefined term (logical type) to indicate what he means by field of argument. From the examples in *The Uses of Argument*, one gets the impression that statements of facts, moral judgements, and predictions each belong to different fields of argument. In his account of the field-dependency of the backing to the warrant, however, Toulmin suggests that the term field of argument is to him synonymous with subject or specialty. A weather forecast and an economic forecast would then belong to different fields of argument.

According to Toulmin, the "analytic" and "universal" validity criterion of logic should be replaced with "substantial" and "field-dependent" evaluation criteria. These criteria refer to the backing of the warrants (usually implicit) used in argumentation, and are established by the experts in the relevant field of argument. In this way, however, logical inference rules and the connected valid argument forms such as the (non-syllogistic) *modus ponens*, are wrongly regarded as (hidden) major premises in the arguments. This means that a number of important differences between logical inference rules and (major) premises are overlooked.[11]

According to Toulmin, any argument can be rendered "formally valid" by adding a warrant to the premises which guarantees the validity of the argument. By attributing to the warrant the status of a premiss as well as that of a logical inference rule, he ignores the crucial difference between the two of them. By doing so, he robs the logical concept of "validity" of its contents while substituting it with an unclear, relativistic soundness criterion. Understandably, Jarvie (1976, 314) complains that Toulmin unwittingly opens the door to astrologists who claim that their judgements are every bit as reasonable as those of scientists.

10.3 Dialectical Interpretation of Critical Reasonableness

Justificationism, whatever its make, can never escape from the *Münchhausen-trilemma*. This term is used by Albert (1975, 13) to indicate the problem of justificationists being eventually forced to choose between the following unacceptable options: (1) an infinite regress, (2) a logical circle, or (3) breaking off the justification process at an arbitrary point. Justificationists generally choose the last option. Usually, the process of *Begründung* is at some point abandoned, because there appears to be no other way out of the problem situation. What is boils down to is that the foundation requirement is dropped, and at the point where the process of justification is interrupted, the (local) claim is declared a more or less axiomatic basic assumption which requires no further foundation because its truth is evident on the grounds of intuition or experience. In this way a certain starting-point is rendered immune to criticism and serves as a priori or can even be elevated to a dogma of reasonableness. Such a justificatory starting-point, in one form or other, plays a part in both the geometrical and the anthropological conceptions of reasonableness.

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[11]In *Objective Knowledge*, Popper has pointed out that logical rules of inference are statements about statements. Therefore, unlike premises, they are always of a metalinguistic nature. Among the other differences Popper sums up, the following difference is of particular importance as far as Toulmin is concerned: 'The rules of inference are never used as premises in those arguments which are formulated in accordance with them; but the corresponding formulae are used in this way. In fact, one of the main motives in constructing logical calculi is this: by using the "logician's hypotheticals" (i.e. those hypothetical truisms which correspond to a certain rule of inference) as a premiss, we can dispense with the corresponding rule of inference' (1972, 203).

We believe that it is necessary to keep the justificationism of the geometrical and anthropological conceptions of reasonableness at a firm distance, and to opt for a *critical* approach to reasonableness. In this respect, we agree with Albert who in his *Traktat über Kritische Vernunft* warns against any form of "revelation model" of the truth (1975, 15 ff). The geometrical conception of reasonableness leads to a form of justification which Popper and Albert refer to as "intellectualism" or (Cartesian) "rationalism", and the anthropological conception of reasonableness leads to "empiristic" justificationism (British empiricism).

What does the replacement of geometrical and anthropological reasonableness by critical reasonableness mean? If one adopts the viewpoint of a Popperian critical rationalist, one pursues the development of a reasonableness model that takes the *fallibility* of human reason explicitly into account, and elevates the concept of *systematic critical testing* in all areas of human thought and action to the guiding principle of problem solving. This critical rationalist ideal requires the promotion of *dialectics* in the Socratic (actually pre-Socratic) sense of the word. By adhering to such a conception of being critical, the dialectic idea of having a regulated *critical discussion* is made the basic principle of reasonableness.

The idea of choosing Socratic dialectics as a model for reasonableness is emphatically propagandized by Popper. Meanwhile, it appears that an increasing number of authors are adopting the same viewpoint (although they don't always draw the necessary conclusions). Albert stresses that the dialectical method allows for an "all-embracing critical rationalism" which is not subjected to restrictions. According to him, the methodology of rational testing by critical discussion is applicable to any form of conviction; not only to statements of a factual kind, but also to normative viewpoints and value judgements. In a discussion of values too, reasonableness knows only those boundaries established by the participants themselves (Albert 1967). Lakatos (1963–1964) believes that the concept of a Socratic dialectic is applicable even to mathematics, which is often thought of as a class of its own. Perelman also seems eventually to have come to terms with Socratic dialectics; in *Justice*, *Law and Argument* he describes argumentation as "the technique that we use in controversy when we are concerned with criticizing and justifying, objecting and refuting, of asking and giving reasons." He believes that aside from logic as a formal proof theory, an argumentation theory should be developed: "This enlargement would complete formal logic by the study of what, since Socrates, has been called *dialectics*" (1980, 108).

In contradistinction to the geometrical logical approach, opposed by Toulmin and by Perelman and Olbrechts-Tyteca, and the anthropological rhetorical approach to which these authors' own principal works on argumentation theory can be attributed, protagonists of a critical dialectical approach regard argumentation as part of a procedure for solving problems, by means of discussion, with regard to the acceptability of viewpoints. In this discussion procedure, elements from the logical and the rhetorical approaches are taken into account. We believe that the process derives its reasonableness from a two-part criterion: *problem-solving validity* and *conventional validity* (cf. Barth and Krabbe 1982, 21–22). This means that the discussion and argumentation rules which together form the procedure put forward

in a dialectical argumentation theory, should on the one hand be checked for their adequacy regarding the resolution of disputes, and on the other for their intersubjective acceptability for the discussants. With regard to argumentation this means that soundness should be measured against the degree to which the argumentation can contribute towards the resolution of the dispute, as well as against the degree to which it is acceptable to the discussants who wish to resolve the dispute.

The logical approach to argumentation traditionally concentrates on argumentation as a product, whereby attention is primarily directed towards the validity of arguments in which from one or more premises a conclusion is derived. The rhetorical approach tends to concentrate on argumentation as a process and stresses the effectiveness of the successive steps taken in the argumentation with a view to the gaining of acceptance for a standpoint. In the dialectical approach, the product-oriented and process-oriented approaches to argumentation are combined.[12] The purpose of the dialectical approach is to establish how discussions should be carried out systematically in order to critically test standpoints. Wenzel, a supporter of this approach, believes that argumentation in the dialectical sense should be regarded as "a systematic management of discourse for the purpose of achieving critical decisions" (1979, 84).

In a critical discussion, the protagonist and the antagonist of a particular viewpoint both try to establish jointly whether this viewpoint is tenable to critical responses. The protagonist advances pro-argumentation or contra-argumentation to defend his positive or negative viewpoint, respectively. In the former, he makes an attempt at justification and in the latter an attempt at falsification. In both cases, the antagonist can respond critically to the argumentation of the protagonist. This may result in the protagonist then continuing his justification or falsification attempt with fresh pro- or contra-argumentation. Here again, the antagonist can respond critically, and so on. In this way, an interaction takes place between the speech acts performed in the discussion by the protagonist and those performed by the antagonist. This interaction is characteristic of a dialectical process of convincing. It can, however, lead to the resolution of the dispute which forms the main issue of the discussion only if the discussion is adequately regulated. This means that a dialectical argumentation theory should provide rules for the conduct of an argumentative discussion, and these rules should together constitute a problem-valid and convention-valid discussion procedure, thus guaranteeing the degree of consideredness required for a critical discussion to be carried out.

In *Speech Acts in Argumentative Discussions* (1984), we introduced a code of conduct for rational discussants who act reasonably in a critical discussion. This code of conduct can be regarded as a proposal for a dialectical discussion procedure. In 'Fallacies in pragma-dialectical perspective' (1987), we summarized the most important elements of this procedure in ten basic rules:

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[12]This way of overcoming the process/product ambiguity inherent to the term argument(ation) may also be instrumental in solving some of the problems issuing from semantic differentiations in the use of this expression in the English language as observed by O'Keefe(1977).

1. Parties must not prevent each other from advancing or casting doubt on standpoints.
2. Whoever advances a standpoint is obliged to defend it if asked to do so.
3. An attack on a standpoint must relate to the standpoint that has actually been advanced by the protagonist.
4. A standpoint may be defended only be advancing argumentation relating to that standpoint.
5. A person can be held to the premises he leaves implicit.
6. A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments belonging to the common starting point.
7. A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments in which a commonly accepted scheme of argumentation is correctly applied.
8. The arguments used in a discursive text must be valid or capable of being validated by the explicitization of one or more unexpressed premises.
9. A failed defence must result in the protagonist withdrawing his standpoint and a successful defence in the antagonist withdrawing his doubt about the standpoint.
10. Formulations must be neither puzzlingly vague nor confusingly ambiguous, and must be interpreted as accurately as possible.

10.4 Pragma-Dialectical Background of the Rules

Following the lines of Popper, critical rationalists place great emphasis on the consequence of the fact that a statement and its negation cannot both be true at the same time: one of these statements must be withdrawn. They equate a dialectical testing of statements with the detection of contradictions (cf. Albert, 1975, 44). In *From Axiom to Dialogue* (1982), Barth and Krabbe proposed a method designed to establish whether a certain viewpoint is tenable in relation to certain concessions: in other words, that there is no contradiction.

As in the dialogical logic of the Erlangen School (Lorenzen, Lorenz, etc.), in Barth and Krabbe's "formal dialectics" a situation is taken as point of departure that is different from the ordinary starting-point in argumentative practice. The starting point adopted by Barth and Krabbe in "regimenting" dialogues forms a stage in the resolution of a dispute which does not arise until the protagonist has advanced his arguments to defend his viewpoint, and he and the antagonist together decide to establish whether this viewpoint is tenable on the assumption that the arguments are acceptable. This means that the protagonist and the antagonist have then decided to check whether the conclusion contained in the viewpoint indeed "follows" from the premises contained in the argumentation. The antagonist has then agreed to act as *opponent* and to do so while having the argumentation of the protagonist as a *concession* added to his own account of commitments. In the everyday discussions

of ordinary discourse this rather artificial situation could be created later on in the discussion if so desired, but it is highly improbable that it will arise in the initial stage. Therefore, in *Speech Acts in Argumentative Discussions*, we proposed to include a method corresponding with this device in the *intersubjective reasoning procedure*, which can be used in a later stage of the discussion (1984, 169).

An argumentation theory should first and foremost relate to ordinary discussions in everyday language, which is why we assume that initially one discussant (the protagonist) advances a viewpoint on which doubt is cast by another discussant (the antagonist). The argumentation is then advanced, followed by a possible critical response, and so on. The dispute is resolved when the antagonist, on the basis of the arguments advanced, accepts the protagonist's viewpoint, or when the protagonist, as a result of the critical response of the antagonist, abandons his viewpoint. This means that a dialectical regulation of discussions in everyday language in a procedure which furthers the resolution of disputes should cover all speech acts performed in attacking and defending the issues at stake, and should not be limited to the (inference) relation between premises interpreted as "concessions" and a conclusion representing the viewpoint.

It should be clear that the problem validity of a system of dialectical discussion rules does not depend purely on the adequacy of the adopted reasoning procedure. The resolution of a dispute requires a procedure which follows a number of stages, and in any of these stages things may occur which do not favour the resolution process. The discussion rules quoted earlier relate to these various discussion stages and their different aspects. The problem validity of the system of discussion rules as a whole can be rendered plausible only by illustrating that each rule fulfils a specific function in connection with furthering the resolution of a dispute. As we showed in 'Fallacies in pragma-dialectical perspective', it is possible with each of the formulated discussion rules to indicate precisely which classical fallacies can be controlled through these rules. Methodically speaking, this seems to us the best test to the problem validity of the dialectical system of rules presented.

It may provide further clarification if we illustrate in which way the various rules can assist in the resolution of a dispute. Rule 1 is designed to ensure that viewpoints and doubt regarding viewpoints may be freely advanced. A dispute cannot be resolved if it is not clear to the parties involved that there actually is a dispute and what this involves. The explicitization of the dispute takes place during the confrontation stage, which should offer the parties ample opportunity to express their positions. Both the advancing and doubting of a viewpoint are therefore formulated without reservation as a basic right.

Rule 2 is intended to ensure that advanced and doubted viewpoints are defended in an argumentative discussion. A dispute cannot be resolved if the party who advanced a viewpoint is not prepared to take on the role of protagonist of this viewpoint. This willingness is vital in preventing the discussion from foundering during the opening stage. A person who advances a viewpoint has automatically acknowledged an obligation to defend or prove the viewpoint, if required.

Rules 3 and 4 are designed to see that attacks and defences in the argumentation stage are genuinely linked to the original viewpoint of the protagonist. A dispute

cannot be resolved if the antagonist is in fact attacking a different viewpoint, or if the protagonist defends a different viewpoint later on. The true resolution of a dispute is not possible if the central issue is distorted by the antagonist or protagonist. Rule 4 is also meant to ensure that the defence of viewpoints takes place only by means of argumentation. A dispute cannot be truly resolved if the protagonist resorts to rhetorical devices in which *pathos* or *ethos* take the place of *logos*. Argumentation is the only means of persuasion which can guarantee the reasonableness of a discussion.

Rule 5 ensures that implicit elements within the argumentation by the protagonist are also critically examined. A dispute cannot be resolved if a protagonist tries to withdraw from his obligation to defend an unexpressed premiss, nor can it be resolved if the antagonist tries to blow it up out of proportion. In order to resolve the dispute, the protagonist must accept his responsibility for implicit elements in his argumentation, and the antagonist, when attempting to reconstruct what is concealed, should try to establish the exact extent of this responsibility.

Rule 6 is aimed at ensuring that viewpoints in principle can be sufficiently defended by means of argumentation. A dispute can be resolved only if the protagonist and the antagonist are in agreement on at least some points. A protagonist must accept his obligation to defend and must not present something as a common starting-point when in fact it is not, while an antagonist should make it possible for the protagonist to defend his viewpoint *ex concessis* and should not deny something being part of the common starting-point when in fact it is.

Rule 7 is also aimed at ensuring that viewpoints can in principle be sufficiently defended by means of argumentation. A dispute can be resolved only if the protagonist and the antagonist agree on a method of testing the soundness of arguments which are not parts of the common starting-point. The protagonist must select a suitable argumentation schema and implement it correctly.

Rule 8 is aimed at ensuring that the reasoning in the argumentation advanced by the protagonist is valid. A dispute can be resolved only if the protagonist and the antagonist agree that the viewpoint defended follows logically from the premises expressed (or left unexpressed) in the argumentation. Only if *all* premises of an argument are actually expressed, should its validity be tested. Otherwise the unexpressed premises which are concealed in the argument must be correctly explicitized, thus automatically guaranteeing validity.

Rule 9 is aimed at ensuring that the protagonist and the antagonist sort out together in a correct manner what the result of the discussion is. A dispute is truly resolved only if the parties agree in the concluding stage whether or not the attempt at defence on the part of the protagonist succeeded. An apparently smooth-running discussion may still end disappointingly if the protagonist wrongly claims to have successfully defended his viewpoint or even to have proved it true, or if the antagonist wrongly denies that the defence was successful or even claims the opposite viewpoint to have been proven.

Rule 10 is aimed at preventing misunderstandings as a result of unclear, vague or ambiguous formulations. A dispute can be resolved only if one party does not misinterpret the speech acts performed by the other party. Misunderstandings can

lead to a spurious dispute or result in a pseudo-solution. Problems in formulation and interpretation may arise at all stages of a discussion; they are not linked to any particular stage.

Having thus roughly explained the dialectical rationale for our claim to problem validity for these critical discussion rules, we refer to *Speech Acts in Argumentative Discussions* for a more detailed exposition of how the system of rules can be precized in order to comply with other specific requirements of problem validity, such as being systematic, effective, efficient, feasible, and so on. It may now be possible to make plausible that the rules are such that they merit a certain degree of intersubjective acceptability, which would also lend them some claim to conventional validity.[13]

The claim of acceptability which we attribute to these rules is not based in any way on metaphysical necessity, but on their suitability to do the job for which they are intended: the resolution of disputes. The rules do not derive their acceptability from some external source of personal authority or sacrosanct origin. Their acceptability should rest on their effectiveness when applied. Because the rules were developed exactly for the purpose of resolving disputes, they should in principle be optimally acceptable to those whose first and foremost aim is to resolve a dispute. This means that the rationale for accepting these dialectical rules as conventionally valid is, philosophically speaking, *pragmatic*.[14] Pragmatists judge the acceptability of rules on the extent to which they appear successful in solving the problems they wish to solve. In fact, to them a rule *is* a rule only if it performs a function in the achievement of objectives set by the pragmatist.[15]

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[13]Barth and Krabbe would probably call this *semi*-conventionality, since the company of discussants did not make any explicit agreement about the rules of discussion in advance (1982, 22, 38ff).

[14]Not giving into the kind of pragmatism in which practice replaces theory altogether, we tried to formulate the rules of a critical discussion in such a way that practical problems and theorizing are connected. As we have explained elsewhere (van Eemeren 1986), we regard argumentation theory as normative pragmatics, which is characteristically dealt with by means of a speech act theory, the pragmatist approach to language use *in optima forma* (see van Eemeren and Grootendorst 1984, for a formulation of the rules in terms of speech act theory). Speech act theory describes the conditions which make it useful (because of practical consequences they may have) to distinguish between certain forms of language use. This way it becomes clear what specific commitments language users accept in their verbal actions, and this makes it possible to explain clearly exactly what it means to conform to the philosophical principle that you should be prepared to undertake certain obligations in a discussion and to observe them. The speech acts which are most useful to all concerned who share a certain goal, for example to resolve a dispute, possess a form of problem validity which may lead to their claim of conventional, intersubjective validity. To get conventional validity, it must be clear which speech acts should be performed when and by whom. This has been shown in our ideal model of a critical discussion by characterizing and locating the different types of speech acts which can play a certain, specific role in the resolution of a conflict of opinion. This allows for rule utilitarianism with regard to speech acts in argumentative discussions. This way a dialectical approach motivated from critical rationalism combines with a utilitarian pragmatist approach to language use.

[15]Compare with William James's (1907) maxim "A difference which makes no difference is no difference.".

Whoever wants to resolve disputes and judges resolution procedures primarily on instrumental grounds, with the main purpose being that joint cooperation achieves an optimally satisfactory result for as many individuals as possible (and not, for example, for as much personal gain or enjoyment as possible), can be characterised as *utilitarian*. Unlike the pure egoist or hedonist, the utilitarian, hedonist or not, strives for optimal results for all concerned.[16] A person with a utilitarian attitude in a discussion strives for a satisfactory resolution of the dispute for both the protagonist and the antagonist, irrespective of whether the solution results in gain for the protagonist or the antagonist. Bearing in mind Popper's plea on behalf of falsification, however, we consider a "negative" variant of the basic principle of utilitarianism to be more effective here than "positive" utilitarianism: a system of argumentation rules which encourages discussants to pronounce their doubts and to work out how far the disagreements ensuing from such expressions of doubt can be resolved, is preferable to a system of argumentation rules which seeks to ensure agreement. This means that instead of the maximization of agreement, the minimization of disagreement should be aimed for, thus altering the perspective by a U-turn.[17] As a matter of fact, this is a good illustration of how philosophical insights of utilitarian pragmatics and critical-rationalist dialectics conjoin in the conception of reasonableness upheld in our argumentation and discussion theory.

Our system of pragma-dialectical rules is based on an ideal model of a critical discussion. Such an ideal model does bring with it the danger of its functioning as an unattainable Utopia which is however pursued at all costs. Even so, the model provides language users prepared to act as reasonable discussants with general and vital guidance for their conduct in discussions (which may be partially congruous to the system of norms they have internalized anyway). Surely, the course of a discussion which is meant to be critical cannot be completely planned out in advance any more than the realization of other ideal constructions, but in the piecemeal engineering which is necessary to gradually increase control over widespread discussion faults, such a model is an indispensable reference point.

For people whose aim it is to resolve a dispute by means of discussion, the system of dialectical rules laid down in our ideal model of a critical discussion provides a practical code of conduct. But what sort of persons will be willing to adopt the required discussion attitude, thus guaranteeing the conventional validity of the dialectical rules? They should be persons who accept doubt as an integral part of their way of life and who use criticism towards themselves and others to solve problems by trial and error. They use argumentative discussions as a means to detect weak points in our viewpoints regarding knowledge, values and objectives, and eliminate these weaknesses where possible. Such persons are opposed to

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[16]This kind of utilitarianism stems from Bentham (1838–1843) and Mill (1863), but it is also connected with the eudaemonic ethics rehabilitated in modern times by Kamlah (1973).

[17]Broadly speaking, negative utilitarianism means that instead of the maximization of happiness, the minimization of suffering is sought. In this respect, the critical attitude we advocate corresponds with this preferable starting point. Compare with Popper in *The Open Society and Its Enemies* (1971b, Chaps. 5, note 6).

protectionism with regard to viewpoints and to the immunization of any kind of viewpoint against criticism, and they reject all forms of fundamentalist justificationism (*Letztbegründung*).

Whoever shares these profiling characteristics, whether he be an existentialist, realist, or whatever, can be regarded as a member of Popper's *Open Society*. A member of the Open Society is anti-dogmatic, anti-authoritarian, and *anti-Letztbegründung;* in other words against monopolies of knowledge, pretensions of infallibility, and unfaltering principles. As these are linked, via personification and reification, with essentialism, holism and predestinarian conspiracy theories, a member of the Open Society has prohibitive objections to such forms of "hard determinism" as Marxism and Fundamentalism—*bien étonné de se trouver ensemble*.

To a certain extent, each individual himself can, if he wishes, fulfil the prerequisites to a reasonable discussion attitude and become a member of the Open Society. His freedom to do this, however, is often restricted by factors beyond his control, generally referred to as *compulsion* (although this is seen differently by, say, existentialists).[18] Adhering to Barth and Krabbe, these external conditions for a reasonable discussion attitude are earlier described by us as conditions of a "higher order" which must be fulfilled in order to be able to satisfy the prerequisites of a reasonable discussion attitude and to get around to complying with the dialectical rules of the discussion itself. The discussion rules are then called *first order* conditions, the internal characteristics which specify a reasonable discussion attitude are *second order* conditions, and the external requirements of the circumstances in which the discussion takes place are *third order* conditions.[19]

For example, in order to fulfil the first order rule which says that parties must not prevent each other from advancing viewpoints or casting doubt on viewpoints (Rule 1), the persons concerned must, among other things, possess a second order discussion attitude which involves the willingness to express their opinions and to listen to the opinions of others. In order to be able to adopt this attitude, the psycho-social reality in which the individuals operate should be such that it fulfils the third order condition that everyone has the right to advance his view to the best of his ability. And in order to fulfil the first order rule that a viewpoint may be defended only by advancing argumentation relating to that viewpoint (Rule 4), the second order condition must be fulfilled that a person is actually willing to advance arguments for his viewpoint, and the third order condition that he has a real voice

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[18]Although existentialists like Sartre seem to suggest otherwise, in our opinion there is nothing paradoxical about behavior being free from compulsion but nevertheless "caused".

[19]It might even be useful to distinguish also fourth order conditions which relate to normal input and output conditions (as John Searle calls them), specifying among other things that for analytical purposes in the basic model of a critical discussion situation it is started from the assumption that the people taking part in the discussion are not infants, deaf or insane people, and so on. However, nonfulfilment of these conditions would affect communication in general, not just argumentation, and therefore these conditions can be left out here.

on the subject and is not, for example, totally dependent on the compassion of the person whom he is addressing.

The first order conditions represent necessary elements of a code of conduct aimed at the resolution of disputes.[20] The second order conditions imply a plea for quality education and instruction in argumentation which stimulates reflection. The third order conditions make it clear that for argumentation theoreticians there is also an important indirect political responsibility in striving for individual freedom, non-violence, intellectual pluralism, and institutionalized safeguards for rights and means to obtain information and pass criticism. Only insofar as a pragma-dialectical argumentation theory takes into consideration these three components, can it provide a socially as well as theoretically interesting clarification of the concept "reasonableness".

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[20]It should be noted that the first order rules corresponding to the first order conditions, are not foolproof algorithmic rules, but informal rules of conduct which can only be used by people who reflect upon the circumstances in which the discussion takes place. This is also why we cannot do without second and third (and possibly even higher) order conditions.

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Chapter 11
In Reasonableness

Frans H. van Eemeren

11.1 Argumentation and Reasonableness

It is *Friday the thirteenth* today. This appears to be a doubly unlucky date to give a farewell lecture. The date Friday the thirteenth reminded me of a television show from 1999 in which the French reporter Philippe Vandel set to the streets with a camera and microphone in 1999 to ask people the following question: "Experts have determined that New Year's Eve at the end of the millennium falls on Friday the thirteenth. Does that frighten you?"[1] The date was completely off, but the very mention of this unlucky event turned out to incite such fierce emotional response with the superstitious audience that the fallacious appeal to authority passed unnoticed. Apparently there is a lot of superstition in France. Perhaps I may infer, albeit "fallaciously", from the fact that all of you are here on Friday the thirteenth that the superstition outside of France is less vehement.[2]

In their *Traité de l'Argumentation: La Nouvelle Rhétorique,* the Belgian "new rhetoricians" Perelman and Olbrechts-Tyteca write about a housemaid who refuses to set the table for a company of eleven people because eleven is an unlucky

The original Dutch title of this valediction, *In alle redelijkheid*, which would normally translate as "In all reasonableness", was the title of the *Openbare Les* ("Public Lesson") which Johan van Benthem held on May 29th 1979 at the acceptance of his lectureship in Symbolic Logic at the University of Groningen (van Benthem 1979). Together with the other members of the Ko Wah-group, Johan and I had the aim of elucidating the relation between reasonableness and argumentation. It is my intention to indicate in my valediction how, as an argumentation theorist, that I have tried to substantiate the notion of *in alle redelijkheid* during the last 25 years. Accordingly, I thought it would be nice to maintain this title which, at first without remembering van Benthem's oration, I had chosen for my valediction.

[1]See http://www.dailymotion.com/video/x5k3i_vandel-reveillon-vendredi-13_fun.
[2]According to Wikipedia both Reve as well as Flaubert whom he admired were born on December 13th. Out of superstition Flaubert's birth was registered on December 12th and Reve's on December 14th.

number. The employer manages to convince the maid otherwise by offering the counter-argument that *not eleven but thirteen* is the unlucky number—which, measured against the conventions of superstition, is quite correct: "Non, Marie, vous vous trompez: c'est treize qui porte malheur" (1970, p. 149).[3] Thus the dinner goes along unhampered. This means that, in this example, the employer's argumentation was effective. But are we entitled to say that the difference of opinion between the employer and the maid has been solved in a reasonable manner? This of course depends primarily on the conception of "reasonable" which we want to adhere to.[4]

The idea that reasonableness comes down to effectiveness will hardly be encountered explicitly among argumentation theorists—nor among rhetoricians. Nonetheless, many rhetorical approaches come close to it. Although they do not believe that effective argumentation can automatically be taken to be reasonable, they do believe that reasonableness depends in the first place on what people *think* is reasonable. In this view, reasonable is what is being considered reasonable within a certain cultural and historical constellation. Let's say: what the purveyors of culture accept as reasonable. This intersubjective conception of reasonableness, which in principle has an empirical basis, is also called the *anthropological conception of reasonableness*.[5] Most rhetoricians adhere to this conception, although in different forms. Fundamentalists among them make the relativity of reasonableness absolute and deem the assumption of any general norm of reasonableness as entirely unacceptable.

At the other end of the spectrum of conceptions of reasonableness, fundamentalism prevails when the objectivity of reasonableness is made absolute. This comes to light in the *geometrical conception of reasonableness,* according to which argumentation shall be judged as reasonable only if from evident truths new truths are analytically derived. In practice most argumentation theorists are of the opinion —and I agree—that neither a purely anthropological nor a purely geometrical conception of reasonableness suffices. In my view, argumentation can hardly be considered reasonable if the argumentative means employed do not constructively contribute to the resolution of the difference of opinion for which the argumentation is advanced. Nor if the parties involved do not acknowledge the constructive role of the argumentative means used. This means that, in my view, reasonableness has both an "external" analytical dimension, which relates to the problem-solving potential of the argumentative means, as well as an "internal", empirical dimension, which relates to the intersubjective acceptability for the parties concerned.

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[3]For convenience I take the housemaid to not solely concede her point of view because of her employer saying so. With respect to the "higher order" conditions that play a role here see also note 28.

[4]I will not address the difference between reasonableness and rationality here. I take reasonableness to imply rationality.

[5]I use Toulmin's (1976) study *Knowing and Acting* here as the basis to distinguish conceptions of reasonableness.

In our approach to argumentation, Rob Grootendorst and I have opted for a *critical conception of reasonableness* in which justice is done to both dimensions of reasonableness. The starting point of this critical conception of reasonableness, which is inspired by "critical rationalist" insights, is that instead of pursuing absolute certainty we can do better by continuously testing the acceptability of our standpoints.[6] According to this view, argumentation is not a means to justify standpoints definitively, but a—vital—part of a critical exchange of views aimed at determining if a standpoint is tenable in the light of doubt or contradiction. To be considered reasonable, this exchange of thoughts needs to be in accordance with the analytical rules for conducting a critical discussion. These rules collectively form a problem-solving discussion procedure and are in principle intersubjectively acceptable to the participants.

11.2 Norm and Reality

In the field of argumentation theory, argumentative practice is both the starting point and the end point of systematic study. That is to say, the motivation for the study is rooted in the problems that present themselves in the many guises of argumentative practice; likewise, the results are being employed to improve the analysis and evaluation of argumentative practice and to finally increase its quality. This practical orientation lends the field of argumentation theory its relevance for society.

Argumentation theory is a complicated field because the study of argumentation is inter-disciplinary, drawing on insights from philosophy, logic and rhetoric to communication studies, discourse analysis and stylistics.[7] An even bigger complication is that argumentation theory uses normative as well as descriptive insights. To relate these normative and descriptive dimensions in a responsible manner, a comprehensive and complex research programme needs to be implemented.

Based on a critical conception of reasonableness at a philosophical level, which is itself the subject of systematic reflection in argumentation studies, a model of a discussion procedure needs to be designed within the theoretical component of the research programme.. Argumentation theorists can appeal to this theoretical model in analysing as well as in evaluating argumentation.[8] For that purpose, together with Rob Grootendorst I have developed a "pragma-dialectical" model of a so-called *critical discussion* (van Eemeren and Grootendorst 1984, 2004). A "critical discussion" is an argumentative exchange of speech acts which is fully aimed at

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[6]See for example Popper (1963) and Albert (1975).

[7]For an overview of the state of affairs in argumentation theory see van Eemeren et al. (1996). This overview is rather outdated by now. Therefore a new *Handbook of Argumentation Theory* is currently being prepared by van Eemeren et al. (2014).

[8]For a historico-philosophical contribution to the pragma-dialectical research see the dissertation of Wagemans (2009). See also Braet (2007).

resolving a difference of opinion in a reasonable manner.[9] Our model of a critical discussion is called *pragma-dialectical.* First, it is *dialectical* because it provides rules for systematically conducting such a critical discussion by means of moves and counter-moves. Second, it is a *pragmatic* model, for the moves it consists of characteristically have the form of *speech acts*. In the context of argumentative communication and interaction, speech acts are performed according to certain conventions of language use.[10] With Houtlosser and Snoeck Henkemans, I have studied the indicators in language use that point to certain argumentative moves performed by means of speech acts (van Eemeren et al. 2007).[11]

The qualitative and quantitative studies conducted in the empirical component of the research programme are of course not aimed at checking whether the ideal model of a critical discussion corresponds to argumentative practice.[12] After all, this does not have to be the case, because the model indicates what ideally happens in an argumentative exchange of thoughts, not what actually happens. Nonetheless, the ideal model does provide clear points of orientation for empirical research.[13] For example, in a critical discussion we distinguish four stages that need to be passed through in order for the difference of opinion to be resolved in a reasonable manner. In the empirical research, then, it has to be checked to what extent these stages take shape in argumentative practice and in which way that happens. Additionally, Garssen, Meuffels and I have checked to what extent the norms expressed in the rules for critical discussion, which have a problem-solving capacity and are part of the pragma-dialectical discussion procedure, are also intersubjectively accepted by discussants (van Eemeren et al. 2009).

The results of the philosophical and theoretical studies on the one hand and of the empirical studies on the other form the basis for connecting the achieved normative and descriptive insights in the analytical component of the research programme. In the analytical research that Grootendorst and I have conducted together with Jackson and Jacobs, we have developed instruments for the reconstruction of argumentative texts and discussions that lead to an *analytic overview,* which is a suitable starting point for critical evaluation (van Eemeren et al. 1993).

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[9]A difference of opinion emerges when the standpoint of one is not shared by the other. That does not necessarily mean that the other takes an opposite standpoint, as is the case in a "mixed" difference of opinion. It can also be the case that the other merely doubts the acceptability of the standpoint. For the advancement of argumentation it can be enough that he *is presumed to* doubt the acceptability of the standpoint. See van Eemeren et al. (2002, Chap. 1).

[10]For the theoretical basis of the pragmatic aspect see primarily Searle (1969, 1979) and Grice (1989).

[11]Snoeck Henkemans (1992), Viskil (1994), Houtlosser (1995) and Tseronis (2009) belong to the dissertations that contribute to the development of the pragma-dialectical theory.

[12]Different from Weberian "ideal types" the ideal model of a critical discussion is in principle not empirically tested in accordance to reality.

[13]Early examples of quantitative pragma-dialectical empirical research are the dissertations of Jungslager (1991), Oostdam (1991) and Koetsenruijter (1993). A combination of theoretical and empirical pragma-dialectical research is offered in the dissertations of Garssen (1997), Gerritsen (1999) and Amjarso (2010).

With the ideal model of a critical discussion as guideline, all those and only those elements which are relevant to resolving the difference of opinion in a reasonable manner are reconstructed in the analytic overview. This means that a theoretically motivated analysis of the text is made in terms of a critical discussion that can be justified empirically based on data from the text or discussion, the various dimensions of the context, logical and pragmatic inferences and general and specific background information (van Eemeren 2010, pp. 16–19).[14]

Lastly, in the practical component of the research programme the results obtained from the other components are combined. This component has a "praxeological" character because proposals (designs, formats) and methods are developed for the improvement of argumentative practice. In this way we have, for example, developed methods for the analysis and evaluation of argumentative texts and discussions, the presentation of arguments and the participation in discussions (van Eemeren and Grootendorst 1992).[15] Of course, there needs to be differentiation sometimes between various contexts in which argumentation plays a role. In this sense, we have written a specific book titled *Argumenteren voor Juristen* ("Arguing for Jurists"), together with Feteris and others (van Eemeren et al. 1996).

11.3 Fallacies as Unreasonable Discussion Moves

Traditionally, "fallacies" is the name for argumentative moves that are flawed in some way. In connection to the practical orientation of the field of argumentation theory, the possibility of tracking down the fallacies can actually be seen as the litmus test for the quality of any specific theory of argumentation (van Eemeren 2010, p. 187). Therefore, Grootendorst and I have tried to establish that our pragma-dialectical procedure for conducting a critical discussion can be considered as a code of conduct for discussants who want to resolve a difference of opinion in a reasonable manner, by systematically showing that abiding by the rules for conducting a critical discussion excludes the use of fallacies (van Eemeren and Grootendorst 1992). To facilitate the accomplishment of this objective, we first had to develop a new perspective on fallacies which deviated from the usual viewpoint.

The Australian argumentation theorist Hamblin had made it clear in his revolutionary book *Fallacies* (1970) that the "logical standard treatment" of fallacies, which up until then had represented the leading paradigm, was unsatisfying and even inconsistent. According to the then accepted "logical standard definition", a fallacy is "an argument that seems to be valid but is not so" (Hamblin 1970, p. 12). However, in the logic textbooks which Hamblin surveyed the fallacies would often

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[14]For an application of the pragma-dialectical analytical instruments see, for example, the dissertations of Verbiest (1987), Slot (1993) and Hietanen (2005).

[15]See for our method also van Eemeren, Grootendorst and Snoeck Henkemans (van Eemeren et al. 2002).

turn out not to satisfy the definition itself. In many cases, for instance, the fallacies treated by these textbooks were not arguments at all. Such was the case of the well known "straw man" fallacy, i.e. presenting a more easily attackable proposition as the standpoint, or the infamous *argumentum ad baculum* – the symbolic threatening with the stick. Sometimes the fallacies were arguments but not invalid ones, as was the infertile "circular reasoning". In many cases what appeared to be flawed in the fallacies had, on closer inspection, nothing to do with logical validity.

Hamblin's destructive criticism of the logical standard treatment of fallacies had incited divided responses, in which the recognition that Hamblin was right prevailed.[16] The one extreme consisted of henceforth excluding fallacies from logical textbooks altogether and the other extreme consisted of just leaving everything as it was.[17] The former reaction may possibly be ethically preferable, but it does not solve the problem of the fallacies any better than the latter. Luckily there were also more constructive responses, in which attempts were made to provide an alternative to the logical standard treatment. I will limit myself here to our own response.[18]

Because a theory of errors cannot be compiled independent of a theory of what is correct, Grootendorst and I have incorporated our treatment of fallacies in a general theory of argumentation from the start.[19] Why all fallacies should necessarily be *logical* errors, was inexplicable to us. Our starting point was all the same that there needs to be a common rationale to call various argumentative moves *fallacious*. It would not be right if one fallacy would be rejected for a completely different reason than the rejection of another. The general rationale we employ in the pragma-dialectical theory of argumentation when ascribing the predicate "fallacious" is this: any fallacy is seen as an argumentative move which obstructs or frustrates the reasonable resolution of a difference of opinion. This means that a fallacy occurs if in the performance of the argumentative move concerned, one or more rules for conducting a critical discussion have been violated. Thus all violations of rules for critical discussion are in this approach classified as fallacies. Lacking logical validity is only one possible cause for fallaciousness (van Eemeren and Grootendorst 1992).

Because the rules for a critical discussion relate to all stages that can be distinguished in reasonably resolving a difference of opinion, this conception entails that fallacies can occur in all discussion stages. The protagonist of a standpoint as well as the antagonist who doubts the acceptability of the standpoint or voices criticism towards the argumentation advanced by the protagonist in defence of his standpoint, both can commit fallacies. All well-known fallacies from the long list which has been handed to us by history turn out to be definable as violations of the

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[16]But see Hansen (2002).

[17]See Lambert and Ulrich (1980) and Copi (1986), respectively.

[18]Another constructive response consisted for example in the stream of papers by Woods and Walton in which they try to find an adequate formal approach for every fallacy covered. See Woods and Walton (1989).

[19]See DeMorgan (1847) and Massey (1975) on the impossibility of a distinct "theory of errors".

well-known discussion rules, while additionally "new" fallacies, which had not been noticed before, can be distinguished. Moreover, it turns out that in this way it surfaces more clearly which fallacies are related because they constitute violations of the same discussion rule and which fallacies that in the past were seen as one and the same category actually have to be distinguished because they constitute violations of different discussion rules.

That different variants of a fallacy can be distinguished holds for example for the fallacy of authority. In one variant of the *argumentum ad verecundiam,* a personal guarantee is given for the correctness of the standpoint in the opening stage of the discussion ("You can take it from *me* that every war leads to another war"). This variant constitutes a violation of the Burden of Proof Rule which states that someone who advances a standpoint is obliged to defend it if the other party requests it. The *argumentum ad verecundiam* can also occur when, although someone is prepared to defend his standpoint, but does this in the argumentation stage by appealing to an authority that in fact is no expert in the field to which the disputed standpoint relates ("Recently the famous theologian Hans Küng clearly stated again: every war leads to another war"). This variant constitutes a violation of the Argument Scheme Rule, which prescribes for argumentation from authority that the source which is appealed to as an authority actually has to be an authority in the field concerned.[20]

Garssen, Meuffels and I have done empirical research for more than ten years to check to what extent discussants who did not receive any tutoring in argumentation judge the reasonableness of argumentative moves according to norms that match those which have been expressed in the rules for conducting a critical discussion (van Eemeren et al. 2009). In order to have the results not interfered with by other factors, we have opted for experimental research in which we could systematically maintain control of the relevant conditions. Within this study we conducted approximately 50 independent experiments in which we asked our test subjects to give their verdict on a 7-point scale about the reasonableness or unreasonableness of the last argumentative move performed in each of the discussion fragments we presented to them. The tests contained both discussion fragments with fallacies and discussion fragments without fallacies. In this way, 24 different types of fallacies were subsequently examined that constituted violations of rules which related to each of the four discussion stages. To avoid any hint of the results of the study being confined to The Netherlands, we replicated several tests in Belgium, Germany, Spain and Indonesia.

Without going into the specific results of the study and the way in which we excluded alternative explanations such as that *ad hominem* fallacies are denounced because getting personal is regarded impolite instead of unreasonable, I will just mention here that our respondents turned out to make a definite distinction between

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[20]And then there is a third variant of argumentum *ad verecundiam* still, in which the Argument Scheme Rule is violated by referring in the argumentation stage to an expert whose authority is not relevant for the case at hand ("The Netherlands should get out of the monetary union immediately. Professor Jansen, the famous linguist, believes this would benefit our economy.").

fallacious and non-fallacious argumentative moves and that the distinction in all cases agreed with the pragma-dialectical norms.[21] With that, the intersubjective acceptability of the rules for conducting a critical discussion that we examined has in principle been shown.

11.4   Reasonableness and Effectiveness

Someone who argues is of course not just after maintaining reasonableness. He or she also wants to have it his or her way. This simple consideration formed, from the nineties onwards, the starting point of my studies together with Peter Houtlosser. We assumed that every argumentative move is aimed at being both reasonable and effective. The pursuit of effectiveness and reasonableness at the same time entails that someone who argues has to manoeuvre strategically in every argumentative move that he makes, in order to maintain the balance between effectiveness and reasonableness (van Eemeren and Houtlosser 2002a, b). By explicitly taking into account this strategic manoeuvring in the formation of pragma-dialectical theory, we have made it possible to not only considerably elaborate and refine the analysis and evaluation of argumentative texts and discussions, but also to explain and justify such analyses and evaluations much more precisely (van Eemeren 2010).

With the introduction of the notion of "strategic manoeuvring" we have in fact added a *rhetorical* dimension to our dialectical theory of argumentation.[22] With that we have, in our view, returned to the roots of our field in classical antiquity. At that time there was, especially in the work of Aristotle, already a profound interest for both the dialectical as well as the rhetorical perspective to argumentation.[23] The logical perspective, which Aristotle represented primarily in the *Prior and Second Analytics*, has later been encompassed by the dialectical perspective. The distinction for Aristotle between the two theoretical perspectives which might best be described as a *division of labour*. In later times a certain competitiveness arose, in which at times dialectic and at times rhetoric prevailed. A radical separation between the two occurred only after important parts of rhetoric—*inventio* and *dispositio*—had been incorporated into dialectic. Consequently, rhetoric focussed primarily on the wording—*elocutio*—and the presentation—*actio*. From the seventeenth century onwards this led to the existence of two completely independent paradigms which had nothing to do with each other and were even considered irreconcilable (Toulmin 2001).

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[21]With the exception of the logical variant of the *ad consequentiam* fallacy, all differences in reasonableness between a certain fallacy and its non-fallacious counterpart are statistically significant (van Eemeren et al. 2009, pp. 205–224).

[22]Van Rees (2009) offers a vital contribution to the theory building on strategic manoeuvring with "dissociation". Fahnestock (2009) shows which connections can be made between the stylistic aspect of strategic manoeuvring and the literature on stylistics.

[23]See Aristotle (1984, 1991, 2011).

The interest in dialectic made a cautious comeback in the second half of the twentieth century, after having been overthrown by the rise of mathematical logic.[24] Rhetoric also, which never lost its appeal in the United States, went through a remarkable revival in Europe. Nonetheless, while rhetoric became part of the humanities, dialectics appeared to be primarily the undertaking of logicians and analytically oriented philosophers. Within argumentation theory this led to the growth of almost completely separated camps of dialectical and rhetorical researchers, each with their own infrastructure of scholarly societies, journals and book series. The ones generally paid no heed to the work of the others—upon which each of them often looked down with some contempt. Therefore it was much needed to reconcile the parties, which for example happened in the International Society for the Study of Argumentation (ISSA) and in certain journals and book series.[25] In the handbook *Fundamentals of Argumentation Theory* a number of argumentation theorists provided an overview of the state of affairs in the field, as it stood in 1996, in which for the first time both theoretical perspectives are featured extensively (van Eemeren et al. 1996).

Against this background, the integration of rhetorical insights into a dialectical argumentation theory was more problematic than possibly could have been expected on the basis of the classical tradition. Insofar as the argumentation theorists were even willing to glance over the hedge, they eventually still had great difficulty in crossing the borders of their own territory—or, even more daring, let others invade their territory (van Eemeren and Houtlosser 2002a, b). Nonetheless I was—and am—convinced that dialectics and rhetoric cannot survive without each other and that the future of argumentation theory lies in a constructive integration of these two perspectives.[26] Dialectical reasonableness in argumentative discourse has significance, in my opinion, only in combination with rhetorical effectiveness, and rhetorical effectiveness has no significance without the boundaries of dialectical reasonableness. Let me give one example of how I envision the integration.

In the novel *A Perfect Spy,* John LeCarré depicts a father, the main character, who tries to prevent his son from crying over his father heading off again after a rather short visit. The father is a charming conman for whom enjoying women, cars and gambling is more urgent than visiting his little son, who loves him nonetheless. Every time the father gets ready to leave, the boy is about to cry. The father tries to get his son to accept his standpoint that the boy should not start crying, by using the following words:

> *Do you love your old man? Well then…*

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[24]For logically and dialectically oriented contributions to argumentation theory see for example Barth and Krabbe (1982), whose study was an important source of inspiration in the development of pragma-dialectics, and the dissertations of van Laar (2003) and Gerlofs (2009).

[25]See for example the journals *Argumentation*, *Informal Logic*, *Argumentation and Advocacy*, *Cogency* and *the Journal of Argumentation in Context* and the book series Argumentation Library and Argumentation in Context.

[26]Agricola (1991) already elucidated in the fifteenth century that such an integration is very well possible.

Even in such a short fragment all stages of a critical discussion are identifiable. The context makes clear that the confrontation stage consists of the collision between the standpoint of the father, that the boy should not start crying, which was wisely left implicit, and the apparent indecision about this of his little son. The opening stage consists of the father's observation, presented in the form of a rhetorical question, that the boy loves his dad. With the use of the expression "well then", the father realises the argumentation stage by turning the uncontested starting point that the boy loves his dad into an argument for his standpoint. The concluding stage is clearly marked by the points ("…"), although the conclusion that the boy should not start crying is not itself mentioned explicitly.

The strategic manoeuvring in this argumentation resembles a variant of the rhetorical style which is called *conciliatio*. First by means of a rhetorical question the father ascribes to the boy a proposition which the boy will surely agree with ("I love daddy"). By subsequently saying "well then", he implies that the boy, *given* his acceptance of the proposition that he loves dad, should also accept the not explicitly stated standpoint that he should not start crying. Based on the authority of the writer, this form of strategic manoeuvring turns out to be effective in the example. Whether it is in this case also reasonable remains to be seen.[27]

11.5   Strategic Manoeuvring and Fallacies

The reasonableness of strategic manoeuvres depends in the pragma-dialectical view depends primarily on the relation between the strategic manoeuvring and the rules for conducting a critical discussion. If in manoeuvring strategically one or more of these rules are violated, the strategic manoeuvre concerned is fallacious. The strategic manoeuvring can then be said to have "derailed".

In practice, derailments of strategic manoeuvring can easily go unnoticed due to several causes. Because in principle argumentation appeals to reasonableness, the *presumption of reasonableness* almost automatically gets transferred to argumentative moves which are not reasonable at all.[28] Because fallacies are not entirely different argumentative moves in comparison to their reasonable counterparts, but

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[27]Suggesting that this would be the ends all, the father gives his son, who he puts a lot of emotional pressure on, not really the chance to draw his own conclusion, but forces him more or less to accept his standpoint. That the son loves his father does not necessarily mean that he also supports his standpoint. The son in this novel clearly does not agree with the unexpressed argument that someone who loves someone does not start crying when the other leaves, as is implied by "well then". He is not committed to this in any sense. This means that the father is guilty of the straw man fallacy. Perhaps one could even say that he pressures his son to such an extent that one of the preliminary conditions for conducting a critical discussion has not been fulfilled. See for these "higher order" conditions van Eemeren and Grootendorst (2004, p. 189).

[28]See for the presumption of reasonableness also Jackson (1995).

derailments of these reasonable counterparts, they can in some cases look precisely like non-defective argumentative moves. Therefore they can easily be mistaken for reasonable argumentative moves.[29] And because the distinction between fallacies and reasonable argumentative moves is not always immediately crystal clear, in some cases being even context-dependent, it often is rather complicated to determine whether it really is a case of fallaciousness. This explains why fallacies can be so deceiving and why it is necessary that argumentation theorists further study the criteria that determine whether in specific cases a violation of the norms of reasonableness that hold for a critical discussion does or does not occur (van Eemeren 2010).

In derailed strategic manoeuvring reasonableness gets overshadowed by the strive for effectiveness. It can also happen that the strive for reasonableness overshadows effectiveness. At first glance this is what happens in the following "advertorial" of J.R. Reynolds, tobacco company, a text which was published in a large number of magazines:[30]

> *Some surprising advice to young people from R.J. Reynolds Tobacco.*
> *Don't smoke.*
> *For one thing, smoking has always been an adult custom. And even for adults, smoking has become very controversial.*
> *So even though we're a tobacco company, we don't think it's a good idea for young people to smoke.*
> *Now, we know that giving this kind of advice to young people can sometimes backfire.*
> *But if you take up smoking just to prove you're an adult, you're really proving just the opposite.*
> *Because deciding to smoke or not to smoke is something you should do when you don't have anything to prove.*
> *Think it over.*
> *After all, you may not be old enough to smoke. But you're old enough to think.*

The cigarette manufacturer argues for the standpoint that juveniles should not smoke (1) and to that aim first advances the argument that smoking is a privilege of adults (1.1a) and then the argument that smoking has become controversial (1.1b). The coordinatively complex argumentation structure of Reynolds' case can be represented as follows:[31]

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[29]There is a clear parallel here with Hamblin's earlier "logical standard definition" of fallacies as invalid inferences which *seem* valid (my italics, FHvE).

[30]This advertorial was published by R.J. Reynolds Tobacco Company in the mid-Eighties of the twentieth century when in the United States the attitude towards smoking was changing dramatically. In calls for parliamentary hearings on the further restriction of cigarette advertisements it was suggested that tobacco companies in their advertisements addressed children to replace the growing number of adult smokers that stopped or died.

[31]Besides coordinatively compound, argumentation can also be subordinatively compound (which for example is indicated by the argumentative indicator "for because") or multiple (which for example is indicated by the argumentative indicator "beside that").

1. Young people should not smoke

1.1a Smoking has always
been an adult custom

1.1b Even for adults smoking
has become very controversial
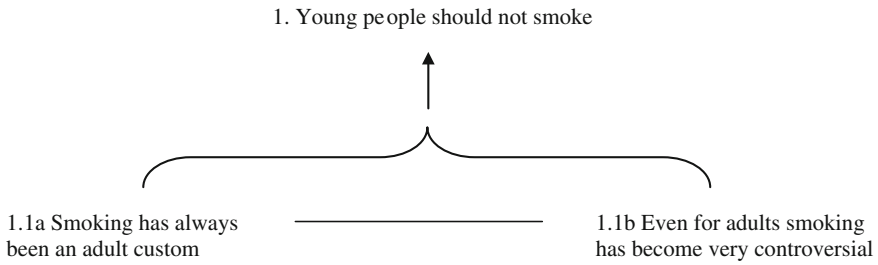
There is something strange happening in this argumentation, because it is clear from the outset that the arguments put forward will definitely not convince juveniles. The argument that smoking is a privilege of adults will actually be a reason for juveniles to also want to smoke. And the argument that smoking has become controversial only makes smoking more attractive to juveniles.[32] Strikingly, Reynolds does not make use of the much more obvious and also much stronger arguments that smoking can easily become an addiction and causes cancer. Based on these considerations, I conclude that it looks like the arguments that Reynolds advances are strategically selected *on their lack of power* to contribute to an effective defence of Reynolds' official standpoint that juveniles should not smoke.

By advancing only arguments which are so obviously *not suited* for the defence of this standpoint, Reynolds activates the *topos* "If only bad reasons are given for not doing something, then *there are no good reasons* for not doing it", because someone who argues for something is expected to use the strongest arguments available in doing so. The reasoning that should lead the young readers to the conclusion that there are no good reasons for *not* smoking, a conclusion in fact aimed for by Reynolds, can be reconstructed in the following way (with the unexpressed steps between parentheses in line with conventions[33]):

(1) (There are no good reasons not to smoke for juveniles)

    ((1).1) (Only bad reasons have been given for juveniles not to smoke)

        (((1).1).1a) (*Smoking has always been something for adults* is a bad reason)
        (((1).1).1b) (*Even for adults smoking has become controversial* is a bad reason)
        (((1).1).1a–b) (No other reasons have been advanced)

    ((1).1′) (If only bad reasons are given for not doing something, then there are no good reasons for not doing it)

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[32]Arguments that appeal (or do not appeal) to a particular category of people in a particular culture or in a particular period can be appreciated completely differently in other cultures or other periods. Similarly the arguments of Reynolds could very well be less effective in the desired sense to young adults now than when they were advanced.

[33]An apostrophe indicates that the (often unexpressed) "major premise" concerned establishes a connection between the other premise(s) and the standpoint which is defended by the premises.

This is only a partial analysis which can be strengthened considerably by taking more aspects of Reynolds' strategic manoeuvring into account. Nonetheless, I hope to have made sufficiently acceptable that the firm in this "advertorial" followed a strategy that is aimed at having the officially advanced argumentation be *counter-productive* in practice.[34] As a seasoned advertiser, the cigarette manufacturer can be expected to have foreseen the effect of this way of arguing as sketched.

While Reynolds on the one hand publicly tries to conform to the formal requirement of preventing juveniles from smoking, the firm tries on the other hand to protect its commercial interests thus fulfilling its business mission. In the defence of its official standpoint, Reynolds does not really adhere to the pragma-dialectical Relevance Rule which holds that standpoints may not be defended by using argumentation which is not relevant for the standpoint at issue. Reynolds indeed justifies a different standpoint instead—that for juveniles there is no good reason not to smoke. With this the firm is guilty of committing a variant of the relevancy fallacy known as *ignoratio elenchi* (van Eemeren and Grootendorst 1992, p. 205, 2004, p. 194). On second thought then, it turns out to be the case that the strive for effectiveness overshadows the strive for maintaining reasonableness and not the other way around.[35]

My discussion of the Reynolds case shows that the pragma-dialectical analysis and evaluation as well as the justification thereof become more pertinent and powerful when besides dialectical norms of reasonableness, rhetorical insights regarding the establishment of effectiveness are brought in. My discussion moreover demonstrates that smart argumentative moves which are aimed at establishing effectiveness do not lead to acceptable strategic manoeuvres if they are not at the same time in agreement with the prevailing norms of reasonableness.

11.6   General and Context-Dependent Criteria for the Fulfilment of Norms of Reasonableness

Only in make-believe cases and standard textbook examples it is generally clear without a doubt that a strategic manoeuvre derails into a fallacy. In all other cases it has to be checked meticulously whether an argumentative move constitutes a violation of one of the norms incorporated in the rules of critical discussion and which fallacy has then possibly been committed. In order to do that it has to be clear beforehand precisely which criteria need to be established in a particular case. Because the application of the critical norms of reasonableness is partially dependent on the requirements that result from the exact circumstances in which the

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[34]See for a more elaborate analysis of this advertorial van Eemeren (2010, pp. 19-22, 47–50) and van Eemeren et al. (2011).

[35]See for cases in which maintaining reasonableness overshadows effectiveness van Eemeren (2010, p. 198) and Walton and Krabbe (1995, p. 25).

argumentation occurs, such that these norms can be implemented in slightly different ways, the content of these criteria can sometimes be contextdependent. This means that the context in which the argumentative exchange takes place has to be in principle taken into account explicitly in determining the fallaciousness (van Eemeren 2010, pp. 203–207).

Besides the general criteria which are context-independent, specific criteria which are context-dependent will also play a role in the evaluation of, for example, strategic manoeuvring with the use of an argument by authority. These specific criteria constitute a "precization" of the general criteria for a reasonable appeal to authority which is adjusted to the specific needs of an argumentative exchange in a particular communicative setting.[36] In the diverse communicative domains, varying from the legal and political domain to, for example, the medical and the academic, many fixed and functional communicative practices have risen. These practices are more or less institutionalised in fairly well-defined and easily-identifiable activity types, such as the plea of the defence, the political interview, the medical consult and the scholarly review.[37] The explicit and implicit conventions of these communicative activity types make up the *institutional constraints* which hold for the strategic manoeuvring within an activity type in connection to the specific requirements of that activity type.[38] As such[?], the defence in a legal plea is allowed to appeal to verdicts of the Supreme Court in a civil trial, while such an appeal to authority is in principle not possible for the interviewee in a political interview. And in a medical consult the doctor is allowed to use his own expertise as argument, while this is a completely different matter in a scholarly review.[39]

Because of their great significance for society, we have chosen the four "macro contexts" just mentioned to investigate the contextual embedding of strategic manoeuvring.[40] This study focuses on specific criteria that make up the precizations of the general criteria which need to be applied in the evaluation of the

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[36]For an explanation of the meaning of the technical term *precization* see Naess (1966).

[37]The idea of activity types on which in pragma-dialectics is built upon was introduced by Levinson (1992).

[38]Because this is about constraints that are not intrinsic to the strategic manoeuvring but are so to say enforced from outside, these institutional constraints are called "extrinsic constraints" (van Eemeren 2010, p. 159).

[39]The conventions for informal activity types, such bar conversations or love letters, are not institutionally laid down and insofar as there are conventions anyone will obtain these automatically through the socialisation process. Which criteria of reasonableness hold for the argumentation, will in such cases in principle be determined largely by the participants themselves. In more formalised activity types, such as a judge's verdict or a parliamentary debate, this is different. The conventions have then usually been institutionally determined and sometimes also officially recorded. In order to participate a specific socialisation process is required, which often has an education-like character. The criteria of reasonableness which hold for making argumentative moves are in these cases in principle not determined by the participants themselves but belong largely to the institutional givens.

[40]Other macro-contexts which are analysed pragma-dialectically are mediation and financial negotiation. See the dissertations of Greco Morasso (2011) and Palmieri (2010) respectively.

reasonableness of specific argumentative moves. Even more than the academic domain, for argumentation theorists the legal domain pre-eminently constitutes the context in which the ideal of reasonable argumentation takes shape in an institutionally regulated way. Therefore it is not surprising that for argumentation theorists such as Toulmin (2003/1958) and Perelman and Olbrechts-Tyteca (1970/1958) the regulations of legal practice have been the source of inspiration in their theorizing. In our research group, Feteris (1989) has investigated in her dissertation the extent to which the regulation of legal practice is in agreement with the pragma-dialectical rules for conducting a reasonable discussion and how deviations from these rules in civil and criminal law can be explained by the specific requirements of the judicial process.[41]

It is characteristic of the communicative practices which developed in the legal context that they have been to a large extent institutionalised. For each communicative activity type which can be distinguished in this context it holds that both the procedural and the material starting points that define the legal counterpart of the opening stage of a critical discussion are determined—not so much in mutual deliberation by the parties, but predetermined. In studying legal argumentation it has to be determined how the relevant legal activity types can be argumentatively characterised on the basis of the tool set provided for this by the ideal model of a critical discussion. On this basis the specific institutional constraints can be identified which hold for the strategic manoeuvring.[42] It is then possible to provide more insight into the way in which different parties, including the judge, manoeuvre strategically in practice and what their argumentative latitude is in doing so.

In the political domain again other communicative activity types have developed in which the role of argumentation is prominent, but the institutional constraints are different. During the last few years we have for example focussed on certain characteristics of argumentative practices in the general debate in Dutch Parliament, the plenary debate in European Parliament, legislative debates in the British House of Commons, the responses to questions in Prime Minister's Question time, the defence against accusations of inconsistency in political interviews and critical reactions on political internet discussion forums.[43] In all of these studies, the notion of strategic manoeuvring takes central stage.[44] Mohammed (2009), for example, shows how the British Prime Minister operates strategically in his responses to questions from the leader of the opposition. The questions were shown to be veiled criticisms and the answers attempts to get the leader of the opposition to withdraw these criticisms by emphasising that there is an inconsistency in the positions which

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[41]Plug (2000), Kloosterhuis (2002) and Jansen (2003) have added their findings to this in their dissertations, with which the legal context has become an established topic of interest of our research group.

[42]See for the first step in this development Feteris (2009).

[43]See respectively Tonnard (2010), van Eemeren and Garssen (2010) and Plug (2010), Ihnen (2010), and the dissertations of Mohammed (2009), Andone (2010) and Lewinski (2010).

[44]See for the connection between pragma-dialectics and the study of political argumentation also Zarefsky (2009).

the opposition took with respect to the issue at hand. Mohammed makes clear that the strategic manoeuvre of the Prime Minister in the context of Prime Minister's Question time does not only have the institutionally required function of defending the government's policies, but—if the manoeuvre is successful—also serves to support the politically important standpoint that the opposition does not possess the capacities for responsible leadership while the ruling party does.

The third institutional context towards which our study is oriented is the medical domain. There it is not just the doctors who in our "post *informed consent* era" are under the obligation to make clear in a satisfying way to the patients that come for a consult that their medical advice is sound, who manoeuvre strategically. This also happens—especially in America—in advertisements in which certain drugs are promoted and in so-called *health brochures* aimed at getting a certain target audience to eat less, to exercise more or to do other things that promote good health. In studying medical argumentation—just as in other applied research—we fruitfully work together with the University of Lugano, which has a considerable expertise in the field of medical communication. It is our intention to develop this relatively new strand of argumentative studies as soon as possible.[45]

This last remark also holds for the argumentation research that relates to the academic domain, the fourth institutional context we have chosen as topic of attention. Although a lot of meaningful things have been said about scholarly argumentation by scientists, philosophers of science and methodologists, hardly anything has been said by argumentation theorists and in any case nothing by us. Still I am convinced that there are interesting opportunities here for pragma-dialecticians to develop new insights. Scholarly discussion has its own rules, even though they are not always completely clear and considerable disciplinary differences exist.[46] It could for example be interesting to determine precisely up to what degree the rules for scholarly criticism, as exemplified in peer reviews, are institutionalised more in one discipline compared to another and which latitude there is in different disciplines. To what extent and in what way precisely do the established criteria for the evaluation of argumentative moves depend on the nature and the specific aims of the discipline?

11.7   *"in Reasonableness"* (*'in Alle Redelijkheid'*) Revisited

In 1979, on the occasion of the assumption of the readership in Symbolic Logic, Johan van Benthem held a *Public Lecture* ('Openbare Les') at the University of Groningen. Besides explaining his perspective on logic, he pointed out that, due to the focus on the validity of the "products" of reasoning, the "activity" of reasoning,

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[45]Contributions to this avail are provided in van Poppel (2010) and in the dissertations to be completed by Pilgram, van Poppel, Wierda, and Labrie.

[46]See for example Phillips (1971).

as embodied in argumentation, was disregarded (van Benthem 1979).[47] All the more disregarded was what he called "a different kettle of fish" ('vers twee'): the development of methods to improve or at least evaluate those activities and products (1979, p. 16). Van Benthem underlined the importance of paying attention to rational procedures of reasoning, which he equated with "reasonableness in action" ('redelijkheid in aktie') (1979, p. 4).

In answering the question what actually harbours the concept of "reasonableness", which lies in his view lies at the basis of our "intellectual culture" (*'intellektuele kultuur'*), the central issue according to van Benthem is the willingness and the capacity to stick to certain rules of the game (pp. 4–5). The renewed attention for logical game rules and strategies he therefore called "a promising track" ('een *veelbelovend spoor*')(p. 5,).Because this is the track that I, together with my colleagues, have tried to follow during the past decennia, I point out at the end of this valediction, which bears the same title—"In reasonableness" ('In alle redelijkheid') —as van Benthem's oration, a very important difference between the logical approach that van Benthem advocates and our approach. Instead of choosing exclusively for a logical approach, we have placed reasonableness from the outsetin the broader interdisciplinary perspective of conducting a critical discussion in which logical reasoning is important, but not all-encompassing.

With the recent "contextualisation" of the study of argumentation, which I have elucidated earlier, the interdisciplinary perspective in which we have placed the study of argumentation should in the near future be supplemented by making multidisciplinary connections to scientific practice in other relevant fields of research. In view of the choices made in the research programme, these fields will in Amsterdam in the first place consist of law, political science, health communication and philosophy of science. Besides that, in my opinion the pragma-dialectical theory has to be deepened further by establishing connections with cognitive pragmatics and artificial intelligence, among others. Because the developments will most likely transcend the range of theAmsterdam programme, it is good to know that the pragma-dialectical theory of argumentation has meanwhile also rooted elsewhere.[48]

In her latest Christmas message, Queen Beatrix observed that "it (…) (is) not necessary to convince each other in order to bear with one another" ('het (…) niet nodig (is) om elkaar te overtuigen om elkaar te verdragen').[49] In a Dutch newspaper, columnist Marcel van Dam thanked the Queen afterwards for what he

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[47]According to van Benthem, the field of logic has arisen from the insight that validity can usually be located in fixed underlying *patterns* of reasoning, which one can study in isolation (1979, p. 7). Once in possession of a formal language, we can formulate patterns of reasoning as abstract schemata (1979, p. 10). Due to this circumstance the main focus in logic has been on studying reasoning as a product at the cost of studying the activity of reasoning.

[48]I hope that the International Learned Institute for Argumentation Studies (ILIAS), which unites pragma-dialectical scholars from various countries, will be able to play a coordinating role.

[49]See   http://www.volkskrant.nl/vk/nl/2664/Nieuws/article/detail/1185614/2010/12/25/Tekst-kersttoespraak-2010-Koningin-Beatrix.dhtml.

approvingly called a *platitude*.[50] Nonetheless, I should like to recommend not to leave it at bearing with each other, because intellectual and cultural progress can only be accomplished through starting argumentative exchanges of views. Seen from a critical-rationalist perspective, we can—as I hope to have shown—try to resolve our differences of opinion in the best way by engaging in an argumentative exchange of views which is, as much as possible, in accordance with the rules for conducting a critical discussion. This also holds if it would mean that in communicative practice the argumentative moves which we can in reasonableness make are sometimes bound by specific contextual constraints.

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[50]M. van Dam, Bedankt voor de platitudes (Thanks for the platitudes). *De Volkskrant*, December 30, 2010, p. 18.

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Chapter 12
A Procedural View of Critical Reasonableness

Frans H. van Eemeren and Peter Houtlosser

12.1 Reasonableness in a Critical Philosophy of Argumentation

When in the study of argumentation we are talking about 'reasonableness,' we are discussing the philosophical rationale for adopting a certain theoretical approach to argumentation. Such a rationale may, in our view, be supposed to have two complementary dimensions. First, there is the dimension of 'problem validity,' a criterion having to do with the effectiveness of an approach, which has become the single touchstone in the logical perspective on argumentation.[1] Second, there is the dimension of 'intersubjective validity,' also referred to as 'conventional validity,' a criterion that pertains to the acceptability of an approach to real arguers and features in the rhetorical perspective on argumentation. In modern and postmodern philosophies of argumentation the balance between problem validity and intersubjective validity has been lost. As a consequence, the scale has either tipped toward the logical perspective or toward the rhetorical perspective. In this paper, we propose how the balance can be redressed.

In our pragma-dialectical approach, we opt for a 'critical' philosophy of argumentation in which argumentation is viewed as part of a dialectical exchange of moves aimed at resolving a difference of opinion on the merits. Unlike in the 'geometrical' and 'anthropological' philosophies of argumentation distinguished by Toulmin (1976), argumentative discourse is then inherently connected with the

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[1]It is important to realize that it depends also on the definition of the problem whether or not a certain approach is effective in solving the problem. In our conception, argumentation is aimed at resolving a difference of opinion and the most effective approach to argumentation is the one that serves this purpose best.

reasonable conduct of a discussion, and reasonableness is neither reduced to instrumental rationality nor to culture-determined mutual agreement.[2] In the critical philosophy of argumentation embodied in this Popperian concept of a reasonable discussion, reasonableness is also not restricted to a particular discipline, say academic epistemology. Instead, in a critical rationalist vein, it embraces all spheres of life, inclusive of those in which value judgments may play a major part, such as political discourse and private deliberation.[3]

We will further explain our conception of reasonableness with the help of the concept 'burden of proof.' We choose to do so because the way in which in argumentative discourse the burden of proof is divided is exemplary for the joint realization of problem validity and intersubjective validity. Instead of attributing certain epistemological, ethical, ideological, or even moral qualities to a certain division of the burden of proof, we consider the burden of proof in the first place as methodological concept. As Rescher (1977) rightly observes, the division of the burden of proof effects the "division of labor of argumentation"; it sets the stage for the interaction patterns to develop. Only if the participants are taking on their commitments in a collaborative way, the dialogue can move forward (Walton and Krabbe 1995, 9). In this way, the division serves the critical rationalist purpose of testing the tenability of a standpoint by carrying through the appropriate testing procedures, and doing so systematically, perspicuously, efficiently, and thoroughly.

12.2   Procedural Implementation of Critical Reasonableness

When defined from our critical perspective, the burden of proof for a claim, or any other speech act functioning as standpoint in an argumentative exchange, is the duty to defend the standpoint on request.[4] This commitment to giving an adequate rejoinder amounts to having an obligation to argue one's case as thoroughly and extensively as the other party's criticisms require. The conditional obligation to defend a standpoint once challenged to do so holds fully until the protagonist of the

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[2]Taking Albert's (1985) warning against any form of "revelation model" of the truth to heart, we believe it necessary to keep all justificationism inherent in the geometrical and anthropological conceptions of reasonableness at a firm distance.

[3]A great many philosophers make a fundamental distinction between factual judgements and value judgments and are of the opinion that the latter cannot be subjected to a reasonable discussion, because they are based only on subjective preferences. We fear that restricting the bounds of reason to discussions on factual judgments would give a free hand to those, in politics or elsewhere, who do not really care about reasonableness. We agree with Albert (1985) that any topic on which a regulated discussion can be carried out can be dealt with reasonably.

[4]According to our principle of externalization, only those challenges need to be dealt with by the protagonist that are somehow advanced in the discussion, whether explicitly, implicitly or indirectly.

standpoint has complied with his obligation—or has retracted it.[5] Thus, the division of the burden of proof is an essential tool for achieving a procedural implementation of critical reasonableness in the dialectical sense.

The division of the burden of proof takes place in the opening stage of a critical discussion, when the parties determine jointly who will defend the standpoint or standpoints that have been advanced in the confrontation stage. Unless it is explicitly agreed otherwise, the burden of proof is always on the side of the party whose standpoint is challenged by the other party. Because in a non-mixed dispute, at least initially, only one party has advanced a standpoint, there is only a burden of proof for this party. In a mixed dispute, two parties have advanced contradictory standpoints and both parties have a burden of proof for their own standpoint. The problem with the burden of proof is then in which order the standpoints are to be defended.

In Whately's (1846) view, the burden of proof lies in such a case on the side of him who disputes a 'presumption.' This policy, however, does not solve our procedural problem, because in a mixed dispute both of the contradictory standpoints are in need of defense, so that neither of them can serve as a presumption. In these cases, it is only the procedural and material starting points agreed upon or taken for granted in the opening stage of the critical discussion that have the function of a presumption, at least for the duration of the discussion.[6]

In other approaches, such as Rescher's (1977, 30–31), presumption is conceived of as an epistemic category: the one assertion has presumption because it is more plausible than the other. In Rescher's opinion, "in most probative contexts, there is a standing presumption in favor of the usual, normal, customary course of things," which he characterizes as "the cognitive status quo." In our opinion, however, the crucial problem is that in actual practice people who have a mixed dispute disagree as to what is to be considered as the 'status quo.'

Ullman-Margalit (1983, 161–162) takes a procedural approach. She observes that the "comparative convenience with which the parties can be expected to produce pertinent evidence" has to be taken into account when answering the question of what presumption will be the most useful to adopt as an initial step in the process of deliberation, and that this adoption stands "quite apart from the question whether the conclusion to which [it] points is likely to be true."[7] In the same vein, van Eemeren and Grootendorst (1992, 2002) pointed out that in a mixed

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[5]There are some restrictions, however. Maintaining the burden of proof does not make sense if earlier the protagonist has defended his standpoint already successfully against the same antagonist starting from the same point of departure. It is also a waste of time to start a critical discussion if no joint point of departure can be established.

[6]Barth and Krabbe (1982) take a similar approach.

[7]Although adopting a presumption clearly prejudges an issue, such an adoption may in Ullman-Margalit's view be seen as rational in a twofold sense: in any particular instance the presumption is open to rebuttal, and the bias it promotes is independently justifiable. In pragma-dialectical terms, the former would mean that a starting point can be revoked; this, however, is only allowed when it can be shown by offering counter-evidence that this starting point is, after all, not acceptable. The latter would mean that institutional or other contextual support must be available.

dispute the standpoint that can most easily be defended should be defended first, so that the lightest burden of proof prevails, just as in civil law proving that a concrete incident has occurred takes priority over proving a 'negative fact,' because the former is normally easier to establish. This procedure could be justified by appealing to the principle of 'fairness,' but in practice this principle can only be used if the parties agree on its application.

Evidently, in the course of the discussion the division of the burden of proof can become more diversified at some specific points: "[S]ome commitments are initially set or undertaken, and other commitments are […] incurred along the way" (Walton and Krabbe 1995, 50). In our view, the latter include both the commitment to defend reasons offered in defense of a standpoint that have been challenged, and thus have become sub-standpoints, and the commitment to reply to critical reactions advanced in challenging the use of argument schemes connecting these reasons with a standpoint at issue. We do not agree with Rescher's (1977) and Walton's (1988) claim that the advancing of a prima facie argument for an initial standpoint shifts the burden of proof to the other party. In our view, such a transfer of argumentative duties from one party to the other is to be regarded as a 'shift of initiative' rather than a 'shift of burden of proof.'[8]

Whether it is part of a mixed or a non-mixed dispute, the burden of proof for a standpoint has only really been discharged if the standpoint can be maintained because it has been defended satisfactorily in a critical discussion and the doubt about it must be withdrawn. The procedural mechanism proposed in pragma-dialectics for deciding a critical discussion has been developed to enable the analyst to determine whether or not this result has been achieved. This mechanism entails an identification procedure for tracing shared premises, an explicitization procedure for reconstructing the reasoning, an inference procedure for checking the validity of arguments, and a testing procedure for judging the choice and the use of argument schemes. Between them, these procedures see to it that the burden of proof can be discharged as orderly, perspicuously, efficiently and thoroughly as is required by the purpose of critical scrutiny.

The procedures for ensuring critical reasonableness developed in pragma-dialectics not only lay claim to problem validity, but they are also, as they should be, in various ways based in argumentative reality. On a philosophical level, would-be arguers have a 'pragmatic' rationale for accepting these procedures as guiding principles. The acceptability of the procedures is not derived from any external source of authority or some metaphysical necessity, but depends on their suitability to do the job of resolving a difference of opinion on the merits for which they are designed (van Eemeren and Grootendorst 1984). Viewed philosophically, this rationale for judging conventional validity may be called *pragmatic* because pragmatists characteristically decide the value of any proposal on its contribution to solving the problem they are out to solve.

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[8]In his system for dealing with (mixed) disputes, Hamblin (1970, 274) also replaces the concept of burden of proof by the "somewhat simpler concept of initiative".

12.3   Pragmatic Preconditions of Critical Reasonableness

The pragmatic basis of the pragma-dialectical procedures for maintaining critical reasonableness is also apparent from the way taken out of the Münchhausen-trilemma in discharging the burden of proof (Albert 1985). To avoid ending up in an 'infinite regress' or a 'logical circle,' when the point in the process is reached where the argumentation has to come to an end, the justifications given by 'justificationists' of all makes, whether they favor a geometrical or an anthropological conception of reasonableness, amount to some philosophical form of Letzbegründung that is dialectically arbitrary. A certain starting point is then, more or less axiomatically, declared sacrosanct because its truth is evident on the grounds of intellectual intuition or empirical experience. With Barth and Krabbe (1982) and other critical rationalists, we prefer a pragmatic option, which is neither final nor philosophically charged. We speak of a reasonable discharge of the burden of proof only if the argumentation is backed by a 'concession' which is part of the starting point (explicitly or implicitly) recognized by the other party, irrespective of the kind of reason they may have for this recognition. It is worth noting that this contextual approach, situating argumentation in the actual process of dispute resolution, is hermeneutically in perfect agreement with the 'logical propaedeutic' of the Erlangen school of dialogue logic, which resorts to a starting point that is already given—or, as these German scholars say, 'immer schon' there (Kamlah and Lorenzen 1984).

On the theoretical level, taking due account of the methodological principles of 'functionalization,' 'socialization,' 'externalization,' and 'dialectification,' our critical conception of argumentative discourse is given shape in a pragmatic conceptual framework. In this endeavor, argumentative practice is viewed as consisting of exchanges of speech acts that are conventionally associated with the undertaking of specific commitments by the participants and normatively governed by the practical rationality captured in the Gricean Principle of Cooperation and the accompanying maxims. The identity conditions and correctness conditions applying to the speech acts they perform are codifications of what the participants can be held responsible for. Starting from the assumption of a mutual orientation toward dispute resolution, we can use them well for determining in specific cases the precise commitments that are incurred by the various contributions to the conduct of the argumentative proceedings.

In our pragmatic account, the burden of proof is a commitment incurred by the performance of the assertive type of speech act of advancing a standpoint. The procedural consequence of this commitment is that the party that advanced the standpoint, if asked to do so, has to defend the standpoint concerned to satisfy the burden of proof. This type of commitment is to be distinguished from the commitments incurred by the performance of assertives that serve to establish the

starting point of the discussion.[9] Performing assertives of the latter kind does not result in any duty to actively defend the starting point concerned. The procedural consequence is in this case that the starting point, once it has become accepted as such by both parties, has become an avowed commitment that can be used as a mutually recognized concession in defending or attacking the standpoint—and may not just be revoked. Apart from an explicitly asserted and agreed upon starting point, there may also be an implicit, or partly implicit, starting point that is inherent in the discussion context and involves what we call contextual commitments.[10] Although contextual commitments are, of course, more liable to be denied, the parties concerned certainly must live up to them, especially after these commitments have passed the intersubjective identification procedure. By thus relating the taking on of the various types of commitment to the pragmatic preconditions of the constitutive moves of a critical discussion, a contextualization of the procedural rules can be achieved which is lacking in purely formal approaches.

On the analytic level, our pragmatic conception of argumentative discourse enforces the acknowledgment that in addition to being bound to perform speech acts that are appropriate from the viewpoint of dispute resolution, the arguers will also be intent on having their speech acts accepted. Why advance a standpoint in an argumentative discourse if not for having it agreed upon by the other party? In view of this predicament, an important pragmatic dimension of the moves made by the arguers in the discourse is therefore best understood rhetorically. This applies pre-eminently to the arguers' endeavor to adjust their moves most advantageously to the contextual requirements of the argumentative situation. It is worth noting, incidentally, that this observation is a good illustration of our interpretation of rhetoric as a specific branch of (normative) pragmatics.

Although pursuing rhetorical aims is not necessarily at odds with maintaining dialectical standards for critical reasonableness, some tension may arise between the two when they are pursued simultaneously. The arguers may attempt to overcome the strain by what we call *strategic maneuvering* (van Eemeren and Houtlosser 1999). Strategic maneuvering takes place on various levels: in making an expedient selection from the 'topical potential' that is relevant to a certain discussion stage, in adapting one's contributions opportunely to the expectations and demands of the listeners or readers, and in making effective use of presentational devices. Which rhetorically-motivated strategic maneuvers are dialectically admissible is, in the end, determined by the limits set by the rules of critical discussion. Reconstructing argumentative discourse pragmatically as strategic maneuvering can be of help to gain a better insight in the whys and wherefores of the various argumentative moves and to make a well-motivated and realistic distinction between moves that are permissible and those that are to be considered fallacious. This is not only an

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[9]They have, in fact, the same function as the formal dialectical 'concessions,' but in a critical discussion 'concessions' are made by both parties.

[10]Our contextual commitments are akin to Walton and Krabbe's (1995) "veiled" or dark-side commitments, albeit that the latter are associated with non-externalized states of mind and are not related with speech acts (cf. Mackenzie and Staines 1999).

important contribution to the solution of a central problem in the study of argumentation, but it also brings argumentation theory closer to argumentative reality again.

12.4 A Pragma-Dialectical Redress of the Balance Between Logic and Rhetoric

In *Return to Reason* ([2001](#)), Stephen Toulmin recently made a vigorous appeal to "redress the balance between logic and rhetoric" in the study of argumentation. Bearing in mind that what Toulmin calls 'logic' is nowadays more aptly referred to as 'dialectic,' this is exactly what we have been trying to achieve in pragma-dialectics. Starting from a critical philosophy of reasonableness that does justice to transcendental normativety as well as practical argumentative reality, we avoided the philosophical Scylla of geometrical absolutism and the philosophical Charibdis of anthropological relativism. We have been able to hold such a middle course by developing a procedural model of critical discussion that, on the one hand, derives its problem validity from its effectiveness in resolving differences of opinion and, on the other hand, lays claim to conventional validity because of its intersubjective acceptability. The model is dialectical, because it embodies the critical ideal of testing the tenability of standpoints systematically and thoroughly by means of non-fallacious argumentative exchanges.[11] It is also pragmatic, because it is designed to be of help to resolving real-life differences of opinion, envisions the moves made in this endeavor as speech acts situated in an ordinary discussion in which the principles of situated rationality are observed, and makes it possible to account for the strategic maneuvering that in argumentative reality takes place to reconcile the arguers' rhetorical objectives with the dialectical standards of reasonableness. It is precisely the normative pragmatic notion of strategic maneuvering that is pivotal in redressing the balance between rhetoric and logic.

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[11]The fact that minimization of disagreement, rather than maximization of agreement, is aimed for is, as a matter of fact, a good illustration of how critical rationalist insight and utilitarian pragmatic insight conjoin. A system of argumentation rules which encourages discussants to pronounce their doubts and to work out how far the disagreements ensuing from such expressions of doubt can be resolved, is in our view preferable to a system of argumentation rules which seeks to ensure agreement.

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Chapter 13
A Pragma-Dialectical Procedure for a Critical Discussion

Frans H. van Eemeren and Rob Grootendorst

In a critical discussion that proceeds in accordance with a pragma-dialectical discussion procedure, the protagonist and the antagonist try to find out systematically whether the protagonist's standpoint is capable of withstanding the antagonist's criticism.[1] After the antagonist has expressed doubt or criticism, the protagonist puts forward argumentation in defence of the standpoint. When a positive standpoint is defended, the protagonist attempts to justify the proposition(s) expressed in the standpoint; when a negative standpoint is defended, the protagonist attempts to refute this proposition (or these propositions). If there is reason to do so, in both cases the antagonist reacts critically to the protagonist's argumentation. When the protagonist is confronted with new critical reactions on the part of the antagonist, the protagonist's attempts at legitimizing or refuting the standpoint may be continued by putting forward new argumentation, to which the antagonist can react in turn, and so on. The difference of opinion is resolved when the arguments advanced lead the antagonist to accept the standpoint defended, or when the protagonist retracts his standpoint as a consequence of the critical reactions of the antagonist.[2] In this perspective, the speech acts of the protagonist and the speech acts of the antagonist interact with each other in a way that is typical of the dialectical process of resolving a difference of opinion concerning the tenability of a standpoint by way of a critical discussion.

An argumentative interaction can, of course, only lead to the resolution of a difference of opinion if it proceeds in an adequate fashion. This requires a regulation of the interaction that is in accordance with certain rules of critical discussion.

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[1]This article, based on van Eemeren and Grootendorst (2003), presents an amended version of the pragma-dialectical procedure for conducting a critical discussion proposed in van Eemeren and Grootendorst (1984).

[2]The logical starting point that an assertion and its denial cannot both be true at the same time has a consequence for the discussion that one of the two assertions has to be withdrawn. Some critical-rationalists concluded from this predicament that the dialectical scrutiny of claims in a critical discussion boils down to the exposure of contradictions. Barth and Krabbe (1982) have developed a dialectical method for detecting contradictions that entails examining whether a particular thesis does not lead to contractions with certain concessions, i.e., is tenable in the light of these concessions. If simultaneously maintaining the standpoint and the concessions leads to contradictions, either the standpoint or one or more of the concessions must be abandoned.

It is the task of dialectical argumentation theorists to formulate these rules of critical discussion in such a way that together they constitute a problem-valid as well as conventionally valid discussion procedure.[3] A procedure that promotes the resolution of differences of opinion must, in our view, consist of a system of regulations that cover all speech acts that need to be carried out in a critical discussion. This means that the procedure should relate to all the stages that are to be distinguished in a critical discussion aimed at resolving a difference of opinion: the confrontation stage in which the difference of opinion is developed, the opening stage in which the procedural and other starting points are established, the argumentation stage in which the argumentation is put forward and subjected to critical reaction, and the concluding stage in which the outcome of the discussion is determined.

Following our basic model of the distribution of speech acts in the different stages of a critical discussion as described in *Speech Acts in Argumentative Discussions* (van Eemeren and Grootendorst 1984), we developed a pragma-dialectical theory of argumentation that includes a discussion procedure that satisfies the criterion of problem-validity. The rules of procedure that apply to the different stages of a critical discussion are problem-valid because each of them makes a specific contribution to solving certain problems that are inherent in the various stages of the process of resolving a difference of opinion.[4] For the sake of simplicity, we start in presenting our discussion procedure from a consistently non-mixed, single discussion, in which one and no more than one standpoint is defended. The rules must specify in which cases the performance of certain speech acts contributes to the resolution of the difference of opinion. This makes it necessary to indicate for each discussion stage when exactly the parties are *entitled* to perform a particular kind of speech act, and if and when they are even *obliged* to do so.

In the confrontation stage of an argumentative discourse or text dealing with a non-mixed, single difference, a standpoint is externalized (by discussant 1), and this standpoint is called into question (by discussant 2). If there is no difference of opinion, there is nothing to resolve, and the argumentative discussion is superfluous. A difference of opinion that is only partly externalized, or not externalized at all, does not make having a discussion superfluous, but it does make it difficult. A dialectically regulated discussion, at any rate, is ruled out. After all, rules for a critical discussion bear on the speech acts performed by the discussants involved in the difference and the ensuing commitments. The importance of the externalization of differences of opinion is therefore evident. One of the first tasks in the formulation of rules for a critical discussion is thus to promote an optimal externalization. This means that the discussants must be able to put forward every standpoint and to call every standpoint into question. The guarantee that this is possible can be

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[3]The reasonableness of the procedure is derived from the possibility it creates to resolve differences of opinion (its *problem validity*) in combination with its acceptability to the discussants (its *conventional validity*). See Barth and Krabbe (1982, 21–22).

[4]In fact, the pragma-dialectical rules aspire to comply with the more specific norms implicitly posed by Barth and Krabbe (1982) such as systematicity, realism, thoroughness, orderliness, and dynamism.

obtained by explicitly granting every discussant the *unconditional right* to put forward or call into question every standpoint vis-à-vis every other discussant.

In principle, standpoints are expressed by means of assertives. The fundamental ability to put forward or to call into question any standpoint has the consequence that no special conditions apply to the propositional content of these assertives. The same is true of the propositional content of the negation of the commissive with which a standpoint is called into question. The unconditional right of discussants to put forward standpoints and to call them into question also means that no special preparatory conditions apply regarding the status or position of the speaker or writer and the listener or reader. It is not the might of the strongest that is decisive in a critical discussion, but the quality of the argumentation and criticism.

That differences of opinion may concern any standpoint and that all discussants have the unconditional right to put forward or call into question every standpoint, is expressed in the following rule.

RULE 1

(a) *Special conditions apply neither to the propositional content of the assertives by which a standpoint is expressed, nor to the propositional content of the negation of the commissive by means of which a standpoint is called into question.*

(b) *In the performance of these assertives and negative commissives, no special preparatory conditions apply to the position or status of the speaker or writer and listener or reader.*

Rule 1 applies to all the discussants that take part in a discussion. By virtue of this rule, discussants themselves are not only entitled to put forward and to call into doubt any standpoint, but they may also in no way prevent other discussants from doing the same either. It is perhaps superfluous to point out that rule 1 gives the discussants an unconditional right, but does not impose any obligation on them. Generally speaking, it is advisable to make use of the rights granted by virtue of rule 1. Anyone who wants a difference of opinion to be resolved will have to cooperate on the *externalization* of that difference.

A consequence of the unconditional rights that are granted the discussants under rule 1 is, for example, that a discussant who has just lost a discussion in which he or she defended a particular standpoint against another discussant reserves the right to put forward *the same* standpoint to *the same* discussant again. This even applies to a discussant that has first successfully defended a particular standpoint and then proceeds to call it into question or to defend the opposite standpoint. Of course, it is debatable whether the other discussant will be prepared to begin a new discussion with such an idiosyncratic or unpredictable discussant, and also whether it is reasonable to expect him to or her do so. We shall return to the latter question in discussing the rules of the opening stage.

In the *opening stage*, after discussant 1 has accepted discussant 2's challenge to defend his or her standpoint, the discussants decide to hold a discussion, and they make agreements on the allocation of roles and the discussion rules. The rules for a critical discussion must indicate when discussant 2 is entitled to challenge discussant 1, when discussant 1 is obliged to take up this challenge, who assumes the role of the protagonist, who assumes the role of the antagonist, what the shared premises are, which rules apply in the *argumentation stage*, and how the discussion is to be concluded in the *concluding stage*.

The right to challenge

We propose to grant the right to challenge a discussant to defend his standpoint unconditionally to any discussant that has called this standpoint into question in the confrontation stage. Since, by virtue of rule 1, every discussant also has the unconditional right to call every standpoint of every other discussant into question, this means that in principle there is no restriction on challenging any discussant on any standpoint by any discussant. This unconditional right is laid down in rule 2.

RULE 2

The discussant that has called the standpoint of the other discussant into question in the confrontation stage is always entitled to challenge this discussant to defend his or her standpoint.

The right enshrined in rule 2 may be an unconditional right of a discussant who has called a particular standpoint into question, but it is never an *obligation*. Challenging the other discussant to defend his or her standpoint, after all, must be regarded as a challenge to enter into discussion of this standpoint; if the other discussant accepts this invitation, the challenger is bound by it. However, it is possible to imagine cases in which a discussant has good reasons not to enter into a discussion with this other discussant even though he or she does not accept the standpoint. One can think here of the idiosyncratic and unpredictable discussant whom we mentioned in our explanatory comments on rule 1. It therefore suffices to grant discussants the unconditional right to do this by virtue of rule 2, whether they are prepared to make use of this right or not.

The obligation to defend

It follows from the preparatory conditions of the assertive with which a discussant has expressed a standpoint that he or she is obliged to put forward proof or argumentation in defence of this standpoint when asked to do so. It should immediately be added, however, that it is debatable whether this obligation should apply under all circumstances, in all situations and to every challenger. As a rule, a discussant that has been challenged is always obliged to defend the standpoint, and this obligation can only be removed by a successful defence of the standpoint or by retraction of the standpoint. A discussant that has successfully defended a standpoint is not subsequently obliged to defend *the same standpoint again according to the same discussion rules and with the same premises against the same discussant*. This would only lead to a repetition of the discussion that has already been

conducted. It therefore seems reasonable to us to apply the legal principle of *non bis in idem* to a critical discussion too.

This principle does not apply to discussions either with a *different* challenger, or with the same challenger but with *different* premises, or *different* discussion rules. In any of those cases, the challenged discussant is obliged to defend the same standpoint again. Unlike a legal dispute, an argumentative dispute can in principle never be settled once and for all. The discussion can always be reopened. After all, it is quite possible (and very normal in practice) that new light can be thrown on the case, for example, on the basis of other premises. The rules for a critical discussion must encourage this, not rule it out.

It should be noted that the cessation of the obligation to defend through a successful defence does not affect the unconditional right to challenge a discussant as laid down in rule 2. Anyone who puts forward a standpoint can be challenged to defend this standpoint, even if he or she has already successfully done so. The obligation of the challenged discussant to accept the challenge does not hold only if he or she has successfully defended the same standpoint against the same discussant with the same premises and the same discussion rules. It is not unreasonable to keep on challenging somebody, but it is not unreasonable to refuse to accept every challenge either.

As a long as a discussant has not yet successfully defended his or her standpoint (against any discussant whatsoever), the obligation to defend it holds fully (assuming that he or she has not retracted the standpoint in the meantime). There is only one exception to this general rule. A critical discussion is impossible without certain shared premises and without shared discussion rules. Discussants who cannot agree on the premises and the discussion rules are not in a position to resolve a difference of opinion, and are therefore advised not to start a discussion. A challenged discussant cannot be obliged to defend a standpoint against a discussant that is not prepared to accept certain premises and discussion rules.

The general obligation to defend and its crucial exception are laid down in rule 3.

RULE 3

The discussant who is challenged by the other discussant to defend the standpoint that he or she has put forward in the confrontation stage is always obliged to accept this challenge, unless the other discussant is not prepared to accept certain shared premises and discussion rules; the discussant remains obliged to defend the standpoint as long as he or she does not retract it and as long as he or she has not successfully defended it against the other discussant on the basis of the agreed premises and discussion rules.

The obligation to defend as formulated in rule 3 is a (conditional) obligation to defend *in principle*. This means that the obligation to defend always applies (provided the conditions laid down are satisfied). However, there may be reasons or causes that make it impossible to comply with this obligation immediately *in practice*. For example, the discussant who is obliged to defend may not have the time to engage in a discussion with the challenger, or it may be the case that upon

reflection he or she is no longer so certain of his case and wants to document or prepare it thoroughly first. However, this at most may lead to a *postponement* of the discussion (that sometimes leads to its cancellation), but this does not alter the obligation to defend. This obligation holds fully until the discussant has complied with it or has retracted his or her standpoint.

By recognizing the obligation to defend as laid down in rule 3 and by accepting the challenge of the other discussant, the discussant that has put forward the standpoint indicates his or her *preparedness to discuss*. The discussant that has challenged him or her can in turn indicate his or her preparedness to discuss by agreeing to shared premises and discussion rules. Rule 3 is thus aimed at externalizing the willingness to engage in discussion that may be expected of discussants that are involved in a dispute.

Allocation of the burden of proof
Rule 3 also regulates how the onus of proof with regard to a standpoint is distributed. Whoever puts forward a standpoint and does not retract it again bears the onus of proof for this standpoint once he or she is challenged (in accordance with the conditions as specified in rule 3) to defend this standpoint. The onus of proof in a discussion thus lies with the discussant that has the obligation to defend a standpoint in accordance with rule 3. In the case of *non-mixed* differences of opinion, which is what we are assuming here, the problem of allocating the onus of proof is dealt with, we believe, by rule 3. In the case of *mixed* differences of opinion, which are common in practice, the situation is more complicated. Each party may have called the other's standpoint in question and challenged the other party. In this case, the question of who bears the onus of proof is, in principle, not problematic either. The answer is simply that both discussants are obliged to defend their own standpoint in accordance with rule 3, and therefore that they both bear the onus of proof for their respective standpoint. The question is thus not that of who bears "the" onus of proof in the discussion, but of who defends his or her standpoint first.[5] The allocation of the onus of proof in a mixed discussion does not raise *problems of choice*, but instead a *problem of order*.[6]

The discussants will have to consult among themselves to reach agreement on who defends his or her standpoint first. If they are unable to do so, the discussion will probably not take place, but the obligation to defend remains in force in relation to both standpoints. In the traditional view of the allocation of the onus of proof, in a dilemma of this kind a decision is forced by proposing that the person who attacks an established opinion or an existing state of affairs must begin the defence (if he or she is not the only person to bear the onus of proof according to

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[5]In the case of a mixed dispute, it is thus not the case that the onus of proof has to be conferred on one of the two discussants; both discussants bear a particular onus of proof.

[6]See Hamblin (1970) and van Eemeren and Houtlosser (2002).

this view). The conservative character of this view has been pointed out from various perspectives. Moreover, it is often problematic to determine what "the established standpoint" is.[7]

Allocation of the discussion roles
The first agreement that the discussants must make before they begin the argumentation stage concerns the allocation of roles in the discussion. The question is: Who will assume the role of protagonist, and who the role of antagonist? The answer to this question seems fairly obvious: the discussant who has put forward a standpoint in the confrontation stage must assume the role of the protagonist, and the discussant who has called this standpoint into question must assume the role of the antagonist. This is how things will normally proceed in practice, but this is not necessarily the case. It is quite possible for the roles to be reversed.

Although in practice the discussants will often pass over the question of the allocation of roles in silence, the discussant who has put forward a standpoint will almost automatically act as protagonist, and the discussant who has called this standpoint into question will do the same for the role of antagonist, we propose to leave it up to the discussants themselves to act otherwise if they prefer to do so. One condition is that both discussants agree to the allocation of roles and that they maintain the agreed allocation of roles throughout the whole discussion.

RULE 4
The discussant that in the opening stage has accepted the other discussant's challenge to defend his or her standpoint will fulfil the role of protagonist in the argumentation stage, and the other discussant will fulfil the role of antagonist, unless they agree otherwise; the distribution of roles is maintained until the end of the discussion.

In the *argumentation stage* the discussant that has assumed the role of protagonist tries to defend the initial standpoint against the discussant that has assumed the role of antagonist. The question is how the protagonist can defend the standpoint and how the antagonist can attack the standpoint. A further question is when these attempts at defence and attack are successful, in other words, when has the protagonist *successfully defended* the initial standpoint and when has the antagonist *successfully attacked* the initial standpoint.

Agreements concerning the discussion rules
Attacking and defending a standpoint takes place in a critical discussion in accordance with shared rules of discussion. We shall discuss a number of these discussion rules for the argumentation stage. As mentioned earlier, these discussion rules must be understood as proposals that only come into force in a discussion once they have been accepted by the discussants that fulfil the roles of protagonist and antagonist. This means that the discussants in question have declared their readiness to conduct the discussion in accordance with shared rules. If the discussants that take part in a discussion have done this, the rules acquire the status of

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[7]See van Eemeren and Houtlosser (2003).

conventions by which the parties are bound during the discussion and to which they hold one another. In fully externalized discussions, this takes place explicitly. In practice, however, discussants often tacitly assume that they accept more or less the same discussion rules. Unlike in the case of explicitly agreed rules, in this case the discussants assume that they are bound by *conventions*.

The difference between explicit agreements and conventions need not necessarily have serious consequences for the course of the discussion. If both parties consistently abide by the rules, there is not even any difference at all. The advantage of explicitly agreed rules only emerges if there is disagreement on the *force* of a rule applied by the other party or on the correctness of the *application* of a rule in force. Explicit formulation makes it easier to reach a decision on the force or application of the rule that is at issue.

One consequence—as mentioned earlier—of explicit agreement on the discussion rules is that the discussants are *bound* by these rules (at least for the duration of the discussion). This implies that the discussion rules themselves may no longer be raised for discussion during the discussion itself. The rules apply as long as *this* discussion between *these* discussants continues. The only question concerning the rules that may be raised during the discussion is whether they are correctly applied. Of course, this does not mean that the rules may not be raised for discussion *after* the discussion has taken place or *before* the start of a new discussion. It certainly does not mean that there are rules that may never be raised for discussion. Without any exception, *all* rules can be called into question by any discussant who sees fit to do so. The rule then acquires the status of a proposition on which different standpoints can be adopted (cf. rule 1). The discussion that arises on the rule, if one does, is a *meta-discussion*.

RULE 5

The discussants who will fulfil the roles of protagonist and antagonist in the argumentation stage agree before the start of the argumentation stage on the rules for the following: how the protagonist is to defend the initial standpoint and how the antagonist is to attack this standpoint, and in which case the protagonist has successfully defended the standpoint and in which case the antagonist has successfully attacked it; the rules in which this is laid down apply throughout the duration of the discussion, and may not be called into question during the discussion itself by either of the parties.

Attacking and defending standpoints

Three types of speech acts are performed in the argumentation stage: by means of assertives, the protagonist performs exclusively the complex speech act of *argumentation*, while the antagonist accepts this argumentation by performing the commissive *acceptance* or declines this argumentation by performing the negation of this commissive; the antagonist can then perform the directive *request* to elicit a new *argumentation*. These are the *only accepted ways* of attacking or defending standpoints in a critical discussion. They represent a right of the protagonist and the antagonist that is in principle unrestricted. The antagonist may attack every

argumentation advanced by the protagonist in this way (and in no other way), and every argumentation that is called into question may be defended in this way (and in no other way).

Putting forward argumentation in defence of a standpoint is always a *provisional* defence. The protagonist has not defended a standpoint definitively until the antagonist has fully accepted the argumentation. The acceptance of an argumentation implies that the propositions expressed in the argumentation are accepted and that the constellation formed by the argumentative utterances is regarded as legitimizing (pro-argumentation) or refuting (contra-argumentation) the proposition to which the standpoint pertains. The antagonist who does not accept the argumentation of the protagonist can thus call its *propositional content* into question, but he or she can also call into question its *force as a justification or refutation*.

RULE 6

(a) *The protagonist may always defend the standpoint that the protagonist adopts in the initial difference of opinion or in a sub-difference of opinion by performing a complex speech act of argumentation, which then counts as a provisional defence of this standpoint.*

(b) *The antagonist may always attack a standpoint by calling into question its propositional content or the force of the argumentation as a justification or refutation.*

(c) *The protagonist and the antagonist may not defend or attack standpoints in any other way.*

The discussion rules for the argumentation stage must explicitly lay down in which case the defence of the protagonist is to be regarded as successful. The rules must indicate when the antagonist is obliged to accept the argumentation put forward by the protagonist as an adequate defence of the standpoint. Then and only then, when the protagonist has defended a standpoint in accordance with these rules and the antagonist is obliged to accept the defence in accordance with these rules, may the protagonist be said to have *successfully defended* his or her standpoint. If the protagonist fails to do so, the antagonist has *successfully attacked* the standpoint (assuming, of course, that he or she has observed the other discussion rules).

We shall first concentrate on the regulations that apply when (part of) the propositional content of an argumentation is called into question. By calling the propositional content of an argumentation into question, the antagonist creates a new point of contention. Since the protagonist has adduced the argumentation in support of the standpoint, he or she will adopt a positive standpoint with regard to this proposition and is obliged (by virtue of rules 3 and 4) to defend it again. Beside the *initial* dispute, bearing on the *initial standpoint* of the protagonist, a *sub-dispute* then arises, bearing on this positive sub-standpoint. A whole chain of sub-disputes, sub-sub-disputes, and so on can arise in this way. In this case the argumentation of the protagonist is subordinatively compound.

In which case is the antagonist obliged to accept the propositional content of an argumentation? This question can only be answered if the discussants that are to fulfil the roles of protagonist and antagonist agree in the opening stage on how they will decide on the acceptability of the propositions advanced by the protagonist in his or her argumentation. To this end they must explicitly lay down both *which propositions they both accept* and *how they will decide together on the acceptability of other propositions*.

The intersubjective identification procedure
The propositions that are accepted by both parties may concern facts, truths, norms, values or value hierarchies. The discussants are completely free to draw up a list of propositions accepted by both parties. All of the propositions that they both accept may be included. The only restriction is that the list must be consistent. It may not contain any propositions that contradict other propositions. Otherwise it would always be possible to defend successfully any arbitrary standpoint against any attacker, which inevitably renders the resolution of a difference of opinion impossible. That a proposition is included in the list of accepted propositions means only that the discussants are agreed that the proposition in question may not be called into question during the discussion. In other words, they may treat this proposition in the discussion as though they accept it, whether or not this is actually the case. The list specifies which propositions have been accepted by the discussants for the duration of the discussion and can therefore be regarded as their *shared premises*.

How can the protagonist make use of the list of agreed propositions in defending the argumentation that he or she has advanced? If the antagonist only calls the propositional content of the argumentation into question, the protagonist can point out that, according to him or her, the proposition in question appears in the list. The protagonist and the antagonist must then check to determine whether this is actually the case. If so, the antagonist is obliged to retract his or her objection to the proposition(s) in question and to accept the argumentation. The protagonist has then successfully defended himself of herself against the attack of the antagonist. This method of defence by the protagonist thus consists of participating in *joint scrutiny*, at his or her request, to determine whether the propositions that have been called into question really are *identical* to the propositions in the list of propositions accepted by both parties. We refer to this method as the *intersubjective identification procedure*. If the application of this procedure yields a positive result, the antagonist is obliged to accept the propositional content of the argumentation put forward by the protagonist. If the application of this procedure yields a negative result, the protagonist is obliged to retract this argumentation.

The earlier remarks on the conventional status of the rules for the argumentation stage also apply to the propositions accepted by both parties. In fully externalized discussions it is explicitly determined in advance which propositions are accepted by both parties, but in practice these propositions regularly function as mutually presupposed shared background knowledge. As long as both parties are in tacit agreement that a particular proposition belongs to the shared background knowledge, it makes no difference. As soon as disagreement arises, however, neither of

the parties can appeal to the other party's commitment, and both parties can easily (rightly or wrongly) deny that they are committed to certain propositions.

Of course, the protagonist must also be allowed to make use of propositions on which *no prior agreement* has been reached. Otherwise the protagonist would only be able to defend a standpoint by making use of propositions that had already come up at the start of the discussion. This is an undesirable restriction. The protagonist must therefore be able to make use of *new information* in his or her defence.

In order to make use of new information in a critical discussion, it is necessary for the discussants to agree in the opening stage on how they will determine whether a proposition should be accepted or not. The methods agreed on may consist of consulting oral or written sources (encyclopaedias, dictionaries, reference works) or of joint perception (by way of experiment or not). As in the case of the list of propositions accepted by both parties, both discussants must consider the method chosen to be adequate.

In addition to carrying out the intersubjective identification procedure, the discussants can also decide in the opening stage to allow for a *sub-discussion* to be conducted in which it is determined whether the proposition on which agreement was first lacking can be accepted in the second instance. The protagonist will then have to take a positive *sub*-standpoint with regard to the proposition concerned and defend it against possible objections and criticisms of the antagonist. This sub-discussion has to be conducted in accordance with the same premises and the same discussion rules accepted in the original discussion.[8]

The consequences of the recommended regulations of the protagonist's opportunities for defence are laid down in rule 7.

RULE 7

(a) *The protagonist has successfully defended the propositional content of a complex speech act of argumentation against an attack by the antagonist if the application of the intersubjective identification procedure yields a positive result or if the propositional content is in the second instance accepted by both parties as a result of a sub-discussion in which the protagonist has successfully defended a positive sub-standpoint with regard to this propositional content.*

(b) *The antagonist has successfully attacked the propositional content of the complex speech act of argumentation if the application of the intersubjective identification procedure yields a negative result and the protagonist has not successfully defended a positive sub-standpoint with regard to this propositional content in a sub-discussion.*

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[8]The following explanation might be didactically helpful. At this stage, the discussants have not yet reached full agreement on all the premises that, apart from the premise at issue, are to be accepted, and the discussion rules that are to be applied. The sub-discussion that is required, of course, cannot be conducted effectively until such an agreement has been reached.

The intersubjective inference procedure

As laid down in rule 6, the antagonist may call an argumentation into question not only for its propositional content, but also for its force of justification or refutation. How can the protagonist successfully defend himself or herself against an attack on the force of justification or refutation of his or her argumentation, and in which case is the antagonist bound to accept? Before they embark on the argumentation stage, the discussants must agree in the opening stage on how this will be determined.

If the protagonist adopts a positive standpoint, the question can be raised of whether the reasoning "*propositional content of the argumentation, thus proposition to which the standpoint refers*" is valid as it stands. If the protagonist adopts a negative standpoint, it is necessary to determine whether the reasoning "*propositional content of the argumentation, thus not proposition to which the standpoint refers*" is valid as it is. The validity of the reasoning in the argumentation needs to be judged only if this reasoning is completely externalized and the protagonist can be regarded committed to the claim that the soundness of the argumentation depends on its *logical validity*.

Being able to check whether the arguments of the protagonist are logically valid calls for *logical rules*, such as the dialogue rules of the Erlangen School, to evaluate the validity of the arguments. This makes it possible to examine whether a contended proposition is defensible in relation to the premises (viewed as a concession) that constitute the argumentation. Since checking the validity of the arguments is a matter of determining whether the protagonist's inferences are acceptable, we shall refer to this procedure as the *intersubjective inference procedure*.

The intersubjective explicitization procedure

If the reasoning in the argumentation is *not* completely externalized—and for that reason cannot be valid as it stands—the question will be whether the argumentation makes use of an argument scheme that is considered admissible by both parties and that has been correctly applied. As a rule, the argument scheme employed in an argumentation is not made explicit in the discourse or text, but has to be reconstructed. To this end, the antagonist and the protagonist should jointly carry out an *intersubjective explicitization procedure*. This procedure can be based on similar principles as the procedure that we have developed for rendering unexpressed premises explicit. It must lead to agreement between the discussants on the kind of argument scheme that is used in the argumentation. When the reasoning in the argumentation of the protagonist is incomplete, and thus cannot be valid, it is in the interest of the protagonist that the intersubjective explicitization procedure is carried out. It must therefore be carried out at the request of the protagonist.

The intersubjective testing procedure

Once the argument scheme that is employed in the protagonist's argumentation has been reconstructed by means of the intersubjective explicitization procedure, it must be determined whether this argument scheme can be considered admissible by both parties and has been correctly applied. In order to check that the argumentation of the protagonist is based on an argument scheme that is admissible, it is necessary that the protagonist and the antagonist have first jointly determined which argument

schemes may and may not be used. In principle the discussants are free to decide on this, provided the decision is based on mutual consent. In special cases, however, there may be specific (institutional) conditions in force that prohibit the use of certain schemes. For example, in some countries the use of argumentation by analogy may be inadmissible in certain criminal law disputes. Of course, discussants may also conclude that it is better to exclude certain forms of argumentation without such conditions being in force. For instance, they might decide not to use argumentation based on authority because the subject under discussion does not lend itself for that, or they might decide not to draw any comparisons because as a rule they do not constitute a decisive argument.

Only when agreement has been reached on the nature of the argument schemes to be used does it make sense to determine which applications of the schemes adopted are or are not admissible. For example, the discussants may appeal to certain conditions for making causal or other connections between different types of propositions. They may also determine which critical questions the different argument schemes are expected to answer.[9] For instance, they may agree that a comparison is in principle an admissible form of argumentation, but that argumentation of this kind will only be regarded as decisive if no single relevant difference can be demonstrated between the cases under comparison.

Since checking the acceptability of the argument scheme is concerned with determining how to scrutinize the contents of the step from the proposition that is expressed in the argumentation to the proposition that is expressed in the standpoint, we shall refer to this procedure as the *intersubjective testing procedure*.

RULE 8

(a) *The protagonist has successfully defended a complex speech act of argumentation against an attack by the antagonist with regard to its force of justification or refutation if the application of the intersubjective inference procedure or (after application of the intersubjective explicitization procedure) the application of the intersubjective testing procedure, yields a positive result.*

(b) *The antagonist has successfully attacked the force of justification or refutation of the argumentation if the application of the intersubjective inference procedure or (after application of the intersubjective explicitization procedure) the application of the intersubjective testing procedure yields a negative result.*

Attacking and defending standpoints conclusively
On the basis of the above, and by virtue of rules 7 and 8, we can now indicate when the protagonist has *conclusively* defended an initial standpoint or a sub-standpoint by means of argumentation and when the antagonist had *conclusively* attacked this

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[9]See van Eemeren and Grootendorst (1992, 92–102).

standpoint. For a *conclusive defence* of a standpoint, the protagonist must have defended both the *propositional content* of the argumentation (as prescribed in rule 7) and its *force of justification or refutation* with regard to the proposition on which the standpoint bears (as prescribed in rule 8). For a *conclusive attack* on a standpoint, the antagonist must have successfully attacked either the *propositional content* of the argumentation or its *force of justification or refutation* (as prescribed in rules 7 and 8). The antagonist may try to do both (by virtue of rule 6), but for a conclusive attack on the standpoint it is sufficient to succeed in one of the two attempts. This is laid down in rule 9.

RULE 9

(a) *The protagonist has conclusively defended an initial standpoint or sub-standpoint by means of a complex speech act of argumentation if the protagonist has successfully defended both the propositional content called into question by the antagonist and its force of justification or refutation called into question by the antagonist.*

(b) *The antagonist has conclusively attacked the standpoint of the protagonist if the antagonist has successfully attacked either the propositional content or the force of justification or refutation of the complex speech act of argumentation.*

If the protagonist manages to defend the initial standpoint in the prescribed manner, this standpoint is thereby at the same time conclusively defended. A conclusive defence of a sub-standpoint, however, does not automatically mean that the initial standpoint is thereby conclusively defended. To defend the initial standpoint conclusively, it is necessary by virtue of rule 9 that the force of justification or refutation of the first argumentation is also successfully defended (as prescribed in rule 8). The same applies, *mutatis mutandis*, to the defence of sub-standpoints with the help of sub-sub-standpoints, and so on.

Optimal use of the right to attack
Rules 7, 8 and 9 refer to attacking and defending standpoints, but of course the antagonist need not necessarily call into question *everything* that the protagonist puts forward in the discussion. By virtue of rule 6, the antagonist is entitled to call into question both the propositional content and the force of justification or refutation of each of the protagonist's argumentations, but of course he is not *obliged* to do so. It is quite possible, however—and very common in practice too—that in the course of the discussion the antagonist may suddenly realize that he or she was wrong in accepting the argumentation without objection. It may also happen that he or she has in the first instance only called into question the propositional content of an argumentation, but not its force of justification or refutation, and regrets this upon reflection. The antagonist must be given the opportunity to make use of the opportunities that he or she has allowed to slip by. That opportunity can be given to the antagonist by allowing him or her to make use of the right to which he or she is entitled by virtue of rule 6 *throughout the entire discussion*. This addition to rule 6

thus offers the antagonist the opportunity to make optimal use of his or her right of attack and it is therefore conducive to the resolution of a difference of opinion.

RULE 10
The antagonist retains throughout the entire discussion the right to call into question both the propositional content and the force of justification or refutation of every complex speech act of argumentation of the protagonist that the latter has not yet successfully defended.

Optimal use of the right to defend
By virtue of rule 9, for a conclusive defence of the initial standpoint, the protagonist is obliged to defend himself or herself against all attacks by the antagonist on an argumentation that he or she has put forward. However, it is possible that the antagonist has called into question both the propositional content of an argumentation and its force of justification or refutation, and that the protagonist has in the first instance only defended himself or herself against the first attack by conducting a new argumentation. The antagonist may then call this new argumentation into question, and if the protagonist defends himself or herself against this attack, this does not mean that the first argumentation has thereby been conclusively defended. The protagonist must be given the opportunity to defend it conclusively at this point. This opportunity can be offered by allowing him or her to defend every argumentation that is attacked throughout the whole discussion against the attacks of the antagonist. This gives the protagonist the opportunity to make optimal use of his or her right of defence, and this too, like the optimal use of the right of attack by the antagonist, is conducive to the resolution of a difference of opinion.

RULE 11
The protagonist retains throughout the entire discussion the right to defend both the propositional content and the force of justification or refutation of every complex speech act of argumentation that the protagonist has performed and not yet successfully defended against every attack by the antagonist.

Another way of enabling the protagonist to make optimal use of the right of defence is to give him or her the opportunity to *retract* an argumentation that has already been put forward once. It may happens that the protagonist in the first instance considers that he or she can defend the initial standpoint or sub-standpoint conclusively by means of this argumentation, while later he or she realizes that this is not the case. By retracting an argumentation, the protagonist withdraws his or her commitment to it and thus also the obligation to defend it. In this way the protagonist can correct himself or herself in the course of the discussion. He or she may replace the retracted argumentation with another, which he or she considers able to be defended successfully. Protagonists should have the opportunity both to withdraw an argumentation on their own initiative without its being called into question by the antagonist, and if the antagonist has called the argumentation into question. Since the obligation to defend the argumentation ceases when it is retracted,

protagonists may still be able to satisfy the requirement formulated in rule 9 for a conclusive defence of initial standpoints.

RULE 12

The protagonist retains throughout the entire discussion the right to retract the complex speech act of argumentation the protagonist has performed and thereby to remove the obligation to defend it.

The orderly conduct of the discussion

The addition at the end of rules 10 and 11 means that the antagonist may not carry out attacks on an argumentation that the protagonist has already successfully defended and that the protagonist does not have to defend (and is not even allowed to defend!) himself or herself against attacks that he or she has already successfully parried. These provisions prevent the discussion from being endlessly held up by repetitions of identical attacks or defences. Such repetitions are pointless because they are in no way conducive to a resolution of the difference of opinion. The legal principle of *non bis in idem*—already mentioned in connection with rule 3—is applicable here as well.

A critical discussion must not only not contain any pointless repetitions of identical speech acts; it must also proceed in an orderly fashion. This requires provisions that are conducive to the rapid and efficient resolution of differences of opinion. These provisions taken as a whole form a sort of set of *regulations for the orderly conduct of a critical discussion.* The provisions contained in rule 13 can be regarded as an important part of such a set of regulations on orderly conduct.

RULE 13

(a) *The protagonist and the antagonist may only once perform the same speech act or the same complex speech act with the same role in the discussion.*

(b) *The protagonist and the antagonist must perform speech acts or complex speech acts in turn.*

(c) *The protagonist and the antagonist may not perform more than one speech act or complex speech act at one time.*

In the *concluding stage* the discussant that has carried out the role of protagonist in the argumentation stage either does or does not retract the initial standpoint, and the discussant that has carried out the role of antagonist in the argumentation stage either does or does not maintain the calling into question of the initial standpoint. The discussants close the discussion together by determining the final outcome (that may or may not lead them to start a new discussion). The only point that calls for explicit regulation in the concluding stage is to determine in which case the protagonist is obliged to retract the initial standpoint on the basis of the attacks carried out by the antagonist during the argumentation stage, and in which case the antagonist is obliged to retract his or her calling the initial standpoint into question

on the basis of the defence carried out by the protagonist. These regulations are embodied in rule 14.

RULE 14

(a) *The protagonist is obliged to retract the initial standpoint if the antagonist has conclusively attacked it (in the manner prescribed in rule 9) in the argumentation stage (and has also observed the other discussion rules).*

(b) *The antagonist is obliged to retract the calling into question of the initial standpoint if the protagonist has conclusively defended it (in the manner prescribed in rule 9) in the argumentation stage (and has also observed the other discussion rules).*

(c) *In all other cases the protagonist is not obliged to retract the initial standpoint, nor is the antagonist obliged to withdraw the antagonist's calling into question the initial standpoint.*

There is no rule needed to determine in which case the protagonist *may* retract the initial standpoint or in which case the antagonist *may* retract his calling into question of the initial standpoint. Both the protagonist and the antagonist are entitled to do so at every stage of the discussion. If one of them makes use of this entitlement, the difference of opinion is thereby immediately removed and the discussion is over. Of course, this conclusion to the discussion cannot be regarded as a resolution of the difference of opinion that is *the outcome of the discussion*.

The reason for not laying down this right of retraction on the part of the protagonist and the antagonist in a discussion rule is that this right follows immediately from the *premise* on which all the discussion rules are based. After all, all discussion rules assume that the discussants can never be obliged or forced to put forward or to call into question a standpoint. On this premise, discussants who put forward standpoints or call them into question do so of their own free will, and this means that they are also entitled to withdraw these standpoints or expressions of doubt of their own free will as well.

Neither is a rule necessary to indicate in which case the protagonist *may continue* to maintain the initial standpoint and in which case the antagonist *may continue* to call that initial standpoint into question. The reason for this is that it is already implied by rule 14. If the antagonist is obliged to retract his or her calling into question the initial standpoint, then the protagonist automatically has the right to continue to maintain the initial standpoint, and if the protagonist is obliged to retract the initial standpoint, the antagonist automatically has the right to continue to call that initial standpoint into question. The protagonist and the antagonist must themselves decide whether they wish to make use of this right or not.

After the discussants have concluded the discussion by jointly determining who has won the discussion in accordance with rule 14, they can decide to conduct a new discussion or not. This new discussion, for example, may concern a different initial standpoint with regard to the same proposition, a statement that formulates a

proposition from the list of accepted propositions (i.e., a premise of the previous discussion), or a previously accepted discussion rule (so that a *meta-discussion* arises). Of course, it is for the discussants to decide whether they want to begin a new discussion (and if so, what its subject is). If they decide to do so, the rules for conducting a critical discussion will apply to the *new* discussion as well.

Rights and obligations regarding usage declaratives

It is already in the confrontation stage of a critical discussion very important that the discussants understand each other's speech acts. This naturally holds for the other stages of the discussion as well. If a discussant is unclear in formulating his or her standpoint or in calling a standpoint into question, or if the other discussant misinterprets the formulations, there is a high probability that they will speak at cross-purposes. It is also not inconceivable that no discussion will arise at all, since in view of the formulation the other discussant sees no grounds for calling the standpoint into question. The rules for a critical discussion must therefore not only be conducive to the externalization of differences of opinion, but they must above all be externalized *optimally*. To this end, discussants must formulate optimally and they must also interpret optimally. Although it is not easy to determine when a formulation or an interpretation is optimal, the formulations and interpretations must at any rate not obstruct the resolution of a difference of opinion in a critical discussion. The consequence of this is that a discussant must choose formulations that are comprehensible to the other discussants, and that these other discussants must interpret the formulations in accordance with their assumptions about the first discussant's intention. Moreover, where necessary, all discussants must be prepared to replace their formulations and interpretations by better ones.

Aiming for optimal formulations and optimal interpretations does not, unfortunately, automatically mean that these aims are attained. To be on the safe side, discussants who doubt the clarity of their formulation do well to replace it by a formulation that they consider to be clearer, and discussants who doubt their interpretation do well, to be on the safe side, to put it to the other discussant and to ask for an amplification, specification or other usage declarative.

The resolution of differences is furthered, we believe, if the discussants have the opportunity, either of their own accord or at the request of others, to provide an amplification, specification, explanation or definition. If the discussants consider it desirable, they may therefore always perform such usage declaratives in a discussion and they may also always request other discussants to perform a usage declarative. The latter right entails an obligation for the other discussant to accede to a request of this kind. The rights and obligations of discussants in relation to the performance of usage declaratives or to requesting the performance of usage declaratives are laid down in rule 15.

RULE 15

(a) *The discussants have the right at every stage of the discussion to request the other discussant to perform a usage declarative and to perform one themselves.*

(b) *The discussant who is requested to perform a usage declarative by the other discussant is obliged to do so.*

Our proposals for rules for a critical discussion come to an end with rule 15. Each of the rules formulated here, we consider, makes it possible to satisfy a necessary condition for the resolution of a difference of opinion. As a whole, the rules are conducive to the resolution of a difference of opinion by means of argumentative discussions. The rules do not guarantee that differences of opinion can always be resolved in practice by means of these rules. That naturally requires more.[10]

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[10]We refer here not only to further elaborations, specifications and above all operationalizations that are called for, but also to fulfilling the 'higher order conditions'. See van Eemeren et al. (1993, 30–34) and van Eemeren and Grootendorst (2003, Chap. 8).

Part IV
The Pragmatic Dimension
of Pragma-Dialectics

Chapter 14
Viewing the Study of Argumentation as Normative Pragmatics

Frans H. van Eemeren and Bart Garssen

14.1 Introduction

The study of argumentation is often considered to be part of the discipline called *logic*, more in particular of *informal logic*.[1] In our contribution we would like to make clear that the study of argumentation can also be constructively viewed as being part of *pragmatics*, more in particular of *normative pragmatics*. In doing so we start from the theoretical perspective on argumentation that is commonly known as the *pragma-dialectical* approach to argumentation.[2] For the sake of simplicity, in discussing the pragmatic character of the pragma-dialectical approach we focus in this contribution in the first place on the speech act dimension of pragmatics.[3] Our central question can therefore be specified as: how can it be made clear that the study of argumentation can be constructively viewed as being part of (normative) pragmatics by pointing out that the pragma-dialectical approach to argumentation benefits in various respects significantly from taking a speech act perspective?

Referring to the pragma-dialectical approach as a speech act perspective does not do justice to it. Not only because this label narrows down the pragmatic aspect of this approach to one of its dimensions, but even more so because it undervalues another aspect of a more comprehensive theoretical framework. Next to the pragmatic aspect, the dialectical aspect representing the critical angle is the second vital characteristic of the pragma-dialectical approach. It is crucial of this approach that the complex speech act of argumentation is examined as part of a 'critical discussion' aimed at resolving a difference of opinion on the merits. This means that justice is done to the pragma-dialectical approach to argumentation only when the pragmatic aspect and the dialectical aspect are taken together. It is only then that

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[1]See among others, Johnson and Blair (2005), Johnson (2000), Freeman (1991).
[2]See van Eemeren and Grootendorst (1984, 1992, 2004), van Eemeren et al. (1993, 2007, 2009), van Eemeren (2010).
[3]We confine ourselves here to a speech act perspective which starts from the standard theory developed by Searle (1969, 1971).

this approach can be characterized as being part of normative pragmatics. Because in recent years the pragma-dialectical approach has been extended by taking also the rhetorical aspect of effectiveness into account in the theorizing about argumentation (van Eemeren 2010), doing justice to this approach requires starting from this extended version.

In our opinion, the decisive advantage of a speech act perspective over rival theoretical perspectives developed in the study of argumentation is, firstly, its capacity to provide a comprehensive coverage of all the moves that are made in argumentative discourse, and, secondly, its capacity to take systematically into account that argumentation is carried out through the use of ordinary language. We will take a closer look at the study of argumentation by sketching the five components of the pragma-dialectical research program distinguished in van Eemeren's 'Argumentation Studies' Five Estates' (1987b). The first component is the *philosophical* component, where the question has to be answered as to when it is reasonable to regard argumentation as acceptable. The second component is the *theoretical* component, where the favored philosophical conception of reasonableness is molded into a particular model of argumentation. The third component is the *reconstruction* component, where the theoretical model is used to find ways to get a better grasp on argumentative discourse. The fourth component is the *empirical* component, where the pluriform empirical argumentative reality is systematically explored. The fifth component is the *practical* component, where the findings of the other components are integrated and employed to analyze and improve argumentative practice in different contexts and settings.

In a comprehensive research programme each of the five components should be somehow represented, but for its viability, the reconstruction component is indeed crucial. Connecting the philosophical and the theoretical components to the empirical and practical components prevents philosophizing and theorizing about argumentation from getting unrealistic and ethereal, and empirical research and practical advice from being unsystematic and ad hoc.

What do the five components look like in our approach? This question can be answered by means of some catchwords. In the philosophical component we take the position of a critical rationalist, in the theoretical component we commit ourselves to pragma-dialectics, in the reconstruction component we opt for a resolution-oriented analysis of argumentative discourse, in the empirical component we prefer a convincingness-centered description, and in the practical component we are in favor of a reflective-minded practice.

14.2   The Speech Act Perspective in the Philosophical Component

The philosophical component is about reasonableness with regard to the acceptability of argumentation. By adhering to a *critical* conception of being reasonable, in the philosophy of reasonableness that is chosen as the starting point, the

dialectical idea of having a regulated critical discussion is made the basic principle of reasonableness. By linking the reasonableness of argumentation to problem-valid and conventionally valid rules for a critical discussion,[4] the concept of reasonable argumentation is at the same time externalized, functionalized, socialized, and dialectified. What this means can be explained by pointing out that the study of argumentation is dealing with a subject matter that is not just an internal state of mind, but the verbal expression of attitudes and opinions (*externalization*); that does not derive its acceptability from someone's personal authority or sacrosanct origin, but from its contribution towards the achievement of a specific objective (*functionalization*); that does not depend on certain characteristics of a single individual, but on the interaction between two or more individuals (*socialization*); and, finally, that displays a quality cannot be reduced to extremely absolute or relative concepts, as happens in geometrical or anthropological conceptions respectively, but is systematically connected with pursuing the critical aim of resolving a difference of opinion on the merits (*dialectification*).

How does a speech act perspective facilitate the realization of these four meta-theoretical objectives? On a philosophical level this can be expounded by pointing out the functional character of argumentation rules in a critical discussion. These rules are not metaphysically based, but rest on their suitability for doing the job for which they are designed: the resolution of differences of opinion on the merits. Because of this, the rules should in principle be optimally acceptable to those whose first aim is to resolve their differences of opinion. This means that the rationale for accepting these rules as conventionally valid is, philosophically speaking, pragmatic. Philosophical pragmatists judge the acceptability of rules on the extent to which they appear successful in solving the problems they wish to solve. In fact, to them a rule is a rule only if it performs a function in the achievement of the objective for which the rule was designed (van Eemeren and Grootendorst 1988).

Apart from the critical dialectical conception of reasonableness, one can also choose for an anthropological rhetorical conception of reasonableness. According to anthropological approaches, argumentation can be considered reasonable to the extent that it is acceptable for the audience or auditorium it is aimed at. Although the critical and anthropological outlooks on argumentation are in principle not compatible, in the notion of *strategic maneuvering* the dialectical idea of reasonableness and the rhetorical idea of effectiveness are combined (van Eemeren 2010). However, taking anthropological insights into account in analyzing and evaluating argumentative discourse, as happens in the extended pragma-dialectical approach, does not result in a new conception of reasonableness.

Speech act theory is *in optima* forma a pragmatic approach to language use: it describes the conditions which make it useful to distinguish between certain forms of language use because of their potential practical consequences. In this

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[4]For the notions of problem-solving validity and conventional validity see Barth and Krabbe (1982, pp. 21–22).

way it becomes clear which specific commitments people accept in their verbal behavior, and this makes it possible to explain exactly what it means to conform to the philosophical principle that you should be prepared to undertake certain obligations in a discussion. The speech acts which are most useful to all who share a certain goal—in this case: resolving a difference of opinion on the merits —are those that are in accordance with rules which have a degree of problem validity, so that they may become conventionally valid.[5] The merits of a speech act perspective for a critical rationalist approach to the reasonableness of argumentation can also be explained in a more specific and less philosophical way by referring to the definition of argumentation as a speech act designed to justify or refute a proposition by convincing another person, who acts reasonably, of the acceptability of a positive or negative standpoint with respect to this proposition.

By concentrating on the performance of a speech act as a means of verbally expressing an opinion, externalization is guaranteed. By specifying the purpose of this speech act, functionalization is likewise ensured. By addressing the speech act to another person, socialization is on its way. And by requiring the acceptability of the speech act for a reasonable person, the road to dialectification is paved.[6]

Defining argumentation as a speech act just like that, however, creates in at least three respects some kind of clash with Searle's standard theory. Firstly, unlike in speech acts such as asserting, requesting, and promising, in argumentation always more than one proposition is involved. Sometimes it appears that there is only one proposition, but on closer inspection it always turns out that in such cases one or more other propositions—which are genuine parts of the argumentation—have been left unstated.[7] Secondly, unlike Searle's prototypes, the utterance of argumentation as a speech act always has a dual illocutionary or, as we prefer to call it, *communicative function*: besides functioning as argumentation it is also an assertion, a question, a form of advice, a proposal, or whatever. Thirdly, unlike most of

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[5]To acquire conventional validity, it must be clear which speech acts should be performed when and by whom. This has been shown in our model of a critical discussion by characterizing and locating the different types of speech acts which can play a specific role in the resolution of a difference of opinion (van Eemeren and Grootendorst 1984, pp. 95–118, 151–175). In this way a dialectical approach motivated by critical rationalism combines with a utilitarian pragmatist approach to language use.

[6]The contribution of a speech act perspective to socialization and dialectification is formulated more cautiously than its contribution to externalization and functionalization. The reason for this is that addressing another person does not necessarily imply a discussion in which both parties play an active role, since trying to convince this person does not automatically lead to the idea of resolving a difference of opinion, but from a critical-rationalist point of view both are certainly moves in the right direction. This becomes even clearer when one realizes that the subject of research is everyday argumentation: in daily life argumentation is often part of a conversational setting of a more or less discussion-like character.

[7]The unstated parts of an argumentation can be referred to as *unexpressed premises* (van Eemeren and Grootendorst 1992, pp. 60–72).

Searle's examples, argumentation cannot stand by itself, but is always in a particular way linked to another speech act expressing a standpoint. If this specific relation is absent, any allusion to argumentation is unjustified.[8]

In order to solve the problem caused by these three differences, the standard theory of speech acts needs to be modified in such a way that it becomes applicable to larger units than single speech acts. This can be achieved by distinguishing between communicative functions at the sentence level on the one hand and communicative functions at some "higher" textual level on the other (van Eemeren and Grootendorst 1984, pp. 33–35).[9] It is only at the higher textual level that the utterance of a speech act can have the communicative function of argumentation, whereas the utterances of speech acts such as assertions, requests, and promises are situated at the sentence level. The difference between speech acts at the sentence level and at the higher textual level can be made clear by referring to elementary speech acts in the former case and to complex speech acts in the latter.[10] Clearly, argumentation belongs to the second category.

Argumentation is aimed at convincing another person of the acceptability of a standpoint, but what is meant by that? One possible interpretation would be: attempting to evoke in that person the "feeling" of being convinced. However, from a critical-rationalist point of view this interpretation is undesirable, because it threatens the externalization by perceiving being convinced' as an internal mental state. As a consequence, what is gained at one end of the process would be lost at the other.

Fortunately, it is possible to avoid the danger of "internalization" by defining *convinced* as being prepared to accept the standpoint supported by the argumentation. Since accepting a standpoint can be expressed by the performance of a speech act in which the acceptance is stated, externalization is guaranteed. And, as a consequence, acceptance can be made subject to dialectical rules, which is not the case with being convinced if this concept is not externalized. Treating the acceptance of a standpoint by another person as the purpose of performing the complex speech act of argumentation means that this acceptance is seen as a perlocutionary or, as we prefer to call it, *interactional* effect of this speech act. In general, acceptance can be seen as an effect aimed for universally by all speech acts.

Although the standard theory of speech acts has not much to say about perlocutionary acts and effects, one cannot escape from getting the impression that these constitute a category as diffuse as diverse. It seems that all kinds of possible

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[8]Of course, there can be other candidates: explanations, amplifications, elucidations, but certainly not argumentation.

[9]There are also authors who, like we do, believe that besides illocutionary acts there are larger units of language use to be distinguished, but who have a rather different view of these larger units. See the discussion of the views of van Dijk and Quasthoff in van Eemeren and Grootendorst (1984, pp. 37–39).

[10]For practical reasons we do not go into the exact relations between sentences and propositions now. We just equate speech acts which consist of the expression of one proposition with one sentence speech acts.

consequences of speech acts fall under the general heading of perlocutions: opening a window, quitting smoking, getting frightened, et cetera.[11] In our opinion, it is necessary to distinguish different kinds of effects upon the listener or reader which can be brought out by speech acts. Firstly, consequences intended by the speaker or writer should be distinguished from unintended consequences. Secondly, consequences brought about on the basis of understanding the speech act should be distinguished from consequences where this is not the case. Thirdly, consequences brought about by way of a rational decision by the listener should be distinguished from consequences which take place without any control on his part.[12] Only the first elements of these three oppositions lend themselves to systematic research in a theoretical framework of speech acts. This also applies to the acceptance of argumentation. It is intended by the speaker, it requires recognition of the complex speech act as argumentation, and it depends on rational considerations of the listener. Undoubtedly, all kinds of consecutive consequences can also occur, but these are beyond the scope of speech act theory. The next question is, of course: when exactly will it be reasonable for the listener to accept a standpoint on the basis of the speaker's argumentation? Answering this question requires the formulation of rules for critical discussion and leads to the next Component, in which the socialization and dialectification of our critical-rationalist philosophy of argumentation get a particular theoretical shape.

14.3 The Speech Act Perspective in the Theoretical Component

In the theoretical component our preference for a critical-rationalist philosophy is molded into a pragma-dialectical theoretical model for argumentation. The dialectical aspect consists in there being two parties who attempt to resolve a difference of opinion by means of a methodical exchange of moves in a discussion, whereas the pragmatic aspect is represented by the description of the moves in the discussion as speech acts. In order to resolve a difference of opinion on the merits by means of argumentation, the language users involved must observe a number of rules. If they jointly attempt to resolve the difference by engaging in an interaction of speech acts according to these rules, then their discourse can be referred to as a critical discussion. The model of a critical discussion van Eemeren and Grootendorst presented in *Speech Acts in Argumentative Discussions* (1984) and *A Systematic Theory of Argumentation* (2004) explains which rules apply to the distribution of speech acts in the various stages the resolution of a difference of opinion should pass through. As an ideal model the model of a critical discussion reproduces only

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[11]See Searle's description of perlocutionary acts (1980, p. 25).

[12]For a discussion of these views, see van Eemeren and Grootendorst (1984, pp. 23–28), van Eemeren (2010, Chap. 2).

aspects that are relevant to the resolution of a difference of opinion: it provides a set of instruments to grasp reality and to determine the extent to which practice corresponds with the requirements for the resolution. In this respect, the model not only links theory to practice, but also combines normative and descriptive aspects.

A critical discussion passes through four discussion stages: the confrontation, the opening, the argumentation, and the concluding stage. In the confrontation stage the difference of opinion is externalized: it becomes clear that there is a standpoint which meets with doubt or contradiction, so that a difference of opinion arises. In the opening stage agreements are reached concerning the manner in which the discussion is to be conducted; the parties have to determine whether there is sufficient common ground to serve as a starting point. Only if there is such a common point of departure, it makes sense to undertake an attempt to remove the difference of opinion by means of argumentation. In the argumentation stage (as is obvious from the terminology) argumentation is advanced and reacted to. By definition, the purpose of adducing argumentation is to overcome possible doubts about the standpoint. And by reacting to the argumentation put forward, it can be made clear that this attempt has not yet succeeded in a fully satisfactory way. Finally, in the concluding stage the result of the discussion is established. It is only if both parties agree on the result that the difference of opinion can be regarded as having been resolved. The model specifies which speech acts the participants in a critical discussion have to perform at the four stages in order to contribute to the resolution of the difference of opinion. The model is elaborated in rules for critical discussions that specify who may perform what type of speech act with what role at what stage of the discussion. These rules prescribe when the discussants are entitled, or indeed obliged, to perform a particular speech act.

Starting from Searle's taxonomy of speech acts (1979, pp. 1–29), it can be said that all kinds of assertives can be used to express standpoints and argumentation, and to establish the results of the discussion. The use of directives is restricted to challenging somebody to defend his standpoint and requesting him to put forward argumentation in support of his standpoint. Commissives are used to accept (or not accept) a standpoint or argumentation and to agree upon the division of dialectical roles in the discussion and upon the discussion rules. *Language usage declaratives*, finally, can be helpful in avoiding all kinds of misunderstandings.[13] It should be noted that no other types of declaratives and no types of expressives are listed in the model, because they do not contribute in a direct way to the process of resolving a dispute.[14]

The starting point underlying the model is that the participants in a critical discussion have the intention of jointly resolving the difference of opinion. That is, the discussant whose arguments do not prove strong enough must be prepared to

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[13]The notion of language usage declaratives, which comprises speech acts such as defining, precizating, amplifying, explicating, and explicitizing, is introduced in van Eemeren and Grootendorst (1984, pp. 109–110).

[14]The distribution of the various types of speech acts in the stages of a critical discussion is discussed in van Eemeren and Grootendorst (1984, pp. 95–118; 2004, pp. 62–68).

abandon his position, and the discussant whose doubts or objections have been overcome by the argumentation must be prepared to drop them. This is the basis of the reasonable attitude that is a prerequisite to the conduct of a critical discussion. The rules of the ideal model tell us what such an attitude amounts to and constitute a code of conduct for rational discussants who want to act reasonably.[15]

Apart from incorporating the critical-rationalist ideal into a coherent theoretical framework, the model serves both descriptive and normative purposes. With regard to the former, more will be said in the Reconstruction Component and the Empirical Component, with regard to the latter in the Practical Component. In the Theoretical Component, the importance of the model is shown for the analysis of the fallacies which traditionally pose theoretical problems, especially for the so-called informal fallacies for which the logically based approach does not provide a satisfactory account.[16]

Fallacies can be analyzed as violations of the rules of the model. Any violation of the rules may have the consequence that the difference will not be resolved.[17] Although the consequences of violating the rules may vary in their seriousness, every violation is a potential threat to the successful conclusion of the discussion, regardless of which party is responsible and regardless of the stage of the discussion at which it occurs. Seen in this perspective, all violations of the rules are incorrect moves in a critical discussion. These incorrect moves correspond roughly to the various kinds of traditional fallacies. In our pragma-dialectical theoretical conception, the term *fallacy* is reserved for speech acts which are derailments of strategic maneuvering because they hinder in any way the resolution of a difference of opinion by means of a critical discussion by violating a rule for critical discussion (van Eemeren 2010, pp. 193–196). Thus fallacies are systematically connected with the rules for critical discussion, and our treatment of the fallacies is linked to a particular theoretical approach. In this conception, committing a fallacy is not tantamount to unethical conduct, but it is wrong in the sense that it frustrates efforts to arrive at the resolution of a difference of opinion.

How does a speech act perspective facilitate the development of a pragma-dialectical model for critical discussion? The main point is that by formulating the rules like this, the normative rules for carrying out speech acts in a critical discussion are linked in a natural way to the descriptive conditions of performing elementary and complex speech acts. In turn, these are closely connected with all kinds of more general descriptive rules for conducting everyday discourse and conversations, such as the rules referred to in Grice's maxims, and

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[15]The rules of the code of conduct are discussed in van Eemeren and Grootendorst (2004, pp. 187–196).

[16]Cf. Hamblin (1970), van Eemeren and Grootendorst (1992, pp. 102–106).

[17]Having the required attitude and observing all the rules of the model do not guarantee that the participants in a discussion will actually bring their difference of opinion to a successful resolution, only that a number of preconditions for doing this have been met.

rules for turn taking as described by conversation-analysts.[18] To put it bluntly, our normative discussion rules can partly be seen as dialectical regulations of rules that already apply in ordinary conversations. Of course, this is a simplification but it draws attention to the fact that proposing normative rules for critical discussions has closer ties with reality than some people think. The conditions for the performance of speech acts as described by Searle serve as a link, so to speak, between the ideal and the real. In order to be able to fulfill this task of linking optimally, it is necessary, however, for the speech act conditions to be formulated in a way that makes it possible to reveal the similarities with conversational rules such as Grice's maxims. Van Eemeren and Grootendorst integrated these two sets of conditions and rules in *Argumentation, Communication and Fallacies* (1992).

First they replaced the Gricean Co-operative Principle by a general Principle of Communication, requiring language users to be clear, honest, efficient, and to the point. Starting from this rule they formulated, as an alternative to the Gricean maxims of Manner, Quality, Quantity and Relation, the following general rules of communication: (1) "Perform no incomprehensible speech acts", (2) "Perform no insincere speech acts", (3) "Perform no unnecessary speech acts", (4) "Perform no pointless speech acts", and (5) "Perform no new speech acts that are not an appropriate sequel or reaction to preceding speech acts". The rules of communication correspond to a large extent to Grice's maxims. The advantage of this approach is that the maxims are now formulated as rules for the performance of speech acts.

The first rule of communication roughly corresponds to Searle's propositional content condition and the essential condition. The second rule corresponds to his sincerity condition, the third and fourth rules correspond to his preparatory condition, whereas the fifth rule does not have a counterpart in his conditions. By integrating Gricean maxims with Searlean speech act conditions both are enhanced. Compared to the maxims, these rules are more specific as a consequence of their connection with the Searlean conditions, and they are more general because they are no longer restricted to assertions, as they are with Grice. The speech act conditions also profit from it, because it is now shown that the conditions for different speech acts are in fact specifications of more general rules of communication.[19]

This synthesis of Searlean and Gricean insights reveals the heterogeneous character of the original set of speech act conditions. Although Searle makes no difference in their importance, in the revised version it becomes clear that a distinction should be made between the propositional content and essential conditions on the one hand, and the sincerity and preparatory conditions on the other. This can

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[18]The conversational maxims are introduced in Grice (1975), the rules for turn-taking are discussed in Levinson (1983), Edmondson (1981).

[19]Searle (1980, pp. 22–23) does not believe that all speech act conditions are specifications of Grice's maxims, because some of them (such as the essential condition and the sincerity condition) are internal to specific kinds of speech acts. We do not agree with him on this point.

be demonstrated by looking at the consequences of violations of the various conditions. In the case of violation of the first two, no recognizable speech act has been performed, whereas in the case of violation of the second two, though the performance of the speech act is not quite successful or "happy" in the full sense, a recognizable speech act *is* performed. This crucial difference can be accounted for by realizing that there is a correspondence between the propositional content condition and the essential condition on the one hand, and Grice's maxim of Manner ("Be perspicuous") and our first communication rule ("Perform no incomprehensible speech acts") on the other. Violating these two conditions damages the recognizability of a speech act, whereas violating one of the two others affects its correctness by causing insincerity, inefficiency or irrelevancy. In order to express this difference terminologically, we refer to the first two as *identity conditions,* and to the second two as *correctness* conditions (van Eemeren and Grootendorst 1984, p. 41).

By integrating Searlean and Gricean insights in our rules of communication, we think an important step has been made towards a comprehensive theory of everyday communication and interaction. Of course, much remains to be done. For example, all useful kinds of concepts from conversation analysis have to be incorporated in the theoretical framework. Up to now, many conversation analysts have shown some reluctance to make use of speech act theory—or any other theoretical framework at all for that matter. As a consequence, conversation analysis lacks a firm theoretical foundation. This lends most of the results of the analyses an ad hoc character and makes them less interesting. It also makes it more difficult to carry out the required integration. The important notion of 'adjacency pair', for instance, could gain from taking theoretical insights from speech act theory into account. Not only should speech act theory become more conversation-oriented but conversation analysis should also become more speech act-oriented.[20]

People engaged in argumentative discourse are characteristically oriented towards resolving a difference of opinion on the merits and may be regarded as committed to norms instrumental in achieving this purpose, maintaining certain critical standards of reasonableness and expecting others to comply with the same standards. At the same time, however, these people are also, and perhaps even primarily, interested in resolving the difference of opinion effectively in favor of their case, i.e. in agreement with their own standpoint or the position of those they represent. In examining actual cases of argumentative discourse, the conceptualization of argumentation as a communicative and interactional (speech) act complex aimed at resolving a difference of opinion for a reasonable judge by advancing a constellation of reasons the arguer can be held accountable for as justifying the

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[20]Searle (1986, pp. 7–19) admits that conversation analysis may be useful to the analysis of conversations, but he also emphasizes the crucial differences between speech act theory and conversation analysis.

acceptability of the standpoint(s) at issue therefore needs to be complemented by taking, besides the presumption of reasonableness involved in argumentation, also the quest for effectiveness into account.[21]

In all stages in every argumentative move that is made the aims of maintaining reasonableness and achieving effectiveness go together. It is the simultaneous pursuit of these two aims that takes place in strategic maneuvering. Strategic maneuvering refers to the efforts made in all moves carried out in argumentative discourse to keep the balance between reasonableness and effectiveness.

In argumentative discourse, strategic maneuvering manifests itself in three aspects of the moves that are made, which can be distinguished only analytically: 'topical choice', 'audience adaptation', and 'presentational design'. Topical choice refers to the specific selection that is made from the topical potential—the set of dialectical options—available at a certain point of the discussion, audience adaptation involves framing a move in a perspective that agrees with the intended audience, and presentational design concerns the selection the speaker or writer makes from the existing repertoire of presentational devices. In their strategic maneuvering aimed at steering the argumentative discourse their own way without violating any critical standards in the process, both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most appealing presentation.

A clearer understanding of strategic maneuvering in argumentative discourse can be gained by examining how in argumentative practice the rhetorical opportunities available in the dialectical situation are exploited. Each of the four stages in the process of resolving a difference of opinion on the merits is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. Because in each discussion stage the parties are out to achieve the dialectical results that serve their rhetorical purposes best, in each stage the rhetorical goals of the participants in the discourse will be dependent on—and therefore run parallel with—their dialectical goals. As a consequence, the specifications of the rhetorical aims that may be attributed to the participants must take place according to dialectical stage. This is the methodological reason why the study of strategic maneuvering that we propose boils down to a systematic integration of rhetorical insight in a dialectical framework of analysis.

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[21]It should be noted that "effectiveness" is not completely synonymous with "persuasiveness." For one thing, aiming for effectiveness is not limited (as is persuasiveness) to those parts of the argumentative discourse (arguments) that can be reconstructed as belonging to the argumentation stage but applies also to the parts of the discourse that belong to the other stages (van Eemeren 2010).

14.4 The Speech Act Perspective in the Reconstruction Component

In the reconstruction component the theoretical model is used to get a better grasp of the empirical reality of argumentative discourse. Following on from our speech act perspective, we opt in the reconstruction component for an orientation towards the resolution of differences of opinion. A resolution-oriented reconstruction means that one tries to get a clearer picture of everyday argumentation by reconstructing argumentative discourse in terms of a critical discussion. Since the reconstruction starts from an ideal model, it can be called a *normative reconstruction*. The main task of such a reconstruction is to connect the real to the ideal by confronting empirical reality with a theoretical model. The reconstruction component is determined by the theoretical component, which in turn is determined by the philosophical component, and is instrumental in molding both the empirical and the practical components. Therefore, the reconstruction component has a pivotal function which is really vital to the study of argumentation.

In a resolution-oriented normative reconstruction, everyday discourse is treated as a discussion which solely aims at resolving a difference of opinion. This does not mean that every piece of discourse is automatically regarded in toto as a critical discussion. We check to what extent it is possible the carry out the analysis as if the discourse were a critical discussion. The normative reconstruction represents the angle of approach which is, seen from a pragma-dialectical theoretical perspective, the most relevant and the most illuminating.[22]

A resolution-oriented normative reconstruction entails some specific operations which amount to carrying out four dialectical transformations. The first transformation is called dialectical *deletion*, and involves a selection from the discourse as it occurred in reality. Elements that are relevant for the resolution process are included, others are left out. The second transformation is called dialectical *addition*, and involves a process of completion. This is a matter of making implicit elements explicit: supplying unexpressed premises, et cetera. The third transformation is called dialectical *permutation*, and involves an ordering and rearranging of elements in the discourse. In contrast to a purely descriptive record, a normative reconstruction need not necessarily follow the order of events in time, or the linear presentation. It rearranges the elements in such a way that the process of resolving a difference of opinion as described in our ideal model, is directly reflected. The fourth transformation is called dialectical *substitution*, and involves a clear and uniform notation of the elements which fulfill the same dialectical function in the

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[22]Naturally, other angles of approach are also possible. A Freudian psychological analysis would undoubtedly be able to produce yet other interesting results—but there again the same sort of restriction would apply. Things that appear as relevant from one angle remain out of sight when regarded from another. However, one angle of approach need not necessarily preclude another. The same conversation can very well be examined and analyzed from different angles, though it is a good idea to make sure not to confuse the different perspectives.

discourse. Ambiguities and vagueness are replaced by unambiguous and clear standard formulations, whereas different formulations of elements with the same function are reduced to one single standard formulation.[23]

Normative reconstruction of ordinary discourse from a resolution-oriented perspective depends to a large extent on the model for a critical discussion, but a speech act perspective can contribute substantially to the carrying out of these dialectical transformations. It is of special significance to the transformations of addition and substitution. With regard to the addition of implicit elements, such as unexpressed premises, a speech act perspective has already proven its usefulness.[24] Therefore, it may be more interesting to look closer at the transformation of substitution. This pertains, for example, to the replacement of a statement in which the communicative function of a standpoint remains implicit by an explicit standard formulation. In speech act theory it is a recognized fact that in ordinary discourse the communicative function—or, as Searle calls it, *illocutionary force*—of a speech act is, as a rule, not expressed explicitly. In practice, however, this does not normally present much of a problem. Sometimes verbal indicators give an unambiguous hint towards the desired interpretation. In the absence of such indicators, the verbal and non-verbal context, together with logical and pragmatic inferences that can be made and background information of various kinds, provide sufficient clues.[25] So, a speech act perspective points to a phenomenon which is inherent to everyday language use, and it also makes it clear that a critical discussions is no exception.

All kinds of indirectness, however, can pose a problem. To demonstrate this, the following piece of discourse can serve as an example:

> Let's take a cab. You don't want to be late for the show, do you?

Carrying out a resolution-oriented normative reconstruction, we would say that we have argumentation here all right, but where is the standpoint and what constitutes the argumentation? The standpoint is to be found in the first sentence, the argumentation in the second. However, the first sentence clearly has the communicative function of a *proposal,* and the second of a *question,* and a normative reconstruction should take this into account. How can we justify the attribution of the dialectical function of a standpoint to the first sentence, and that of an argumentation to the second?

Performing a proposal presupposes that the speaker himself believes it to be a *good* proposal. According to the preparatory conditions for the performance of a proposal, the speaker wants it to be accepted by the listener, otherwise his proposal would be pointless. One way to get the proposal accepted by the listener, would be to show that it is in his interest. By asking rhetorically whether the listener wants to

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[23]For the pragma-dialectical method of reconstruction see van Eemeren (1986, 1987a), van Eemeren and Grootendorst (1990), van Eemeren et al. (1993, 2012).

[24]For the reconstruction of unexpressed premises see van Eemeren and Grootendorst (1992).

[25]For indicators of argumentative moves see van Eemeren et al. (2007).

be late for the show, the speaker indirectly provides a reason that is possibly conclusive for the listener: he surely knows very well that the listener does *not* want to be late (and it is understood that not taking a cab would cause this unwanted effect).[26] By adding the rhetorical question to his proposal, the speaker tries to resolve a potential difference of opinion with the listener in advance. This explains how the speaker's proposal can be transformed into the standpoint that it is wise to take a cab, and his rhetorical question into the argumentation that otherwise they will be late for the show (which is undesirable). Although more could be said about this reconstruction, it suffices for showing the merits of a speech act perspective in helping to get the transformation of substitution carried out properly. Without speech act theory, no satisfactory explanation can be given.[27]

An important advantage of a speech act perspective is that it emphasizes that argumentation in ordinary discourse is not always about assertive statements, nor does argumentation always consist of assertive statements. Argumentation can pertain to all kinds of speech acts and it can be presented by means of all kinds of speech acts. This is really a big step forwards compared to the many argumentation theorists who restrict argumentation to assertions which can be considered true or false. A speech act perspective not only shows that this is incorrect, but it can also systematically account for this diversity by turning to the correctness conditions of the speech acts involved.[28]

The example also confirms that it is necessary to modify the standard theory of speech acts in several respects. Firstly, in the standard theory both identity and correctness conditions are formulated, though not always consistently, from the speaker's perspective, whereas it is clear from the example that it is necessary to differentiate between the correctness of a speech act from the speaker's point of view and the correctness from the listener's point of view. Seen from the first perspective, it is sufficient that the speaker believes that his proposition is in the

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[26]The sentence in parentheses refers (by convention) to the unexpressed premise in the argumentation.

[27]It should be noted, however, that there is an important difference between the reconstruction of the standpoint on the one hand and the reconstruction of the argumentation on the other. In the first case, the utterance of the speech act does not have two communicative functions: it is, firstly and lastly, a proposal. In the second case, the utterance of the speech act does have two forces: its primary force is assertive ("If we don't take a cab, we will be late for the show—and you don't want to be late"), and its secondary force is directive (asking a question). Only in the second case reference can be made to an *indirect speech act* in the strict sense (Searle 1979, pp. 30–57). There is also a difference in the degree of *conventionalization* between the two cases. A rhetorical question is highly conventionalized, whereas the "indirectness" of the proposal is not. It is only due to a well–defined context that it is possible to detect the "indirectness" and find the correct interpretation accordingly. See van Eemeren and Grootendorst (1992, pp. 49–55).

[28]See Jackson (1985), van Eemeren (1986). As a matter of fact, one of Austin's reasons to develop a theory of speech acts refers to the simplistic dichotomy between truth-functional statements (which make sense) and non-truth-functional statements (which are considered to be metaphysical) made by logical positivists. According to Austin, performative utterances ("I hereby declare …," et cetera) are both non-truth-functional and non-metaphysical. Of course, it would be a serious philosophical setback to return to the age of hard-boiled positivism.

interest of the listener, but seen from the second perspective it is also required that the listener thinks likewise. Only if the latter is actually the case, can the proposal be acceptable to him. So the correctness conditions have to be formulated from both a speaker's perspective and a listener's perspective (and the same applies to the identity conditions).

Secondly, the Communication Principle underlying the rules of communication as specified by the speech act conditions, has to be complemented by an Interaction Principle ("Perform no speech acts which are not correct and which are not acceptable to the listener") which can account for the fact that when performing a speech act the speaker is not only supposed to believe that this speech act is correct from his own point of view, but also that it is acceptable to the listener to whom it is addressed. Otherwise, it would remain unexplained what it means to give a reason in support of a proposal, as happens in the example. As a rule, every speech act presupposes its own acceptability. This is accounted for in the Interaction Principle, which enables us also to explain why speakers, even when the listener does not ask for it, take the effort to establish the acceptability of their speech acts by putting forward direct or indirect arguments.[29]

The ideal model and the speech act perspective provide together the basis for an adequate reconstruction for a normative reconstruction of argumentative discourse. The reconstruction is greatly helped by the inclusion of all kinds of other factors such as knowledge of the word. Taking the strategic maneuvering that takes place in the argumentative discourse into account is also helpful to reach a fully justified reconstruction of all speech acts involved. A reconstruction of the strategic maneuvering lays bare the functional design of the discourse in aiming for effectiveness within the boundaries of reasonableness. Therefore, in some cases it may provide decisive reasons for going for the one reconstruction rather than for the other. In addition, a reconstruction of the strategic maneuvering can strengthen the justification of the analysis because it may provide extra support for the likelihood of a certain analysis.

14.5   The Speech Act Perspective in the Empirical Component

In the empirical component the various manifestations of argumentative reality are explored systematically by examining to what extent the insights gained in the philosophical, theoretical, and reconstruction components are reflected in the argumentative moves that are carried out in everyday argumentative discourse.

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[29]The Interaction Principle reflects in its formulation Sperber and Wilson's Principle of Relevance: "Every act of ostensive communication communicates the presumption of its own optimal relevance" (1986, p. 158). There are important differences, however. Firstly, the Interaction Principle is more general than the Principle of Relevance, secondly, it is formulated in terms of speech act theory, whereas Sperber and Wilson reject speech act theory completely (1986, pp. 243–254).

Starting from a critical-rationalist philosophy, a pragma-dialectical theory, and a resolution-oriented reconstruction, a convincingness-centered description of the distinctive properties of everyday argumentative discourse must be carried out. This means that pragma-dialectical empirical research should be aimed at answering questions concerning how the way in which in ordinary situations ordinary arguers go about resolving their differences of opinion relates to the procedure for resolving a difference of opinion on the merits portrayed in the model of a critical discussion.[30]

In order to resolve a difference of opinion on the merits it must be clear to the people involved that there is a difference, and what the difference exactly amounts to. They also have to recognize the communicative function of the speech acts that are performed in argumentative discourse as specific argumentative moves—expressions of doubt, criticism, argumentation etc. (van Eemeren et al. 1989). In principle, the way in which they evaluate the reasonableness of the performance of these argumentative moves also needs to correspond with the norms incorporated in the rules for critical discussion (van Eemeren et al. 2009). There are, of course, a great many other possibilities for empirical research, but these topics seem of primary importance. They way in which they are tackled can illustrate the important role the speech act perspective can play in this component.

How differences of opinion come into being and develop in everyday situations is subject to conversation-analytical research. What kind of speech acts do ordinary arguers use in expressing their differences of opinion and dealing with them? How do they make clear that there is a difference of opinion and how do they try to avoid getting involved in a dispute? How do they try to resolve or settle their differences? How does the way they go about compare with the ideal model of a critical discussion and the rules prescribing in what way exactly a difference of opinion should start and should be resolved? How can the differences that are found be explained by pragmatic knowledge and insight about argumentative reality? According to the model of a critical discussion, for instance, in the confrontation stage an antagonist of a standpoint must state his doubts clearly and unambiguously but in an informal situation doing this can be 'face-threatening' for both parties. It also creates a potential violation of the 'preference for agreement' governing normal conversation.

The general question is: how do ordinary language users try to combine meeting the dialectical requirements of reasonableness formulated in the ideal model with meeting the rhetorical requirements of effectiveness imposed by the argumentative reality in which they operate? Though much more could be said about this, we content ourselves here for the time being with the answer that in the strategic maneuvers that are made more often than not implicit and indirect speech acts are performed. Qualitative empirical research should make clear how exactly these

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[30]In the pragma-dialectical emprical research it has to be made sure that the preliminary 'higher order' conditions for conducting a critical discussion have been fulfilled, so that the psychological state of the arguers, socio-political power relations between them etc. do not allow for alternative explanations of the research results. See van Eemeren and Grootendorst (2004, pp. 189–190).

maneuvers are carried out in practice and what precisely the strategic function of implicitness and indirectness is. In this kind of empirical research a speech act perspective is most helpful. The same applies to the quantitative empirical research aimed at tracing the factors influencing the recognition of argumentation. A crucial question then is whether ordinary language users are capable of recognizing argumentation which is not explicitly presented in that way. In this research it is interesting to look in particular at the various kinds of implicitness and indirectness in presenting argumentation, because this sort of argumentation is expected to be more difficult to recognize than its explicit and direct counterparts. The experiments we have carried out so far suggest that it is indeed the case that the presence of verbal indicators does indeed significantly facilitate the ease of recognition of argumentation and in the absence of sufficient contextual or other clues indirect presentations do indeed pose more problems.[31]

The main point we want to make about empirical research in referring to these examples is that starting from a speech act perspective makes it possible, as we have done, to start a coherent set of research projects covering the most pertinent empirical problems. A speech act perspective provides not only the necessary link between the various components of the research program, but also selects the empirical research problems and determines the order of priorities.

For a full and systematic description of the distinctive properties of argumentative reality it is necessary to take account of the possibilities of strategic maneuvering in the specific macro-contexts in which argumentation occurs. Due to the context-dependency of communicative practices, the possibilities for strategic maneuvering are in argumentative reality to some extent determined by the institutional preconditions prevailing in the communicative practices concerned. This makes it necessary to situate the empirical research of strategic maneuvering in the macro-context of the 'communicative activity type' in which the argumentative discourse takes place.

Communicative activity types are conventionalized practices whose conventionalization serves, through the implementation of certain 'genres' of communicative activity, the institutional needs prevailing in a certain domain of communicative activity. Communicative activity types belong to specific communicative domains, such as the political domain (e.g. plenary debate in parliament, political interview, Prime Minster's Question time) the legal domain (e.g. court proceedings, arbitration), the scientific domain (e.g. peer review, conference paper) and the medical domain (medical advertisement, health brochure, medical consult). In principle, each of these communicative activity types has its own institutional goals and conventions, which are instrumental in realizing the institutional point of the communicative activity type concerned (van Eemeren 2010, pp. 140–143). It should be examined empirically which preconditions these institutional goals and conventions impose on the performance of speech acts in the various communicative activity types.

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[31]See van Eemeren et al. (1989).

The extended pragma-dialectical theory provides the analyst with the tools to give a more refined, accurate and comprehensive analytic and evaluative account of argumentative reality than could have been given using only the dialectical tools of standard pragma-dialectics. With the help of the notion of strategic maneuvering it becomes possible to research argumentative discourse empirically in such a way that not only the dialectical dimension pertaining to its reasonableness is taken into account, but also the rhetorical dimension pertaining to its effectiveness (van Eemeren 2010). It should be clear, however, that extended pragma-dialectics does not provide an empirical model of the various ways in which in real-life argumentative discourse ordinary arguers try to make effective argumentative moves within the boundaries of dialectical reasonableness.[32] This is because the notion of strategic maneuvering is incorporated in a theoretical model with a normative character, which is not a tool for describing the argumentative behavior of ordinary arguers and their pursuit of effectiveness empirically. Strictly speaking, a normative model cannot be put to the test empirically, since the model can neither be falsified nor confirmed by means of empirical data. This does by no means mean, however, that from an empirical point of view the model is useless. On the contrary: the extended model makes it possible to derive theoretically motivated hypotheses about how the speech acts performed in ordinary argumentative practice can contribute to the rational persuasiveness of argumentative discourse that is usually called *convincingness*.

14.6   The Speech Act Perspective in the Practical Component

In the practical component, the various findings of the other components are integrated and employed to value and improve argumentative practices. Philosophical and theoretical principles are necessary to formulate an ideal, the results of empirical research tell us to what extent reality is distinct from this ideal, and normative reconstruction help us in appreciating and bridging the differences. A critical-rationalist philosophy and a pragma-dialectical theory, combined with a resolution-c entered reconstruction, stimulate a reflection-minded practice. This amounts to the promotion of critical discussion and the reflection on all sorts of argumentative practices by supplying adequate instruments to analyze, evaluate and produce them.

Reflection should result in the first place in more sophisticated insight in the problems in specific argumentative practices. Such insight can only come about if all complications which are inextricably connected with the kinds of argumentative realities concerned are acknowledged right from the outset and incorporated in the reflection process. Again, a speech act perspective turns out

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[32]For the differences between *effectiveness* and *persuasiveness* see van Eemeren (2010, p. 39).

to be very useful. This can be demonstrated by comparing the analysis and evaluation of argumentation resulting from a speech act perspective with the analysis and evaluation resulting from a formal logical perspective. Then it transpires immediately that although logic can play an important role in carrying out analytical as well as evaluative tasks its role should not be exaggerated, as a great many practical textbooks tend to do (van Eemeren and Grootendorst 1990).

The main advantage of a speech act perspective is that certain crucial characteristics of ordinary language use, such as implicitness and indirectness, are duly taken into account. In a logical perspective, they are either completely ignored or treated as incidental pitfalls which have to be disposed of as soon as possible. At best, some useful ad hoc observations are made. Of course, this does not come as a surprise, since one hardly expects to solve practical problems if they are not first recognized theoretically.

By bringing in pragmatic considerations, a speech act perspective does justice to the functionality of language, but introduces also a considerable dose of uncertainty. The analysis and evaluation of argumentation in ordinary discourse always have an open and conditional character and no ready-made procedures are available. The alternative to having such procedures boils down to attempting to gain as much insight as possible in the communicative and interactional factors that play a part in argumentative discourse. On this basis guidelines can be drawn up to facilitate and improve the performance of analytical and evaluative tasks.

The difference between a pragmatic speech act perspective on argumentation analysis and evaluation and a logical perspective can be illustrated by taking the identification of fallacies as an example. As far as the analysis of fallacies is concerned which do not fit the standard definition of fallacies as invalid arguments which seem valid, the logical approach can only offer an ad hoc explanation which has in fact nothing to do with logical validity. In addition, a logically oriented method for detecting fallacies is in practice usually very hard to apply.[33] Our pragma-dialectical approach to fallacies brings all kinds of violations of discussion rules into the analysis, not just the 'logical' errors. By defining fallacies as possible threats to the resolution of a difference of opinion on the merits, it can in a great many more cases be explained why a certain argumentative move is a fallacious. Of course, the pragma-dialectical discussion rules do not provide a set of simple tricks that only have to be learnt by heart for a successful practice. The rules can only be applied to discussions which are designed to resolve differences of opinion. If that is not the case, there are no fallacies in the dialectical sense. However, borderline cases do occur. This is the reason why the identification of fallacies is always conditional: fallacies are only fallacies if they occur in a discourse which can be

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[33]See Hamblin (1970), van Eemeren and Grootendorst (1987), Grootendorst (1987), van Eemeren et al. (2012).

regarded part of a critical discussion.[34] Because the language used in discussions is usually implicit, it is not always possible to say with certainty whether or not any of the discussion rules has been broken. This has nothing to do with the analytical instruments or the way they are used but is a direct consequence of the nature of the subject under investigation. In a speech act perspective, the openness of the analysis and evaluation is not treated as a disadvantage, but as a fact of life which should receive the attention it deserves by paying careful attention to the way in which the speech acts performed are to be reconstructed.

In pragma-dialectics the rules for critical discussion provide general norms for reasonableness. Any move that is an infringement of any of these rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion on the merits and must therefore—and in this particular sense—be regarded as fallacious. In the pragma-dialectical approach a fallacy is thus a hindrance or impediment to resolving a difference of opinion on the merits and the specific nature of a particular fallacy depends on the way in which it interferes with the resolution process. This theory of fallacies proves to be theoretically and practically adequate, but what is still lacking are the specific *criteria* by which argumentation as it occurs in practice should be evaluated. We think that the pragma-dialectical theory of argumentation be remedied in this respect by enriching it by the inclusion of insight from rhetoric, as has happened in extended pragma-dialectics.

Although in strategic maneuvering the pursuit of dialectical objectives can well go together with the realization of rhetorical aims, this does not automatically mean that in practice the two objectives will always be in perfect balance. If a party allows his commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic maneuvering has got 'derailed'. Such derailments occur when a rule for critical discussion has been violated. Because derailments of strategic maneuvering always involve violating a rule for critical discussion, they can be identified with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are derailments of strategic maneuvering that involve violations of critical discussion rules.

Each mode of strategic maneuvering has, as it were, its own continuum of sound and fallacious acting and the boundaries between legitimate and illegitimate argumentative acting are not in all cases immediately crystal clear (van Eemeren 2010, Chap. 7). More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may be dependent on how the argumentative discourse is disciplined in a particular case, i.e. on the institutional conventions of the

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[34]In case of irresolvable doubt, the 'strategy of maximal reasonable interpretation' is recommended (van Eemeren 1987a). Fortunately, taking the strategic maneuvering into account makes it often unnecessary to take refuse to such a 'maximal' strategy because including the strategic maneuvering that takes place in the considerations leads to a definitive solution.

communicative activity type concerned. This does not automatically mean that there are no clear criteria for determining whether the strategic maneuvering has gone astray, but only that these criteria take a shape that may vary to some extent from the one communicative activity type to the other. Depending on the institutional requirements pertaining to the activity type, it may, for instance, vary who or what counts as authoritative, so that a certain appeal to authority may be legitimate in the one case but not in the other. In a civil law case, for example, referring to precedent may be a perfectly legitimate appeal to authority while in a criminal law case it may in some legal systems not be allowed—let alone in a scientific discussion. This variation is one of the factors that explain why it may not always be immediately apparent to all concerned that a fallacy has been committed (van Eemeren 2010, p. 203).

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Chapter 15
The Speech Acts of Arguing and Convincing in Externalized Discussions

Frans H. van Eemeren and Rob Grootendorst

15.1 Introduction

Our subject in this article is the phenomenon of argumentation. Since the reader cannot be expected to know instinctively what we mean by *argumentation*, let us begin with a definition[1]:

> Argumentation is a social, intellectual, verbal activity serving to justify or refute an opinion, consisting of a constellation of utterances which have a justifying or refuting function and being directed towards obtaining the agreement of a judge who is deemed to be reasonable.

We have already commented on this definition elsewhere (van Eemeren et al. 1978). We shall confine ourselves here to some remarks.

The need for argumentation arises when language users disagree as to the acceptability of a given opinion and wish to resolve a subsequent conflict of opinion by verbal means. In principle they should then initiate a discussion in which they indicate their positions *vis-à-vis* the opinion which constitutes the point of contention, put questions, elucidate unclear points and, in particular, advance arguments. These arguments may have a more or less complicated structure. We shall confine ourselves here to "simple" argumentation (which may be part of a compound argumentation) in which one of the parties defends or attacks a given opinion.

In the study of argumentation we regard the following preambles as especially important (cf. van Eemeren and Grootendorst 1980):

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[1]It is important to note that this definition of the term *argumentation* must be regarded as a *stipulative* definition.

1. Argumentation must not be regarded simply as a "product", but also as a "(language usage) activity" (which is subject to certain conditions).
2. Argumentation need not necessarily be directed at "justifying" an opinion, but can also be directed towards "refuting" an opinion.
3. Argumentation must not be regarded simply as an "intellectual" process unfolding itself in the mind of the person who is arguing, but also, and more especially, as "external" or (as in the case of "suppressed premisses") at least "externalizable" activity which creates certain commitments.[2]
4. Argumentation can in practice be part of a "monologue" but also of a "dialogue", and even in the first of these two cases it should be interpreted dialogically.

Starting from these four points, it is our intention in this article to provide an analysis of the argumentative function of the use of language. This means that we are trying to establish what it implies for language usage if a language user tries to resolve a conflict with another language user concerning an (expressed) opinion by convincing her or him, by means of argumentation, of the acceptability or unacceptability (as the case may be) of that opinion. It will be clear that here, unlike some other authors, we take argumentation to be a *specific* language use activity and do not assume a priori that all use of language is argumentative.

The best theoretical framework currently available for studying language use functions is, in our view, speech act theory. However, in its classical conception speech act theory is inadequate to the description of argumentation and does not always accord with our preambles.[3] We shall try to provide remedies for these objections in our analysis.

The most important questions which we shall attempt to answer during the course of this article are the following:

(a) What kind of speech act is argumentation?
(b) What are the conditions for a happy performance of the argumentation speech act?
(c) What is the relation between the argumentation speech act and the convincing speech act?
(d) To what extent is the arguing/convincing speech act pair bound by certain conventions?

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[2]Our reason for wishing to achieve consistent externalization corresponds to the reason given by Popper in *Objective Knowledge* for the "linguistic formulation" of theories: only a *formulated* theory can be the subject of a *critical discussion:* a theory which is merely *believed* does not lend itself for discussion (1972, 31, 66). Likewise only *verbally expressed* opinions lend themselves for critical discussion. In order to solve a conflict of opinion in a reasonable way, the parties involved have to make clear, at every stage of the discussion, not only their positions towards the opinion, but also their argumentation for or against it. This means, *inter alia*, that they have to state their standpoint and their arguments *expressis verbis* or at least in such a way that their standpoint and their arguments are "knowable" from what they have said.

[3]cf. Franck (1980, 182–192) for similar criticism of speech act theory.

15.2   Argumentation as an Illocutionary Act Complex

In authoritative studies of speech acts, such as Austin (1976) and Searle (1970), arguing, or at least *to argue*, is referred to as an illocutionary act. The authors evidently find this a matter of course, since they give no reasons. Yet this characterization is not entirely unproblematical. True, there can be no question but that advancing arguments for and against amounts to the performance of speech acts,[4] but this does not necessarily mean that arguing is also an *illocutionary act*.

The specific difficulties presented by the characterization of arguing may be indicated by reference to Searle (1970). Here the author considers illocutionary acts performed by sentences with an *unequivocal and explicitly indicated* illocutionary force. Searle indicates the relation between the performance of an illocutionary act and the utterance of a sentence as follows:

> […] the characteristic grammatical form of the illocutionary act is the complete sentence […] (1970, 25)

In the cases discussed by Searle there is always a one-to-one relation between the utterance of a particular sentence and the performance of a particular illocutionary act. If the conditions for the correct performance of the speech acts concerned have been met, the uttering of the first sentence amounts to making a statement, the utterance of the second amounts to making a question, and so on. And conversely: a statement may be made by uttering the first sentence, a questions asked by uttering the second, and so on. In the case of argumentation, however, we regard this one-to-one relation as problematical on at least three counts.[5]

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[4]Against the view that arguing always requires the performance of one or more speech acts one might advance the argument that it is sometimes possible to convince someone of something without saying a word, as by merely showing him something. The speaker can show the listener fingerprints so that he comes to the conclusion desired by the speaker, viz. that the speaker has indeed accused the right person of the crime. Quite apart from the fact that in colloquial speech no one would ever term such a mutely performed (and effective) attempt as convincing *argumentation*, it would be right to observe here that this process of convincing must always be based more or less on the following train of thought: "These are the fingerprints of suspect X, these fingerprints must be those of the culprit because there was no one else at the scene of the crime, therefore X is the culprit". Only *seeing* the fingerprints is not enough, nor is it decisive, for the effectiveness of the attempts at convincing: the listener must also endorse to the above reasoning. Whether the reasoning itself remains implicit or is formulated explicitly is of secondary importance. In this case both speaker and listener act on the *tacit* assumption of this reasoning, but if asked to do so they would be able to make it explicit and would be able to affirm explicitly that they endorse it. We therefore prefer in such cases not to speak of a *non-verbal* attempt to convince and a *non-verbal* argumentative act, but instead to refer to an *implicit* ("pre-verbal") performance of the speech acts of arguing and convincing.

[5]The breach of the one-to-one relationship which makes it problematical to regard arguing as an illocutionary act also occurs in the case of *indirect speech acts* (Searle 1979a, 30–57). In contrast to argumentation, indirect speech acts, however, do not have to consist of more than one expressed sentence (indeed, they generally do consist of only one expressed sentence), nor are they in any specific manner connected with any *other* utterance (whereas argumentation is always connected

First, account must be taken of the fact that a completed argumentation consists of more that one sentence. Even the simplest argumentation for or against a given expressed opinion will always, if it is made fully explicit, contain at least two elements (cf. the "datum" and the "warrant" in Toulmin's model, 1969, 97–107). Every element can be reproduced in a separate sentence, and if this happens there is no one-to-one relation between what Searle calls the *illocutionary* act of arguing and one particular sentence.

Second, it must be borne in mind that the uttering of the sentences that together form an argumentation, implies that with the uttering of each individual sentence a new specific illocutionary act is performed 'which is a different one from arguing. Such a specific illocutionary act might be a statement, an assumption, or—in typical instances—an assertion (and is therefore a member of the assertive class of illocutionary acts; cf. Searle 1976, 12, 13). If arguing is characterized as an illocutionary act, this means that the sentences used in the performance of the illocutionary act of arguing must simultaneously be allocated two illocutionary forces: each sentence individually has a particular illocutionary force (statement, assumption, or assertion), and each sentence is part of a whole which has argumentative force.[6] This again means that there is no question of the one-to-one relation chosen by Searle as his premiss.

Third, the uttering together of particular sentences can only be a performance of the speech act of arguing if those sentences are linked in a specific manner to the uttering of *another* sentence: the *expressed opinion* to which the argumentation refers. The argumentation serves to justify or refute a given opinion, which may either precede the sentences constituting the argument as a thesis or follow them as a conclusion. Even when uttered together the sentences cannot of themselves constitute an argumentation; they only become an argumentation in relation to a particular opinion. The necessity of such a specific relationship between the sentences which constitute an argumentation and the uttering of another sentence makes it even more difficult to accept a one-to-one relation between the uttering of a sentence and the performance of the illocutionary act of arguing.

Does this triple attack on the idea that in arguing there is a one-to-one relation between sentences and illocutionary acts mean that we endorse the views of those who regard it as impossible, erroneous or undesirable to treat arguing as an

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(Footnote 5 continued)

with an opinion). Furthermore, in the case of indirect speech acts the primary force is not solely determined by the literal meaning of the sentence uttered and the secondary force is, while in the case of argumentation the forces are in both cases determined to the same extent by the meaning of the sentences uttered.

[6]Naturally it is also possible in other cases that two or more sentences together constitute a complete whole. A statement, for example, can very well consist of two sentences. But in that case the two sentences composing the statement are each in themselves statements, and that is not true in the case of argumentation. The person who sends a telegram stating "Father dying. Mother not well either" is in fact making two separate statements, albeit interconnected ones.

illocutionary act? Not necessarily.[7] These problems can be solved if, alongside *elementary illocutionary acts* we also distinguish *complex illocutionary acts*.[8] The elementary illocutionary acts then relate to the uttering of sentences each of which individually has a particular force and the complex illocutionary acts relate to the uttering of sentences which together constitute a particular textual whole which can be allocated its own illocutionary force and which accordingly can be called an *illocutionary act complex*. By starting from the functional similarities which make it possible to distinguish between, an illocutionary force at the *sentence level* and an illocutionary force at a "higher" textual level, the speech act theory can also be applied to text entities larger than a sentence.

Argumentation is a speech act entity at the textual level. The illocutionary acts which together constitute the illocutionary act complex of argumentation each have a particular illocutionary force at the sentence level and jointly constitute a textual entity which has an illocutionary force at the textual level. If we accept the idea of this situating at more than one level, the one-to-one relation between sentences and illocutionary acts which Searle takes as one of his premises remains intact in all cases. At the sentence level the uttering of each sentence individually is the performance of one, and only one, illocutionary act, while sentences constituting an argumentation will in principle tend to have the force of an *assertive* illocutionary act.[9] At the textual level the uttering of an entity of sentences is likewise the performance of one, and only one, illocutionary act complex: in this case, an argumentation. Even if the argument, because there is a "suppressed premiss", constitutes an entity consisting of only one sentence, this still presents no problem: in that case, as an illocutionary act at the sentence level the utterance concerned may have, for example, the illocutionary force of an assertion (and no other) and as

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[7]Quasthoff (1978) does not regard arguing as a *speech act* at all. However, her use of the term "speech act" appears to be synonymous with the term *illocutionary act*. It would be mistaken to conclude that Quasthoff holds the view that arguing also, or even perhaps predominantly, takes place with non-verbal means.

[8]cf. Searle and Vanderveken (1985).

[9]Fogelin too appears, though without saying so in so many words, to make a distinction between the argumentative force at the textual level and an (other) illocutionary force at sentence level. The illocutionary acts which at sentence level are the most characteristic are, according to him, *statements*. On the relation between the two levels he observes: "Arguments […], like promises and bets, are not used to make statements. Although an argument is (typically) constructed from statements, the argument itself, *taken as a whole*, is not a statement" (1978, 34; our italics). Searle, again, who incidentally hardly refers to arguing at all, sees a connection between assertions and argumentation. He regards as the distinguishing feature of argumentative speech acts the circumstance that, unlike assertions and related illocutionary acts, they are primarily *attempts to convince*. Referring to *assert*, *state* (*that*) and *affirm* he observes: "Unlike *argue* these do not seem to be essentially tied to convince. Thus "I am simply stating that *p* and not attempting to convince you" is acceptable, but "I am arguing that *p* and not attempting to convince you" sounds inconsistent" (1970, 66). According to Öhlschläger (1979, 44), however, argumentation is not necessarily an attempt to convince, but he does not explain this statement.

an illocutionary act complex at the textual level the illocutionary force of an argumentation (and no other).[10]

The introduction of the distinction between sentence level and textual level enables us to include the relation between the argumentation and the opinion to which the argumentation relates in our analysis, If the analysis were *exclusively* concerned with the sentence level, it would be possible, for example, to account for the manner in which, through the uttering of a particular sentence, the illocutionary act of assertion is performed, but it would not be possible to account for the fact that by the uttering of one sentence an assertion is made which (at the same time) acts as an *argument*, while by the uttering of another sentence an assertion is made which (at the same time) acts as an *opinion*.[11] These sentences are linked to one another at the textual level, not at the sentence level. Their relationship to one another at the textual level is illustrated in Table 15.1.

Argumentation is a functional language usage entity which is primarily connected with bringing about a particular sort of effect on the listener. The speech utterances used in the performance of the speech act of arguing have a common illocutionary force, since they act as the justification or refutation of an opinion. This means that argumentation is an illocutionary act complex. A speech act, chat, sermon or discussion, though of course, both at sentence and textual level, illocutionary acts (or act complexes) are performed, is not.[12]

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[10]What we understand by the illocutionary act complex of *argumentation* appears to come closest to what Kopperschmidt (following Habermas 1973, 241) calls a "Kette" or "Sequenz" of speech acts (1980, 88–89). van Dijk (1978) and Quasthoff (1978), when introducing the terms *makro-taalhandeling* (macro-speech-act) and *Handlungsschema* (action schema), disregard the distinction between text genres and functional language use units and the distinction between illocutionary forces at textual level and illocutionary forces at sentence level. Quasthoff moreover turns out to think that arguing is not an illocutionary act, so that in her view there can also be no question of an argumentative illocutionary force (1978, 6). This kind of approach to argumentation makes it very difficult to do justice to the connection which in our view exists between the illocutionary acts at sentence level which jointly constitute an argumentation and the conditions for a happy performance of the illocutionary act complex of arguing.

[11]Argumentation has the connecting function at textual level in common with the other members of the group of illocutionary acts which Austin terms *expositives* and which he defines as follows: "Expositives are used in acts of exposition involving the expounding of views, the conducting of arguments, and the clarifying usages and of references" (1976, 161). In our view the majority of Austin's examples could likewise best be situated at a textual level. In his proposal for a better classification of illocutionary acts Searle does not call Austin's "expositives" a separate class, but he does refer to the connecting function of some illocutionary acts as a possible criterion for classification (1979b, 6), The group of *expositives* he places entirely within his category of *assertives*, referring to their characteristic feature "that they mark certain relations between the assertive illocutionary act and the rest of the discourse or the context of utterance" as not more than an "added feature" (1979b, 13).

[12]The common testing function of argumentative speech acts distinguishes these speech acts from the text genres, in which there is no such all-embracing covering function; the text genres tend rather to correspond to what sociolinguists sometimes call *speech events* (see e.g. Gumperz 1972, 17; Hymes 1962, 1967).

Table 15.1 Two analysis levels of arguments

	Textual level		
	Illocutionary act complex	$ARG +/-$ ——→ O	
Sentence level	Elementary illocutionary acts Sentences	$A_1...A_n$	A_i
	Sentences	$S_1...S_n$	S_i

Note A assertive illocutionary act; *S* sentence; | one-to-one relationship; *ARG+* justifying argumentation; *ARG−* refuting argumentation; *O* opinion (thesis or conclusion)

Speeches, chats, sermons and discussions are *text genres* which are principally connected with the way in which social life is organized in a particular community. In each case the organization of verbal action or interaction is a function of the social and cultural context in which the use of language takes place, and of the forms of communication that have developed within that context. The differences between text genres are determined by various factors, one of which is the social and cultural traditions of which text genres are part: a chat for example, is rather different from a sermon, and both have to be organized in accordance with certain social and cultural conventions.

Unlike functional language usage entities like argumentation, text genres are not connected exclusively with one particular illocutionary force. However, that does not of course mean that it is impossible for there to be any connection between text genres and language usage functions. For example, it is possible for a particular text genre to be virtually dominated, in practice, by one specific language usage function, so that the function comes to be regarded as characteristic of that text genre. Thus a discussion whose object is to resolve a conflict relating to an opinion may be characterized by the occurrence of language with an argumentative function, possibly to the exclusion of all other usage. But in the majority of cases a text will contain not only language with the function which is dominant in that particular text genre, but also language fulfilling other functions. In most discussions, too, there will be an alternation between purely argumentative language and, for example, informative questions and statements.

15.3 Conditions for a Happy Performance of the Illocutionary Act Complex of Arguing

When formulating the conditions which must obtain for a happy performance (that is, one which will be recognized as such by the listener) of the illocutionary act complex of arguing, we have chosen to take as our model the analysis of *promise* given by Searle (1970, 57–64). The starting-point here is a language situation in

which a speaker S defends or attacks an opinion to a listener L, using speech utterances $u_1,..., u_n$. S and L are ordinary language users, who are serious, act of their own free will, mean what they say, are bound by what they say and are free to say what they wish to say. In short, what Searle calls the "normal input and output conditions" must have been fulfilled.

We shall call a defense of an opinion *pro-argumentation* and an attack on an opinion *contra-argumentation* (cf. Naess 1966). In our view, *S happily performed a pro-argumentation by means of* $u_1,..., u_n$, if, and only if, the following conditions have been met[13]:

Propositional Content Condition

$u_1,..., u_n$ together constitute a constellation of expressed propositions $C(E_1,..., E_n)$.

Preparatory Conditions

1. S believes that L does not accept the opinion in advance (without reservation, wholly).[14]
2. S believes that L will accept the expressed propositions $E_1,..., E_n$.
3. S believes that L will accept the constellation $C(E_1,..., E_n)$ as a justification of O.

Sincerity Conditions

1. S believes O.
2. S believes $E_1,..., E_n$.
3. S believes that $C(E_1,..., E_n)$ constitutes a justification of O.

Essential Condition
The uttering of $C(E_1,..., E_n)$ count as an attempt on the part of S to justify to L, i.e. to convince L of the acceptability of O.

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[13]In our view one of the preliminary conditions for the happiness of the illocutionary act complex of argumentation at the textual level is that the conditions which apply to the happiness of the specific illocutionary acts at sentence level which together constitute the argumentation have been fulfilled during the argumentation. If the argumentation consists of two elementary illocutionary acts which have the force of assertions, then the argumentation is not happy, for example, if the preparatory condition for the making of assertions, viz. that the speaker has evidence (arguments etc.) for the validity of the propositions he is expressing in his assertions, has not been met. The specific thing about the conditions for argumentation at the textual level is that they are calculated to connect the constituent illocutionary acts with a particular opinion.

[14]The reason for referring in the conditions for argumentation (both pro and contra) to the *acceptance* or *non-acceptance* of the opinion and the argumentative expressed propositions, instead of referring—as is commonly done in the speech act analyses of Searle and his followers—to *believing*, is that in this way it is possible to bring about the *externalization* of the discussion which we desire. Here Searle's theory reveals a remarkable inconsistency: the conditions for the happiness of illocutionary acts are always stated from the point of view of the speaker and assume circumstances which may be known to the speaker, but in the case of preparatory conditions Searle regularly includes in his analyses a condition which is stated from the point of view of the listener and relates to a circumstance which, in the way in which it is referred to by Searle, cannot always be known to the speaker (see Searle 1970, 66–67).

In our view, *S* has *happily performed a contra-argumentation by means of* $u_1,..., u_n$, if, and only if, the following conditions have been met:

Propositional Content Condition

$u_1,..., u_n$ together constitute a constellation of expressed propositions $C(E_1,..., E_n)$.

Preparatory Conditions

1. *S* believes that *L* accepts the opinion *O* as it stands (more or less, wholly or partly).
2. *S* believes that *L* will accept the expressed propositions $E_1,..., E_n$.
3. *S* believes that L will accept the constellation $C(E_1,..., E_n)$ as a refutation of *O*.

Sincerity Conditions

1. *S* does not believe *O*.
2. *S* believes $E_1,..., E_n.$
3. *S* believes that $C(E_1,..., E_n)$ constitute a refutation of *O*.

Essential Condition

The uttering of $C(E_1,..., E_n)$ counts as an attempt on the part of *S* to refute to *L*, i.e. to convince *L* of the unacceptability of *O*.

Each of the conditions listed is individually a *necessary* condition for a happy performance of the illocutionary act complex of arguing and together they consti-tute a *sufficient* condition for it. Even if only one of the conditions has not been met, then the act complex is deficient, or, as Austin calls it, *unhappy*. The degree of deficiency (the act complex may be wholly or partially deficient) and the nature of the deficiency are not, however, the same in all cases. We shall therefore indicate briefly what consequences result from the failure to meet each condition.

If the *prepositional content condition* has not been fulfilled, this means that there is no constellation $C(E_1,..., E_n)$ in which $E_1,..., E_n$ are expressions of propositions. The speaker has then failed at the sentence level to perform an illocutionary act with an assertive illocutionary force and this means that his or her speech utterance(s) is (are) *void*, so that at the textual level no illocutionary act complex argumentation has been performed.

If the *first preparatory* condition for pro-argumentation has not been fulfilled, this means that S believes that *L* accepts the opinion *O* in advance (without res-ervation, wholly). Performance of the illocutionary act complex of arguing has then become *superfluous* and will normally be regarded by *S* as a waste of time and effort, while *L* already knows that it would be a waste of time and effort. (The same applies mutatis mutandis to contra-argumentation.)

If the *second preparatory condition* has not been fulfilled, this means that *S* believes that *L* will not accept the expressed propositions $E_1,..., E_n$, or that *S* simply does not believe that L will accept the expressed propositions $E_1,..., E_n$. In either case the speaker assumes in advance that his arguments will not convince his listener: per-forming the illocutionary act complex of arguing has thus, to him, become pointless.

If the *third preparatory condition* has not been fulfilled, this means that S does not believe that L will regard the constellation $C(E_1,..., E_n)$ as a justification (or, in the case of contra-argumentation, as a refutation) of O; it may even mean that S' believes that his listener will certainly not regard $C(E_1,..., E_n)$ as a justification (or refutation) of O. *Here* again, in either case performance of the illocutionary act complex has become *pointless* to S.

Not complying with the three *sincerity conditions* means (1) that S himself *does not* believe (or in the case of contra-argumentation that he does), (2) that S himself does not believe $E_1,..., E_n$ and (3) that S himself does not believe that $C(E_1,..., E_n)$ constitutes a justification (or refutation) of O. In all these cases we may speak of a *misleading* or *manipulation* of the listener by the speaker.

Failure to fulfil the *essential condition* means that the performance of the illocutionary act complex is *not* an attempt on the part of S to justify (or refute) to L by means *of* $C(E_1,..., E_n)$, i.e. the performance of the illocutionary act complex is *not* an attempt by S to convince L of the acceptability or unacceptability of O by means of $C(E_1,..., E_n)$. The speaker has in that case not performed the illocutionary act complex of arguing at all. However, it is possible that he has performed one or more illocutionary acts at the sentence level, and that these acts have been happy, but then there is no question of argumentation. For example, the speaker may have made a series of unconnected assertions or statements, or he may (seen at the textual level) have added a comment or an explanation.

The consequences of non-fulfillment of the required conditions vary from a total failure of the illocutionary act complex of arguing to the performance of one or more acts which in some respect have not been wholly happy. Total failure is the consequence of non-fulfillment: of the propositional content condition (since then, as a rule, no illocutionary act has been performed), or of non-fulfillment of the essential condition (in which case another illocutionary force may have been expressed). In the case of the non-fulfillment of the other conditions argumentation has taken place, but the act is *superfluous* (if the first preparatory condition has not been met), *pointless* (if either the second or the third preparatory condition has not been met), or *misleading* or *manipulatory* (if the sincerity conditions have not been met).[15]

15.4   Arguing and Convincing

In the essential condition which we have just formulated for the illocutionary act complex of argumentation the relation between this illocutionary act complex and the *perlocutionary act* of *convincing* is indicated explicitly:

The uttering of $C(E_1,..., E_n)$ counts as an *attempt on the part of S to convince L of the acceptability or unacceptability of O.*

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[15]cf. Harder and Kock (1976, 50–59) for similar consequences of "presupposition failure".

The performance of an argumentative illocutionary act complex is always at the same time an attempt to convince. Since it is also easily demonstrated that a verbal attempt to convince always implies the performance of an argumentative illocutionary act complex,[16] it might be thought that arguing and convincing were one and the same act or one and the same act complex. But everyone knows that in practice arguing is not quite the same as convincing. After all, the attempt to convince may fail, even though the listener has recognized the speech utterances as argumentation. True, the verbal means used in arguing and convincing are the same, but the *happiness/effectiveness conditions* are different.

As an illocutionary act complex, argumentation is *happy* if the listener has *understood* that the speaker, by uttering $C(E_1,..., E_n)$, has attempted to convince him of the acceptability or unacceptability of O; the perlocutionary act of convincing is effective if it has indeed convinced the listener of the acceptability or unacceptability of O and he endorses the point of view of the speaker.

This difference between the *illocutionary* act complex of arguing and the *perlocutionary* act of convincing finds expression in the second and third preparatory conditions for the illocutionary act complex of arguing. Both these conditions are formulated (for both pro- and contra-argumentations) from the point of view of the speaker. They are concerned exclusively with the opinion which the speaker *ascribes* to the listener in respect of the acceptability or unacceptability of $E_1,..., E_n$ and in respect of the justification function (or refutation function) of $C(E_1,..., E_n)$ as regards *O*. For the argumentation to be happy as an illocutionary act complex, it is necessary and sufficient that these conditions and the other happiness conditions previously referred to have been fulfilled. But this is *not sufficient* to ensure the effectiveness of the perlocutionary act of convincing.

For the perlocutionary act of convincing to be effective, it is necessary for the listener to hold the opinion ascribed to him by the speaker. If that is indeed the case, and if the listener adopts a reasonable position, then the illocutionary act complex of arguing is happy *and* the perlocutionary act of convincing is effective. If this is not the case, then the perlocutionary act in ineffective and we can speak only of the illocutionary act complex as happy (assuming, of course, that the other conditions have been, fulfilled). The difference between arguing and convincing is thus caused by the possible discrepancy between the opinion ascribed to the listener by the speaker and the opinion actually held by the listener.

If the effectiveness conditions of the perlocutionary act of *convincing* have been fulfilled, then the point of the essential condition of the illocutionary act complex of *arguing* has been achieved. Although arguing and convincing are two clearly distinct acts, there is thus nevertheless a specific relationship between them: the one act (arguing) is the *means* whereby the *end*, i.e. that the other act (convincing) is

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[16]Incidentally we are of the opinion that illocutionary and perlocutionary acts *always* have different happiness/effectiveness conditions and are thus two distinct sorts of act. Austin, too (with Searle following close behind), clearly and emphatically makes the same assumption, but Holdcroft, for example, finds that perlocutionary acts are really a special sort of illocutionary act (1978, 20, 21), while Sadock opines that illocutionary acts are a special sort of perlocutionary act (1974, 153).

effective, is achieved. Cohen (1973) calls perlocutions that are in this specific way related to illocutions *associated*.

A perlocutionary effect aimed at in the performance of *all* illocutionary acts is that the listener *accept* the act as such.[17] By contrast to such illocutionary acts as *asking*, *requesting* and *ordering*, in the case of the illocutionary act of promising it's even the case that *no other* reaction is asked of the listener than that he accepts the promise.[18] Something of the kind is also true of such illocutionary acts as *asserting*, *stating* and *thanking*. Acceptance of an assertion or statement implies, *inter alia*, that the listener thinks that the speaker has evidence of the accuracy of his assertion or statement; acceptance of thanks implies that the listener actually intended whatever the speaker is thanking him for to be the speaker's advantage. Just as with promising, these conditions for the acceptance of such *illocutionary* acts, and hence for the achieving of the *perlocutionary* effect, correspond to the preparatory conditions summarized by Searle for the happiness of *illocutionary* acts (1970, 66–67).

If the speaker wishes to use an illocutionary act in order to achieve a perlocutionary effect which goes further than the mere acceptance of the illocutionary act by the listener, then the acceptance perlocution may be a *necessary*, but in no instance *sufficient* condition for the achieving of this far-reaching perlocution. We believe that *in general* it is true to say that speakers will not be satisfied if only the acceptance perlocution occurs: they will also wish to achieve the more far-reaching perlocutionary effect. Following this, we propose (without any intention of suggesting a "natural" hierarchical order) to refer to acceptance perlocutions by the term *minimal perlocution* and to the other (more far-reaching) perlocutions by the term of *optimal perlocution*. *Minimal* perlocutions thus consist (in verbally externalized form) exclusively of the performance of the illocutionary act of *acceptance*,

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[17]In the first instance Cohen appears to feel that the acceptance of the illocutionary act is *not* a perlocutionary effect which can occur in all cases of illocutionary acts. For example, he regards the acceptance of a *promise* as a perlocutionary effect as being *alongside* the other sorts of associated perlocution, *warning*, *arguing* and *threatening* (1973, 499). But a little later he takes account of the possibility that this is a *general* perlocutionary effect (1973, 501).

[18]As we do, Searle accounts it one of the preparatory conditions for the happiness of a promise that the speaker must *believe* that what he is promising *is valued positively by the listener* (1970, 58–59). Our objection concerns his rider that the listener must indeed valise positively the thing promised before the *illocutionary* act can be called happy. The same objection, in fact, also applies to the other preparatory condition, in which Searle requires that it be unclear *both to the speaker and to the listener* that what the speaker is promising he would normally have done even without the promise (1970, 59). By thus involving the listener in the conditions for *promising*, Searle is in fact requiring that the speaker always has a correct assessment of the listener's thoughts, wishes and expectations in order to ensure a happy performance of the illocutionary act. But a speaker can very well promise his listener something that he either does not want at all or which he has been expecting for some time anyway. In that case it is also quite possible that the listener *realizes* perfectly well that the speaker is giving him a promise. Essential to the happiness of the illocutionary act, in our view, is that the listener can recognize the speaker's intention to make a promise. Whether this intention corresponds to what the listener thinks, wishes or expects is immaterial to the happiness of the act as *illocutionary* act, but can at most have an effect on the achievement of the *perlocutionary* effect striven for by the speaker.

while optimal perlocutions may consist of a particular state of mind of the listener (a feeling, thought or conviction) or of one or more (*speech*) *acts*—of various sorts—which have to be performed by the listener.

Returning to the arguing and convincing pair, we must now answer the question when the minimal associated effect of arguing occurs that the listener *accepts*. In the case of an externalized discussion it does not matter whether or not, psychologically, the listener is in a state of mind of being convinced, so that the achievement of the minimal perlocutionary effect of acceptance may be regarded as an *end*. The question is now what acceptance of the argumentation implies for the listener.

Here we conceive of the *acceptance* of the illocutionary act complex of arguing as the performance of an *illocutionary act*.[19] This act implies that the listener *explicitly expresses* the fact that he concurs with the expressed propositions E_1,…, E_n and with the justification or refutation function of the constellation $C(E_1,…, E_n)$ in respect of the opinion O and that *he therefore accepts or does not accept O.*

The listener accepting the speaker's argumentation does not "in reality" have to be in a state of mind of "being convinced" (in which case the *optimal* perlocutionary effect would have been achieved), nor can he once and for all be held to O. As regards this last, we are of the opinion that to the acceptance of opinions the same consideration generally applies as that which Popper advances in respect of the acceptance of scientific theories:

> […] all acceptance is tentative and, like belief, of passing and personal rather than objective and impersonal significance (1972, 142–143).

However, by this acceptance of the speaker's argumentation the listener is in a particular manner *committed*. In the case of the illocutionary act of *acceptance* this commitment is based on the permitted assumption (in the case of a happy performance) that the sincerity conditions for this illocutionary act have been fulfilled in exactly the same way as it is in the case of the illocutionary act complex of *argumentation*, Furthermore, the consequences of the commitment are exactly the same for the speakers in the case of both acts. The same is true, incidentally, of the *rights* which the two listeners can derive from it.

In both cases the *sincerity conditions* ensure that, as in the case of a promise, the speaker is *committed* to what by the performance of the illocutionary act (or the illocutionary act complex) he purports to believe. Whether he "actually" believes it is not relevant in this context. The speaker is serious (and meets the other conditions

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[19]Austin too regards acceptance as an illocutionary act. In the final lecture of *How to do things with words* he classifies *accept* in the group of illocutionary acts which he calls *expositives*. He notes of this category that some of the examples might equally rightly have been included in some other category. For *accept* and some other illocutionary acts, he says, the group of *commisives* (to which *promise* also belongs) might be considered (1976, 162). This suggestion is understandable, since *accept* has in common with *promise* that the happiness of its performance as an illocutionary act results in the speaker becoming *committed* in some specific manner. (We also believe that the observation that *accept* should preferably be seen as an illocutionary act is of greater importance than the question of what place this act should be alloted in Austin's classification. Moreover, Austin's classification is itself far from perfect; for criticism and an alternative, see Searle 1979b, 1–9).

for a normal "output") and the listener may call him to account for what he says. The performance by the speaker of the illocutionary act complex of *arguing* gives the listener the right to hold the speaker to the opinion O, the expressed propositions $E_1,\ldots, E_n$ and the justification function (or refutation function) of the constellation C $(E_1,\ldots, E_n)$ in respect of O. The *acceptance of the argumentation* gives the listener (in this case the person who acted as speaker during the argumentation) the same right to hold the speaker (in this case the person who acted as listener during the argumentation) to the same opinion, expressed propositions and justification function (or refutation function).

The sincerity conditions for the illocutionary act of *accepting an argumentation* thus imply, *inter alia*, that the speaker (the earlier listener) "believes" the opinion O, the expressed (or, in the case of a happy attempt at refutation, that he does not believe it) in the sense that the listener may hold him to it. That is to say, the speaker *may be regarded as convinced* by the argumentation. This sincerity condition for the illocutionary act of acceptance, the performance of which must be regarded as the *minimal* perlocutionary effect of the happy performance of the illocutionary act of acceptance, thus corresponds to the optimal perlocutionary effect of the illocutionary act complex of arguing. If the person who is arguing succeeds in making the listener *accept* his argumentation (minimal perlocutionary effect), then, though he still has no certainty that the listener is also actually *convinced* in the psychological sense (optimal perlocutionary effect), the consequences for the further (verbal) behavior of the listener are the same, and that is what must count here. In both cases the speaker has the right to reprove the listener if he says or does something which conflicts with the point of view earlier endorsed by him.

The relationships between the illocutionary act complex of arguing and the two associated perlocutions are shown diagrammatically in Table 15.2.

Table 15.2 The minimal and optimal perlocution of argumentation

Illocutionary act complex		Perlocutionary act	Minimal AP (illocutionary act)	Optimal AP (mental)
Arguing	$u_1\ldots u_n$	Convincing	Acceptance	'Being convinced'

Note S speaker; *L* listener; u utterance; *C* constellation of expressed propositions E_1, …, E_n; *O* opinion; *AP* associated perlocution; *EC* essential condition; *PC* preparatory; *SC* sincerity condition

15.5   The Conventionality of Perlocutions

We shall now try to answer the question of whether the perlocutions associated with illocutionary acts or act complexes are conventional. No one disputes the *conventionality* of illocutionary acts, but opinions differ when it comes to the conventionality of perlocutionary acts, of which *convincing* is an example. Austin and Searle take the standpoint that acts are never conventional, while Cohen in "Illocutions and perlocutions" allows for the possibility that perlocutionary acts may have just as good a claim to conventionality as illocutionary acts.

Austin and Searle have followed, as Morgan (1978, 279) puts it "hallowed linguistic tradition" in carefully not saying what they mean by "convention", and Searle is apparently using the term in a different way. Let us therefore begin by stating as precisely as possible what we mean by conventionality, before we go into the question of the *conventionality* of the associated perlocution of the illocutionary act complex of arguing. We shall start from a definition proposed by Lewis in *Convention*:

A regularity of R in the behavior of members of a population P when they are agents in a recurrent situation S is a convention if and only if, in any instance of S among the members of P,

1. everyone conforms to R;
2. everyone expects everyone else to conform to R;
3. everyone prefers to conform to R on condition that the other do, since S is a coordination problem and uniform conformity to R is a coordination equilibrium in S (1977, 42).

Lewis takes a game theory approach to conventionality, but his findings, as he himself observes, are not bound to a game theory approach.

The nucleus of Lewis's view is that a convention is a regularity in the behavior of people brought about by a system of expectations. What is the significance of this view for the relationship between the illocutionary act complex of arguing and its associated minimal and optimal perlocutions? In the first place, if we are to call this relation *conventional* in the Lewis sense it is necessary that a happy performance of the illocutionary act complex of arguing by the speaker *regularly* be followed by the occurrence of the minimal or optimal associated perlocutions on the part of the listener and in the second place it is necessary that the speaker *expect* that this will happen. To what extent is this the case?

If *regularity* is the decisive criterion of conventionality, it is clear that the associated perlocution of the illocutionary act complex of arguing does *not* have much chance of being capable of being called *conventional*, since there is no question of a regular occurrence of the minimal or optimal associated perlocution: one does not have to be a dyed-in-the-wool pessimist to dare assert that in practice an argument fails to be accepted just as often as it *is* accepted, and that the listener *fails to be convinced* by the argumentation (ineffective optimal perlocution) at least as often as he *is* convinced.

Does this also hold for the speaker's *expectation?* We believe not. The illocutionary act complex of arguing and the perlocutionary act of convincing maintain, as we have already seen, a bilateral relationship: arguing is an attempt to convince and for the performance of an attempt to convince a speaker must argue. If the speaker had no confidence in his succeeding in convincing the listener with his argumentation, he would not have to argue. By arguing with the listener, instead of, for instance, giving him an order, the speaker indicates that he regards the listener as a *reasonable judge* who keeps up to the same standards for correct arguing as he does himself. These standards of correctness relate, *inter alia*, to the *justification function* (or *refutation function*) of $C(E_1,…, E_n)$ for O and the combination of the illocutionary act complex of arguing implies that the speaker may be regarded as assuming that the listener has the same standards of judgment as he himself.

If speaker and listener have elected jointly to seek a solution of the conflict regarding the opinion to which the argumentation relates, then it is in their interest to co-operate with one another and act in co-ordination as far as possible. This means that as far as possible they must apply the same standards of judgment and that they must hold one another to these standards of judgment. If he wishes to fulfill the conditions for a happy performance of the illocutionary act complex of arguing, the speaker will therefore *prefer* in his attempt to convince the listener to observe the same standards as the listener applies (or as the speaker thinks the listener applies) when making his judgment.

The speaker's expectation that the listener will judge the argumentation by the same standards as himself, the fact that the listener may infer from the speaker's decision or argue with him that the speaker expects him to apply the same standards, and the fact that the speaker prefers to apply the same standards as the listener, indicates that the performance of the illocutionary act complex of arguing is *founded on the expectation that common standards are available for judging the argumentation and that these standards will be applied, by the listener*. This means that the occurrence of the associated perlocution of argumentation *may from the point of view of the speaker be called conventional* in the sense in which Lewis uses the term.

15.6   The Conventions of the Perlocutionary Act of Convincing

The question which immediately has to be asked, is to what extent the speaker's expectation that the listener will apply the same standards of judgement is *realistic*. In other words: to what extent may it reasonably be expected that the listener will apply the same standards of judgement as the speaker? If we follow Grice (1975) in assuming that in conversations a general *co-operative principle* operates (and *must* operate to enable serious participants in a conversation to reach their objective), then it seems to us that ordinarily speaking the speaker may assume, precisely in the

case of argumentation calculated to find a common solution to a conflict relating to an opinion, that the listener is taking a co-operative attitude and will indeed as far as possible try to judge the argumentation by common standards. That is, *in so far as reasonable common standards are available*.

In so far as the speaker's expectation that the listener will judge the argumentation by common standards is realistic, we may call the relationship between the illocutionary act complex of arguing and the associated perlocution *conventional* (in the sense indicated). The conventions observed by the speaker and listener will in practice not be based on an explicit accord between the participants in the conversation, According to Lewis, however, this is no reason for not referring to *conventionality* (1977, 83–88). Even so, we might express the distinction from, *explicitly agreed* conventions terminologically by following Barth and distinguishing between *conventions* and *semi-conventions*, which are *tacitly* ("implicitly") accepted by the participants in the conversation (1972, 16).

The speaker's expectations regarding the way the listener will proceed are founded on the general principle of co-operating in conversations. We therefore propose to call the conventions of the perlocutionary act of convincing *conversational conventions*. The semiconventional status of these conversational conventions means that they were not arrived at through an explicit agreement, but that they are implicit accords which have come into being by degrees and are tacitly observed by speaker and listener (see Wunderlich 1972, 12). In principle, however, it is always possible *to make explicit* these tacitly functioning conventions, so that speaker and listener can still enter into a "contract" *if that offers advantages*, such that they undertake to adhere to these conventions.

Naturally, such agreements can only be made with regard to *behavior of the language users which they themselves can consciously control*. In his definition of convention Lewis speaks of "a regularity *R* in the behavior of members of a population *P*". However, uncontrolled or even uncontrollable behavior (such as an automatic reflex) is beyond the reach of conventions, and to some extent this also applies to certain forms of "inner behavior"—such as "considering" and "feeling"—which are important for the achievement of the *mental state* of being convinced. The *conventions* for *convincing* can therefore be no more (and no less!) than act conventions relating to the achievement of (in the form of accepting, or not accepting, opinions) *externalized*, *i.e. publicly stated*, *beliefs*.

The conversational act conventions for the conduct of discussions determine which (speech) acts are permitted to the participants in this text genre in the course of arguing and convincing. They regulate not the language users' behavior which is governed by language-variant conventions of "meaning" and "usage" (Searle 1979a, 49), but their deliberate acting in language-invariant (though not language-independent) verbal *actions*.[20] The conventions determine what the participants in a discussion may *say* (verbal acts) and do in order to resolve a conflict

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[20]Here we endorse a fairly well established convention in the social sciences by which *act* is regarded as a conscious, intentional and controllable form of *behavior*.

about an opinion. This means that as regards argumentation only the *minimal* associated perlocution may be regarded as an effect to be achieved *conventionally*. It will be recalled that the minimal perlocution implies that the listener performs the (illocutionary) act of *acceptance*, whereas the optimal perlocution relates to a mental state (in a psychological sense), by the listener, of being convinced.

15.7   Speech Acts and Rules for Rational Discussions

If speaker and listener have entered into no "contract" whatsoever with regard to the standards to be applied in the judgement of argumentation, it becomes extremely difficult to achieve a resolution of a conflict about an opinion which will be satisfactory to both parties. Continuing for a moment our use of language appropriate to a monological interpretation of the conversation situation, we might say that the "listener" can still escape the occurrence of the perlocutionary effect. If speaker and listener have explicitly agreed upon the standards of judgement, however, then by the nature of this agreement the listener is obliged, as long as the speaker has observed the agreed conventions, to endorse the point of view of the speaker and thus to allow the minimal perlocutionary effect aimed at by the speaker to occur. He does this by performing the illocutionary act of *acceptance*.

In this case we may say that the listener now *may be deemed* to believe the opinion defended by the speaker, or, in the case of a contra-argumentation, to not (or no longer) believe the opinion attacked by the speaker. However, in view of the "contract" that has been entered into, it does not in this context matter whether he "actually" believes (or does not believe) the opinion concerned. The listener cannot, after all, *be obliged* "actually" to believe (or not believe) the opinion, and for this reason the relationship between the illocutionary act complex of arguing and the *optimal* associated perlocution can never be conventional either.

In colloquial speech the word *convince* is almost always used in the wider sense of what we here call the striving after an *optimal* perlocutionary effect. It will be evident that in this wide sense the perlocutionary act of convincing is not conventional. We use the term convince in the more limited sense of what we call the striving after the *minimal* perlocutionary act of *acceptance*. In this specific sense, which does not conflict with the meaning of *convince* in colloquial speech, the perlocutionary act of convincing *is* conventional.

If an argumentation theory is considered to be a system of rules (descriptive or normative) for the performance of the illocutionary act complex of arguing and the illocutionary act of acceptance, then, in our view, a *dialogical design* will be the most appropriate for that theory. The speaker who performs the illocutionary act complex of arguing is the *listener* in the case of the performance of the illocutionary act of acceptance, while conversely the language user who acts as listener in the

Table 15.3   The smallest unit of argumentation with a happy minimal perlocution
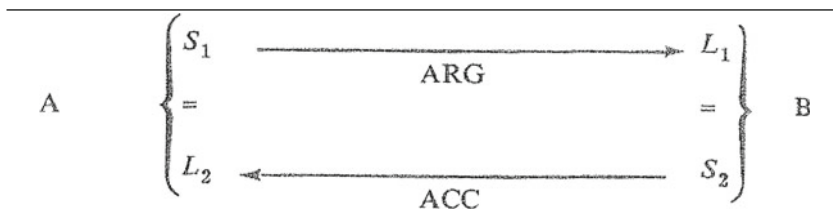
Note A, *B* participants in the dialogue; *S*, *L* communicative roles of speaker and listener; *ARG* illocutionary act complex of arguing; *ACC* illocutionary act of acceptance

illocutionary act complex of arguing is the *speaker* in the performance of the illocutionary act of acceptance. Moreover the illocutionary act complex of arguing, which is itself *qualitate qua* always a *reaction* to a particular utterance (or other sign) of doubt on the part of the listener, is always calculated to bring about in the listener the perlocutionary effect that he *react* to the argumentation by performing the illocutionary act of acceptance. The smallest unit in the performance of argumentative illocutionary act complexes with effective minimal perlocutions is a completed *dialogue* in which the roles of speaker and listener are exchanged once and once only. This dialogue situation is shown diagrammatically in Table 15.3.

As we have already argued in the foregoing, it is only possible to regard arguing as an illocutionary act complex if this speech act is situated at a *textual level*. In fact, of course, the same applies to acceptance, for the illocutionary act of acceptance maintains a direct relationship at the textual level with the illocutionary act complex of arguing. Both acts are performed by means of other illocutionary acts situated at *sentence level*, such as assertions, suppositions, statements, affirmations, admissions, and denials.

If arguing is to be regarded as an illocutionary act complex at textual level, explanatory and normative argumentation theories must specify the rules determining the manner in which the (elementary) illocutionary acts performed by the speaker at sentence level further of hinder, or ought to further or hinder the occurrence of the illocutionary act of *acceptance. An argumentation theory must provide the answer to the question in which cases particular (elementary) illocutionary acts are (or ought to be) permissible in an argumentative dialogue and the question in which cases the associated acceptance perlocution will (or ought to) occur.* Only when this happens may we say that in the argumentation theory the "rules of the game" are formulated for the performance of argumentative speech acts in discussions and that this theory links up with the study of language use as it takes place in (descriptive and normative) pragmatics.

15.8   Conclusion

At the beginning of this article we stated that it was our aim to provide an analysis of the argumentative function of language use. In our analysis we have made use of the conceptual and terminological apparatus provided by the *speech act theory*. Having characterized argumentation as an illocutionary act complex at the textual level we formulated conditions which a complete whole of speech utterances must fulfil in order to count as *argumentation* for the language user.

We then tried to demonstrate that argumentation is connected by convention with the striving after the perlocutionary effect that the listener is convinced of the acceptability or (in the case of contra-argumentation) unacceptability of a particular opinion. Here we distinguished between an "optimal" perlocutionary effect, which consists of a particular state of mind in the listener, and a "minimal" perlocutionary effect, consisting of the acceptance or non-acceptance of the opinion which was the subject of the discussion, and expressed in externalized discussions by the performance by the listener ("I (do not) accept the expressed opinion") of the illocutionary act of "acceptance" (positive or negative). Only this minimal (and not the optimal) perlocutionary effect can be connected in conventional manner with the performance (in an externalized discussion) of the illocutionary act complex or argumentation.

Language users normally tacitly assume that there are common rules for argumentation and that their partners in the discussion will adhere to those rules. A speaker who adheres strictly to the rules derives from that fact the right to claim that an interlocutor who is prepared to act according to the rules is obliged to perform the illocutionary act of *acceptance or non-acceptance* (depending on the speaker's standpoint) of the opinion that was the subject of discussion. With the help of examples it is easy to demonstrate that in practice there are common conventional rules for argumentation, but also that interlocutors by no means always adhere to the same set of rules. Empirical research will have to show the extent of agreement and where the differences lie.

Defective argumentative language use can have important intellectual, ethical and social disadvantages (both for interlocutors and for third parties), and the defects may, as in the case of fallacies, remain concealed from the language users involved in the argumentation, and may continue to go unnoticed even in empirical research. Moreover the rules for correct arguing which are commonly accepted in practice may not only display serious defects when tested against a particular ideal, but may also in some respects prove insufficient. For this reason a descriptive approach is not enough in argumentation theory. What is needed is a normative theory of argumentation which will indicate which argumentative moves are and are not admissible to the various stages of a discussion if the interlocutors wish to have a rational discussion.

In the requisite normative theory of argumentation, in our view, argumentation will have to be regarded as part of a *discussion* between two parties assuming different positions with regard to the opinion that is the subject of discussion and

each attempting by means of a deliberate exchange of attacking and defending moves to convince the other of the acceptability or unacceptability of that opinion and hence of the soundness of his own point of view. This means that in our view an adequate theory of argumentation will have to be a dialectical theory in which it is indicated which speech acts may be allowed the respective parties at the various stages of the discussion in order to make possible a *reasonable* resolution of the conflict and what conditions will have to be satisfied (cf. Barth 1972, 17). Perhaps the "formal dialectics" which Barth and Krabbe (1978)—inspired by the insights of Lorenzen and other members of the *Erlanger Schule*—have formulated may be the starting-point of the development of such an argumentation theory.

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Chapter 16
Rules for Argumentation in Dialogues

Frans H. van Eemeren and Rob Grootendorst

16.1 Introduction

Two people engaged in a discussion who try to resolve their dispute constitute the smallest possible community. They form a 'community of minds'. Ideally, such a community of minds coincides with a larger group of people. But here we would like to concentrate on disputes between just two people.

A community, be it small or large, cannot survive, and, in fact, cannot exist if the members of that community try to avoid conflicts at all costs. The notion of community seems to suggest that agreement among the members of the community is preferable to disagreement. To a certain extent, this is true. However, it is sometimes necessary to motivate disagreement, otherwise no progress can be made and existing problems remain unsolved. On the other hand, motivating disagreement is counterproductive if it does not go together with providing the necessary means for settling disputes in a peaceful way. Any community needs established procedures for co-operation and co-ordination in order to reach solutions for disagreements.

We would like to point out what kind of rules for communication and argumentation are required in order to make it possible to resolve disputes in an orderly way. We hope to demonstrate that the rules presently being discussed are not completely alien to the rules which already exist among any given community of language users. In fact, they comply to a large extent with generally accepted rules for communication and argumentation. However, they are not completely identical with these rules, but constitute an extension and a critical regulation.

16.2 Rules for Communication

Verbal communication and interaction require the observance of various kinds of rules by the language users. These rules are pre-conditions for adequate communication and interaction. Four main categories of rules must be distinguished:

1. *Syntactic rules* for the production and interpretation of sentences and larger stretches of discourse.
2. *Semantic rules* concerning the meaning of the words and expressions which are used in these sentences and larger stretches of discourse.
3. *Communicative rules* for a recognizable and correct performance of the elementary and complex speech acts which are carried out in these sentences and larger stretches of discourse.
4. *Interactional rules* for an orderly and smooth conduct of the dialogues, conversations or other forms of (spoken or written) discourse constituted by the sequences of speech acts which are carried out in these sentences and larger stretches of discourse.

In order to make themselves understood, the language users must observe the syntactic rules of the language concerned (1). In order to make themselves understood, their formulations must be in accordance with the meaning of the words and expressions in the language concerned (2). In order to take part in verbal communication, they must observe the conditions for a 'happy' performance of their speech acts (3). In order to participate in verbal interaction, they must comply with a number of requirements for appropriate discourse (turn-taking, relevance, politeness, etc.) (4).

The categories of syntactic and semantic rules (1 and 2) refer to grammatical rules, the categories of communicative and interactional rules (3 and 4) to pragmatic rules. If the language users fail to observe the grammatical rules, they exclude themselves from the language community; if they fail to observe the pragmatic rules, they exclude themselves from the communicative community. The four categories are ordered hierarchically: (4) presupposes (3), and (3) presupposes (1) and (2). Of course, there are interrelations between all the four categories.

The rules for communication and interaction are social rules. Contrary to the laws of nature, they can be violated. Such violations may harm the comprehensibility or acceptability of the discourse in various degrees. In some cases, language users deliberately violate the rules in order to achieve a particular effect, as in indirect speech acts and conversational implicatures. Such an effect can only be achieved if the context, the situation or the general and specific background knowledge of the members of the community offer sufficient 'compensation' for the problems caused by the violation concerned.

The grammatical rules which are pre-conditions for adequate communication and interaction are the domain of linguistics proper. We shall discuss the communicative and interactional rules which are the domain of pragmatics. Major contributions to the theory of pragmatics are made by the philosophers Searle and Grice: Searle developed a theory of speech acts and Grice a theory of conversations. In order to reveal the similarities between Searle's speech act conditions and Grice's conversational maxim, we shall demonstrate how they can be integrated.[1]

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[1]cf. van Eemeren and Grootendorst (1992).

First, the Gricean Co-operative Principle must be re-defined into the more general and succinctly phrased Principle of Communication which states that language users be *clear*, *honest*, *efficient*, and *to the point*. The Principle of Communication summarizes the general rules which speakers and writers observe and which listeners and readers, when communicating, expect them to observe.

In practice, of course, it is not at all uncommon for one of the rules for communication to be broken, but this does not necessarily mean that the Principle of Communication has been abandoned altogether. If this *is* the case, however, then the person doing so is reneging on a basic convention of the community to which he belongs. Assuming that it is not clear that he is not in full control of his actions (he may be drunk for example), or that he cannot be held responsible for them, he will have to account for his defection or he will be faced with sanctions which may vary from an irritated reaction to a complete breaking off of the contact.

As an alternative to the Gricean maxims of Manner, Quality, Quantity, and Relation, the general rules which govern communication can now be rephrased in a Searlean way:

1. Perform no incomprehensible speech acts,
2. Perform no insincere speech acts,
3. Perform no unnecessary speech acts,
4. Perform no pointless speech acts,
5. Perform no new speech acts that are not an appropriate sequel or reaction to preceding speech acts.

The *first* rule implements the communication requirement "Be clear". It corresponds to the recognizability conditions for the performance of speech acts: the propositional content condition and the essential condition. In order to be clear, the speaker (or writer) must formulate the speech act that he wishes to perform in such a way that the listener (or reader) is able to recognize its communicative force and to establish what propositions are expressed in it. This does not mean that he must be completely explicit, but it does mean that he is not allowed to make it impossible, or almost impossible, for the recipient to arrive at a correct interpretation.

The *second* rule implements the communication requirement "Be honest". It corresponds to a part of the correctness conditions for the performance of speech acts: the responsibility conditions. It might be useful to note here that we refer to Searle's sincerity conditions as responsibility conditions, in order to clarify what kind of commitments a speaker undertakes by performing a certain speech act, irrespective of the mental state he is in (1984, p. 195). The implication of the honesty requirement is that the speaker may be held responsible for having undertaken the commitments which are associated with the speech act concerned.

The *third* and the *fourth* rules implement the communication requirement "Be efficient". They correspond to another part of the correctness conditions for the performance of speech acts: the preparatory conditions. The implication of the efficiency requirement is that a correct performance of a speech act must not be either unnecessary or pointless.

The *fifth* rule implements the communication requirement "Keep to the point". It does not correspond to any speech act condition, nor does it refer to the performance of an individual speech act, whether elementary or complex. This requirement is concerned with the relation between several speech acts. The question here is whether, in the verbal and non-verbal context, the performance of a particular speech act is a *relevant* addition to the speech acts already performed. Thus, the relevance requirement "Keep to the point" relates to the sequence of speech acts and the function of a speech act in a particular speech event.

To fulfil the requirement "Keep to the point", a sequel of speech acts or a reaction to a speech act must be appropriate. Precisely what comprises an appropriate sequel or an appropriate reaction is difficult to define in general terms. However, it is possible to indicate what this amounts to. Every speech act seeks to achieve the communicative effect so that the listener understands it, and the interactional effect so that he accepts it. So, the performance of a speech act expressing the fact that another speech act has been understood or accepted will be a relevant reaction. The same applies, of course, to the expression of non-understanding or non-acceptance. Giving reasons as to why something is or is not accepted, is also relevant.[2]

The rules for communication correspond to a large extent to Grice's maxims. The main difference, which is also the main advantage, is that the maxims are now formulated as rules for the performance of speech acts. The first rule corresponds roughly to Searle's propositional content condition and the essential condition. The second rule corresponds to his sincerity condition, the third and fourth rules correspond to his preparatory conditions, whereas the fifth rule does not have a counterpart in his conditions.

By integrating Gricean maxims with Searlean speech act conditions, both are enhanced. Compared to the maxims, the communication rules are more specific as a consequence of their connection with the Searlean conditions, and they are more general because they are no longer restricted to assertions, as they are with Grice. The speech act conditions also profit from it, because it has now been shown that the conditions for different speech acts are, in fact, specifications of more general rules for communication.[3]

The synthesis of Searlean and Gricean insights reveals the heterogeneous character of the original speech act conditions. Searle does not differentiate between their importance. In our revised version of his theory, we make a distinction between the propositional content and essential conditions on the one hand, and the sincerity and preparatory conditions on the other.

The need for this can be demonstrated by looking at the consequences of a violation of the various conditions. In the case of violation of the first two, no

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[2]Of course, an appropriate reaction is not necessarily a fitting reaction, let alone the reaction that most closely meets the speaker's wishes or expectations.

[3]Searle does not believe that all speech act conditions are specifications of Grice's maxims, because some of them (such as the essential condition and the sincerity condition) are internal to specific kinds of speech acts (1980, pp. 22–23).

recognizable speech act has been performed, whereas in the case of violation of the second two, though the performance of the speech act is not quite successful, or happy in the full sense, a recognizable speech act *is* performed.

This crucial difference can be accounted for by realizing that there is a correspondence between the propositional content condition and the essential condition on the one hand, and Grice's maxim of Manner ("Be perspicuous"), and our first rule of communication ("Perform no incomprehensible speech acts") on the other. Violating these two conditions damages the recognizability of a speech act, whereas violating one of the two others affects its correctness because of insincerity, inefficiency, or irrelevancy. In order to express this difference terminologically, we refer to the first two as *conditions for recognizability*, and to the second two as *conditions for correctness* (cf. van Eemeren and Grootendorst 1984, p. 41).[4]

16.3 Interactional Effects

In what way are elementary or complex communicative (illocutionary) acts connected to their associated interactional effects (perlocutions)?[5] We claim that this connection is, in a communicative community, to a certain extent, *conventional*. We know that in the literature on illocutionary and perlocutionary acts this is a matter of dispute. Hardly anyone disputes the conventionality of illocutionary acts, but opinions differ when it comes to the conventionality of perlocutionary acts. Austin and Searle take the standpoint that perlocutionary acts are never conventional, while Cohen (1973) allows for the possibility that perlocutionary acts may have just as good a claim to conventionality as illocutionary acts.

Let us begin by stating what we mean by conventionality. We shall start from a definition proposed by Lewis in *Convention*:

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[4]By integrating Searlean and Gricean insights in the rules for communication, an important step has been made towards a comprehensive theory of everyday communication and interaction. Of course, much still remains to be done. For example, all kinds of concepts from conversation and discourse analysis have to be incorporated in the theoretical framework. Up to now, many conversation-analysts have shown some reluctance to make use of speech act theory, or for that matter any other theoretical framework. As a consequence, conversation analysis lacks a firm theoretical foundation. This lends an ad hoc character to most of its results and makes them less interesting. It also makes it more difficult to carry out the required integration. Not only should speech act theory become more conversation-oriented, but conversation analysis should also become more speech act-oriented.

[5]In the standard theory of speech acts, interactional effects constitute a category both diffuse and diverse: all kinds of possible consequences of speech acts fall under the general heading of perlocutions (opening a window, quitting smoking, getting frightened, etc.). In our opinion, it is necessary to make a distinction between the different kinds of effects upon the listener (or reader) which can be brought about by speech acts. With regard to the acceptance of argumentation, one should concentrate on the interactional acceptance effects which are intended by the speaker, which require recognition of the complex speech act as argumentation, and which depend on the rational considerations of the listener. (cf. van Eemeren and Grootendorst 1984, pp. 23–29.).

A regularity R in the behavior of members of a population P when they are agents in a recurrent situation S is a *convention* if and only if, in any instance of S among the members of P,

1. everyone conforms to R;
2. everyone expects everyone else to conform to R;
3. everyone prefers to conform to R on condition that the others do, since S is a coordination problem and uniform conformity to R is a coordination equilibrium in S. (1977, p. 42)

The nucleus of Lewis's view is that a convention is a regularity in the behaviour of people brought about by a system of expectations. What, for example, is the significance of this view for the crucial relationship between the communicative act complex of argumentation and its associated interactional effect? First, it is necessary that a happy performance of the communicative act complex of argumentation regularly be followed by the occurrence of the associated interactional effect on the part of the listener, and, second, it is necessary that the speaker expects that this will happen. To what extent is this the case?

If regularity is the decisive criterion of conventionality, it is clear that the associated interactional effect of argumentation does not have much chance of qualifying to be called conventional, since there is no question of a regular occurrence of the associated interactional effect: one does not have to be a dyed-in-the-wool pessimist to dare assert that, in practice, an argument fails to be accepted just as often as it *is* accepted, and that the listener fails to be convinced by the argumentation at least as often as he *is* convinced.

Does this picture also apply for the speaker's expectation? We believe not. The communicative act complex of argumentation and the interactional act of convincing maintain a bilateral relationship: argumentation is an attempt to convince, and for the performance of the attempt to convince, the speaker must argue. If the speaker had no confidence in his succeeding in convincing the listener with his argumentation, he would not have to argue. By arguing with the listener, instead of, for instance, giving him an order, the speaker indicates that he regards the listener as a reasonable judge who maintains the same standards for correct arguing as he does himself. Otherwise his argumentation would not comply with the correctness conditions for this speech act. This would mean that he would break a general rule for communication.

If speaker and listener have decided jointly to seek the resolution of a dispute, then it is in their interest to co-operate with one another and act in co-ordination. This means that, as far as possible, they must apply the same standards of judgment and that they must hold one another to these standards of judgments. If he wishes to fulfil the conditions for a happy performance of argumentation, the speaker will therefore *prefer*, in his attempt to convince the listener, to observe the same standards as the listener applies (or as the speaker thinks the listener applies) when making his judgment.

The speaker's expectation that the listener will judge the argumentation by the same standards as himself, the fact that the listener may infer from the speaker's decision to argue with him that the speaker expects him to apply these standards,

and the fact that the speaker prefers to apply the same standards as the listener, indicates that the performance of the communicative act complex of argumentation is founded on the expectation that common standards are available for judging the argumentation and that these standards will be applied by the listener. This means that the occurrence of the associated interactional effect of argumentation may, from the point of view of the speaker, be called conventional in the sense in which Lewis uses the term.

The question which immediately has to be asked, of course, is to what extent the speaker's expectation that the listener will apply the same standards of judgment is realistic. If we assume that, in conversations, a general Communication Principle operates, (and *must* operate to enable serious participants in a conversation to reach their objective), then it seems to us that, ordinarily speaking, the speaker may assume, precisely in the case of argumentation calculated to resolve a dispute, that the listener is taking a co-operative attitude and will, as far as possible, try to judge the argumentation by common standards. These common standards, observed by speaker and listener, will, in practice, not be based on an explicit accord between the participants in the conversation. According to Lewis, however, this is no reason for not referring to conventionality (1977, pp. 83–88). Following Barth, we propose to call such 'implicit accords', which are tacitly ('implicitly') accepted, *semi-conventions* (1972, p. 16). Since the speaker's expectations, regarding the way the listener will proceed, are founded on the Communication Principle operating in conversations, we call these semi-conventions *dialogical* conventions.[6]

Naturally, such dialogical conventions can only apply to the behaviour of language users which they themselves can control. In his definition of convention, Lewis speaks of 'a regularity R in the behaviour of members of a population P'. However, uncontrolled or even uncontrollable behaviour (such as automatic reflexes) is beyond the reach of conventions, and to some extent, this also applies to certain forms of 'inner behaviour'—such as 'considering' and 'feeling'—which are important for the achievement of the mental state of being convinced. The conventions of convincing can, therefore, be no more (and no less!) than *act conventions*, relating to the achievement of externalized, i.e. publicly stated, beliefs.

The dialogical act conventions for the conduct of discussions determine which speech acts are permitted. They regulate not the language users' behaviour which is governed by grammatical rules, but their deliberate verbal acting. The conventions determine what the participants in the discussion may say and do in order to resolve a dispute. This means that, as regards argumentation, only the *minimal* associated interactional effect may be regarded as an effect to be achieved conventionally. The minimal interactional effect consists in the performance by the listener of the communicative act of *acceptance*. The *optimal* interactional effect would be that the

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[6]The question may be asked, however, whether it is justified to apply the Co-operation or Communication Principle to discussions in which a conflict of opinion or dispute is at stake. For various reasons, we think it is (cf. van Eemeren and Grootendorst 1984, pp. 121–122). For the notion of 'implicit accord', cf. Wunderlich (1982, p. 12).

listener is 'really convinced' (in a psychological sense), but this refers to a mental state which is inaccessible to direct observation and regulation.

In colloquial speech, the word *convince* is almost always used in the wider sense of striving after an optimal interactional effect. It will be evident that in this wide sense, the interactional act of convincing is *not* conventional. We use the term *convince* in the more limited sense of what we call the striving after the *minimal* interactional effect of *acceptance*. In this specific sense, which does not really conflict with the meaning of *convince* in colloquial speech, the perlocutionary act of convincing *can* be conventional.

16.4   Rules for Argumentation

If an argumentation theory is to be considered as a system of descriptive and/or normative rules for the performance of the communicative act complex of argumentation and the communicative act of acceptance, then, in our view, a *dialogical design* will be the most appropriate for that theory.

The speaker who performs the communicative act complex of argumentation is the *listener* in the case of the performance of the communicative act of acceptance, while, conversely, the language user who acts as listener in the communicative act complex of arguing is the *speaker* in the performance of the communicative act of acceptance. Moreover, the communicative act complex of argumentation, which is itself, *qualitate qua*, always a *reaction* to a particular utterance (or other sign) of doubt on the part of the listener, is always calculated to bring about in the listener the interactional effect that he *react* to the argumentation by performing the communicative act of acceptance. The smallest unit in the performance of argumentative communicative act complexes with effective minimal interactional effects is a completed *dialogue* in which the roles of speaker and listener are exchanged once and once only.

Argumentation is to be regarded as a communicative act complex at the textual level, and descriptive and normative argumentation theories must specify the rules determining the manner in which the speech acts performed by the speaker further or hinder, or ought to further or hinder, the performance of the communicative act of *acceptance* by the listener. An argumentation theory must provide the answer to the question in which cases particular communicative acts are (or ought to be) permissible in an argumentative dialogue and the question in which cases the associated acceptance interactional effect will (or ought to) occur. Only when this happens may we say that, in the argumentation theory, the 'rules of the game' are formulated for the performance of argumentative speech acts in discussions, and that this theory links up with the study of language use as it takes place in descriptive and normative pragmatics.

In a pragma-dialectical approach to argumentation, the idea of having a regulated discussion is considered as the basic principle of reasonableness. This requires the formulation of rules for such discussions. The dialectical aspect of this approach

consists in there being two parties which attempt to resolve a dispute by means of a methodical exchange of moves, whereas the pragmatic aspect is represented by the description of these moves as speech acts.

In what way does the formulation of normative rules for critical discussions, as rules for the performance of speech acts, facilitate a natural connection to the descriptive conditions for performing elementary and complex speech acts in argumentative discourse? These conditions are closely connected with all kinds of general rules which govern everyday discourse and conversation, such as Grice's maxims (1975), and the rules for turn-taking as described by conversation-analysts (cf. Levinson 1983; Edmondson 1981).

Our normative discussion rules can be seen as dialectical regulations of the rules that already apply in ordinary discourse. Of course, this is a simplification, but it draws attention to the fact that proposing normative rules for critical discussions has more ties with reality than some people think. To give an example, one could refer to the similarities between the starting point in the ideal model that the participants in a critical discussion must strive for the resolution of a dispute on the one hand, and the commonly accepted conversational fact that in ordinary conversation there is a preference for agreement among the interlocutors for the other.

If two language users jointly attempt to resolve a dispute by engaging in an interaction of speech acts, according to the rules, then their discourse can be referred to as a reasonable discussion. The rules of our ideal model for reasonable discussions specify what sorts of speech acts the participants in a critical discussion have to perform at the four stages of such a discussion, in order to contribute to the resolution of the dispute.[7] The rules prescribe at what stage of the discussion the discussants are entitled, or indeed obliged, to perform a particular speech act.[8]

Starting from Searle's taxonomy of speech acts (1979, pp. 1–29), it can be said that all kinds of *assertive* speech acts can be used to express standpoints and argumentation, and to establish the results of the discussion. The use of *directive* speech acts is restricted to challenging somebody to defend his standpoint and requesting him to put forward argumentation in support of it. *Commissive* speech acts are used to accept (or not accept) a standpoint, or argumentation, and to agree upon the division of dialectical roles in the discussion and upon the discussion rules. Finally, *language usage declaratives*, such as defining, precizing, amplifying, and explicitizing, can be helpful in avoiding a variety of misunderstandings.

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[7]As an ideal model, it reproduces only those aspects relevant to the resolution of a dispute: the model provides a set of instruments for grasping reality and to determine to what extent practice corresponds to the requirements of the resolution process. In this respect, the model not only links theory to practice, but also combines normative and descriptive aspects.

[8]The rules are introduced and discussed in van Eemeren and Grootendorst (1984, pp. 151–175). A simplified version, specially adapted to the analysis of fallacies, is presented in van Eemeren and Grootendorst (1987, 1992).

It should be noted that other types of *declarative* and all *expressive* speech acts are not listed in the model, because they don't contribute directly to the resolution of a dispute.[9]

16.5   Conclusion

As we have argued elsewhere, the discussion rules described in our model derive their reasonableness from a twofold criterion: *problem-solving validity* and *inter-subjective* or *conventional validity* (cf. Barth and Krabbe 1982, pp. 21–22). Together, the argumentation rules form an adequate procedure for resolving disputes which is intersubjectively valid for discussants who wish to resolve their disputes.[10]

The question remains to be answered how many people in the real world, if any, can be expected to live up to this strict canon of reasonableness for discussions? Are they people of flesh and blood, or are we talking about saints who live in a fictional world? We think real people are, in principle, not only perfectly capable of observing the discussion rules as formulated, but also act upon these rules when they try to resolve a dispute by means of a discussion. But, of course, not always, and not always completely without interference by unreasonable elements. Nobody is a saint and reasonableness is a matter of degree.

The normative rules of the pragma-dialectical model are, at least partially, congruous to the system of norms ordinary language users have internalized anyway. Empirical research has already shown many similarities—and also some differences (cf. Jackson and Jacobs 1981, 1982). In a future publication we shall come back to this in more detail.[11]

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[9]The distribution of the various types of speech acts in the stages of a critical discussion is discussed in van Eemeren and Grootendorst (1984, pp. 95–118). Here we also introduced the notion of *language usage declaratives* (pp. 109–110).

[10]This claim is substantiated in van Eemeren and Grootendorst (1984, 1988). In van Eemeren and Grootendorst (1984), a more detailed exposition is presented of how the system of rules can be precizated in order to comply with other specific requirements of problem validity, such as being systematic, effective, efficient, feasible, and so on.

[11]cf. van Eemeren, Grootendorst, Jackson and Jacobs (to be published).

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Chapter 17
For Reason's Sake: Maximal Argumentative Analysis of Discourse

Frans H. van Eemeren

17.1 Indirect Argumentation in Letters to the Editor

Everybody knows the kind of argumentation of the 'Look out! *Do you want to get run over*?'-type. In these argumentations a standpoint, which is not always presented as one, is defended by an argumentation, which may pose as a question, often called 'rhetorical', or which otherwise does not show itself directly as an argumentation. Recently, I came across some interesting samples in letters which were sent to *Time* magazine on 'Taking on Gadaffi' (April 28, 1986). Let me quote just three examples, starting with Alexander Panagopoulos from Athens:

1. *If you hear about an accident or two on the highway, will you stop driving an automobile?* Please do not allow the terrorists to think they have succeeded.

   Christine Barrero writes from New York:

2. When Ronald Reagan approved the order for naval exercises in the Gulf of Sidra, did he consider that he might be signing a death warrant for American tourists and diplomats? *Didn't he know Gadaffi would retaliate with increased terrorism*?

   Mr. Crane from France completes the three:

3. As an American living in Europe, I congratulate the U.S. Navy on its successful but perhaps tardy maneuvers. *The attacks on the radar base and the patrol boats were justified and well executed.*

It seems clear to me that the italicised stretches of discourse may be considered as argumentation, but how can this interpretation be accounted for? I would like to answer this question now taking Panagopoulos' rhetorical question as a prototype.[1]

17.2 Dialectical Analysis of Discourse

To answer the question satisfactorily, it must be placed in a theoretical perspective which provides a well-defined framework for an adequate reconstruction of discourse. As far as argumentative discourse is concerned, this reconstruction has to be normative, doing justice to the specific goal-directed character of this kind of language use.[2] Grootendorst and I have tried to outline a suitable perspective in a dialectical argumentation theory which is part of normative pragmatics.[3] We did so by integrating insights collated from speech act theory, conversation and discourse analysis, argumentation theory and formal dialectics into a theoretical model for analysing argumentative discourse.

In *Speech Acts in Argumentative Discussions* (1984) we formulated a code of conduct for reasonable discussants taking part in a critical discussion aimed at resolving a conflict of opinions. This code of conduct is an ideal model of the stages of a critical discussion and the distribution of speech acts through various stages. The model presents a regimen for the interaction of speech acts and may also serve as an heuristic tool for a systematic normative reconstruction of a discourse—both of the various dialectical stages and of the relevant speech acts. This systematic normative reconstruction is called a *dialectical analysis*. Dialectical analysis amounts to interpreting argumentative discourse as if it were part of a critical discussion. It is such an analysis which is being called for in the letters to *Time*. I have already demonstrated elsewhere what a dialectical analysis of a discourse amounts to for the confrontation stage of a critical discussion.[4] In view of the problem raised at the beginning of this paper, this is a suitable juncture to concentrate on the argumentation stage, the very heart of the argumentative discourse.

Because it is a pre-requisite for an adequate normative reconstruction of argumentative discourse that the subject of investigation be functionalized, externalized,

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[1]Indirectness is part of the subject matter of the Argumentative Language Use research project of the University of Amsterdam which was started some years ago by Rob Grootendorst, M. Agnes Haft-van Rees, Bert Meuffels and myself (VF UvA LET Discourse Analysis 102. 023 A). This paper is intended to give a wider circle of interested persons an inkling of the nature of this project, which will be carried on in co-operation with Sally Jackson and Scott Jacobs of the University of Oklahoma, whose work on conversational argument is closely related both in aims and theoretical background.

[2]cf. van Eemeren (1986a).

[3]The term *pragmatics* is used here in a similar broad sense as in Levinson (1983). cf. van Eemeren and Grootendorst (1984, 1987).

[4]See van Eemeren (1986b).

socialized and dialectified, in order to analyse a fragment of discourse dialectically, as part of a critical discussion, several kinds of operations must be carried out. These can be seen as transformations of a mere description of the discourse.[5] It is the justifiability of the substitution transformation, transforming certain utterances into argumentation, which is at stake in our question regarding the *Time* magazine letters.

17.3 Dialectical Definition of Argumentation

In a dialectical analysis, before we can properly arrive at the question as to whether or not the italicised part of discourse (1) can be seen as the argumentation stage of a critical discussion, so that the substitution transformation may be justifiably carried out and Panagopoulos' question may indeed be regarded as an argumentation, we must explain what we mean by 'argumentation'. We need a definition of this concept, which takes full account of our dialectical objectives. With an eye to these theoretical considerations I would like to attempt the following definition[6]:

> Argumentation is a speech act complex consisting of a constellation of statements designed to justify or refute an opinion and which is aimed at convincing a rational judge, who reacts reasonably, of the acceptability or unacceptability of that point of view.

As regards our dialectical starting-points, suffice it to say that externalization is achieved by concentrating on the verbalization of propositional attitudes, functionalization by conceiving argumentation as a speech act complex, socialization by linking this speech act with someone who is to be convinced of a standpoint, and dialectification by assuming the recipient is acting reasonably and is willing to engage in a systematic interaction of speech acts aimed at resolving a dispute.

17.4 Identifying Argumentation

The main question now is how argumentation can be identified. When undertaking empirical research into argument identification to answer this question, one must first and foremost make sure that the subjects of the experiment understand approximately the same by argumentation as you do. Which is just what we did, as

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[5]cf. van Eemeren (1986a).

[6]cf. van Eemeren and Grootendorst (1984, 3–18) for explanatory notes to this definition. Without giving into an objectionable tendency towards dissociating terms and concepts—treading for once in Russell's footsteps—possible confusion about the *word* 'argumentation', as may arise in English (cf. O'Keefe 1982, 3–6), is disregarded here as due to the infirmities of natural language, in this case the English language.

a preliminary to our investigating some hypotheses concerning factors influencing the ease of recognition in argument identification.

One should then go on and pay attention to the c(l)ues for the recognition of argumentation provided for by the verbal presentation of the discourse. Although argumentation may, to a greater or lesser extent, be structured complexly, we started for systematic reasons by concentrating upon simple argumentation. Here I would like to refer to an empirical feasibility study carried out by members of our Amsterdam team.[7]

Firstly, undergraduate students (in Amsterdam and Leiden) were requested to take part in a *pencil and paper test* in which they had to indicate whether or not a number of discourse fragments contained argumentation, and, if so, they were to underline the argument. Four factors presumed to be of influence in argument recognition were varied systematically: (1) subject highly charged or not, (2) standpoint marked or not, (3) argumentation indicator present or not, (4) standpoint preceding the argument or following it.

Two different replications of this research were carried out to gain a more definite idea about the suitability of the instrument used for measuring influence on argument recognition and to examine the precise effects of the various factors chosen as variables. The first consisted of a repeat of the pencil and paper test, varying the experimental subjects with younger subjects at a lower educational level, to countermand ceiling-effects in our previous test. In the second replication the instrument of measurement was varied, concentrating now on the analysis of decision time. Among the 4 variables manipulated, the effect of the presence of argumentation indicators, especially of indicators 'in a broader sense' such as 'Owing to' and 'On the basis of', proved to be the strongest. The absence of such an indicator slows down or hinders identifying argumentation—in some cases considerably. Marking the standpoint only facilitates the identification of argumentation if no argumentation indicator is present. In the other case the signal function of the marking of the standpoint is, as it were, over-ruled by the presence of the argumentation indicator. In *retrogressive* presentation, with argumentation following the standpoint as in the case of 'Because', identification turns out to be easier than in *progressive* presentation, with the standpoint following the argumentation, as in the case of 'Therefore'.[8] A highly charged subject was (unlike social psychology seems to suggest) a factor without any significant effect.

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[7] A report of this study in English is to appear in van Eemeren et al. (to be published in 1987). In fact, several feasibility studies were carried out in order to attain a more or less complete image of the suitability of the measuring instruments chosen. In measuring the ease with which argumentation can be identified, to start with, the research concentrated upon single argumentations in which a single argument in defence of a standpoint is articulated. The conceptual validity of our notion of argumentation was proven by the fact that argumentation was identified correctly in 95 % of the items in a preliminary test submitted to the experimental subjects. This conceptual validity was confirmed by the ceiling-effects in pur first pencil and paper test.

[8] This terminology is suggested in van Eemeren et al. (1984, 22), but no explanation is offered there for the divergence in ease of recognition.

Up to now we have concentrated upon the recognition of argumentation which may be called *implicit*, varying from utterances which are indicated almost explicitly as argumentation, to utterances the communicative force of which is less clearly indicated by the verbal presentation, but which nevertheless is pre-eminently suitable for conveying that force. Contextual indication seems to have a major part to play in the interpretation of *indirect* argumentation—such as Panagopoulos' question is supposed to be.[9]

In the case of indirect argumentation (and in the case of implicit argumentation in general) contextual indicators can have a clarifying effect and assist in interpreting the communicative force of the utterances. As argumentation normally takes place within a more or less defined context—artificial research situations being the exception—serious problems of interpretation, generally speaking, only arise in an 'undefined' context devoid of helpful pointers. Elsewhere we have argued that the degree of the conventionalization of the verbal presentation required to properly interpret indirect speech acts is inversely proportional to the necessary degree of definition of the context in which they occur.[10]

Starting from this hypothesis, some empirical tests have been carried out concerning the identification of indirect argumentation. In these tests students serving as experimental subjects were confronted with fragments of discourse consisting of items half of which in a split-plot design were supplied with a definite context, and half of which were not. Both contained an equal number of direct and of indirect argumentations, with or without an argumentative indicator. All defined contexts serving as independent variables were such that a literal interpretation, though perfectly possible, would be unsatisfactory.

As was to be expected, the communicative force of argumentation presented directly proved to be significantly easier to recognize than indirect argumentation. In the latter case, the language users needed some extra information in order to know that something more was meant than what was expressed literally. A defined context provides this information, as the tests significantly testify.[11] This is why we have to take a closer look at the context to explain the identification of argumentation in Panagopoulos' rhetorical question; as its semi-conventional form alone, which would also allow of other interpretations on other occasions, is insufficient to account for this. Here our speech act approach to argumentation may be of help.

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[9]This illocutionary indirectness is to be distinguished from propositional indirectness, which may combine with it. See, for this, van Eemeren and Grootendorst (1987, Chap. 5).

[10]See van Eemeren and Grootendorst (1987, Sect. 5.3). The notion of 'context' is used here in the sense of 'purpose' introduced by Crawshay-Williams, as described in van Eemeren et al. (1984, Sect. 3.3).

[11]With direct argumentation context definition does not have this influence, which suggests some confirmation of van Dijk and Kintsch's (1983) contention that language users who have to determine the communicative force of verbal utterances in the first instance take refuge in so-called linguistic strategies. All non-linguistic factors mentioned by Clark (1979) as affecting the interpretation of indirect speech acts seem to be incorporated in our defined contexts.

17.5   The Conditional Relevance of Argumentation

Fitting argumentation into the framework of speech act theory means among other things that similar correctness conditions are supposed to be applicable as they are for instance to promises. Here, we are particularly interested in the conditions a reader may regard as having been fulfilled when a writer performs the speech act of argumentation. In refraining from stating them here in full detail, I shall confine myself to illustrating these conditions by the essential condition for *pro*-argumentation, defending a positive point of view[12]:

> Advancing the constellation of speech acts constituting the argumentation, counts as an attempt by the utterer to justify a certain standpoint to the satisfaction of the recipient, i.e. convincing him by making him accept the standpoint in question.

As may be clear from this, it is characteristic of our approach that speech acts are not seen as being restricted to the level of the individual sentences (or preferably: clauses) to which John Searle's speech acts are exclusively related. Starting from Searlean terminology, argumentation can be described as a complex of illocutionary acts on the sentence level which constitute, as a unit at a higher textual level, the illocutionary act complex of argumentation. Typical of argumentation is, that it is on this suprasentential level connected with another more or less complex illocution in which a point of view is expressed. To put it more strongly: unless they are related to a standpoint, verbal utterances can not constitute an argumentation.[13]

It needs to be stressed that utterances which are argumentation in a situation of disagreement, when occurring in the context of a standpoint, may function as an explanation or simply as statements or as something else when the circumstances are different. Rather than *being* certain illocutionary acts, under certain conditions, utterances *serve* as these speech acts. The communicative meaning of a speech act not only depends on the formal properties of its verbal expression, but also, and primarily, on the context and situation in which it is performed.

As an illocutionary act complex, argumentation is a communicative act, which by its essential condition at the interactional level is conventionally connected with the perlocutionary act of convincing: convincing being conceived of as getting the addressee to accept the standpoint at issue. It is at this interactional level that argumentation is linked with other speech acts in the speech event constituting the context in which the communicative act is performed. This speech event may be a letter to the editor, but it can also be Question Time in Parliament, a paper for a conference, a debate or a sermon. Anyhow, it is the real-life context of actual

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[12]The other correctness conditions for pro-argumentation, as well as the conditions for contra-argumentation, are stated in van Eemeren and Grootendorst (1984, 39–46), where distinctions are also made between recognizable, correct and successful performances of these speech acts as seen from the varying perspectives of the speaker or writer and the listener or reader.

[13]Edmondson (1981, 26) correctly observes that 'the distinctiveness of some illocutionary categories (in a Searlean sense) derives at least in part from their sequential placing and relevance in a sequence of speech acts'.

language use in which the abstract constructs of speech acts get their socio-cultural significance for the language users.[14]

Speech events are the culturally determined 'language games' people play to articulate their *forms of life*, organizing communicative acts by way of the interactional acts associated with them in a characteristic way. As Hymes rightly observes, what must be distinguished as speech events in a certain culture depends wholly on how those people feel about this. It depends on their overall and local interactional goals determining which speech events there are and which communicative acts in their various components may be performed. It is at the level of the speech event that interactional strategies and tactics like the Co-operative Principle, conversational maxims, preference for agreement and politeness conventions come in.[15]

These strategies and tactics as they are employed in the process of the speech event affect its structural organization, but first of all the distribution of interactional (and matching communicative) acts is determined by overall and local interactional goals inherent in the speech event, the implementation of which is sometimes to a certain extent conventionalized, depending on the degree of institutionalization of the speech event. So, therefore, knowledge of the speech event and its composition may lead to an educated guess concerning the interactional goal involved at a certain stage which, in turn, may lead to a justifiable interpretation of the communicative act being performed, as some communicative acts are particularly suited for furthering certain interactional goals, even being related to these goals by way of the essential condition. In this way the speech act central to our investigation, namely the communicative act complex of argumentation, which is a deliberate attempt at eliciting a calculated interactional effect of acceptance from the addressee, may take its proper place in a speech event like a plea, a discussion, a debate or maybe even a sermon, depending upon the structural organization of the speech event.[16]

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[14]Though a speech event always consists of one or more speech acts, these categories are by no means identical. As is explained in van Eemeren and Grootendorst (1984, 1987) speech acts are theoretically motivated analytical units of language use, characterized by their correctness conditions and distinguished in pragmatics because of the different kinds of commitments they create for the language users. Due to the conventional connection between speech acts as communicative acts and certain interactional goals, various speech acts may play a more or less fixed and regular part in the organisation of a speech event in which these goals are pursued. This may be so in real life speech events but also in ideal models of speech events such as the normative reconstruction of the distribution of speech acts over the various phases of a critical discussion proposed in van Eemeren and Grootendorst (1984).

[15]Confusing the communicative level and the interactional level of analysis, and confusing speech acts and speech events, leads to an underestimation of the possibilities of speech act theory by many authors, for example Levinson (1983), who overestimate its pretensions. Searlean communicative speech act theory does not claim to replace Gricean and other interactional speech event insights, and, accordingly, ought not be reproached for inadequacies in performing this task.

[16]Of course, this structural organization is not always determined in advance but may develop during the verbal interaction (cf. van Eemeren and Grootendorst (1987, Chaps. 7–9) on the structural organization of argumentation).

In the speech event some communicative acts are linked, according to their interactional point, with certain communicative acts of the addressee, like advancing a point of view and accepting or rejecting it. In terms of structural dialogical organization, these communicative acts are then said to constitute an adjacency pair: standpoint/acceptance or standpoint/rejection, the former second pair part being a preferred response and the latter a dispreferred. If a dispreferred second pair part has come up or may be anticipated, a repair is called for, which in the case of the rejection of a standpoint is most adequately supplied by argumentation to make the standpoint acceptable. In this context, of a conflict of opinions, argumentation has indeed what is called *conditional relevance*, the relevance of the one speech act being dependent on the presence of the other.[17] In speech events like letters to the editor it is clear from the general set-up that at a certain stage a standpoint should be defended against opposition or scepticism, so that argumentation would have conditional relevance. Knowing this, we now have to establish exactly when this conditional relevance is guaranteed in the case of indirect argumentation like, presumably, Panagopoulos'.

17.6   Interpreting Indirect Argumentation

In his letter to *Time* Panagopoulos lets his point of view be known with regard to the topic about which opinions differ: 'Taking on Gadaffi'. Given that it is clear from the previous analysis of the confrontation stage that the point of view defended by him is 'We should not allow terrorists to think they have succeeded', it needs to be pointed out that the question 'If you hear about an accident or two on the highway, will you stop driving an automobile?' must be interpreted as a rhetorical one so that in interpreting the argumentation involved it may be transformed into *A traffic accident or two on the highway would not stop you from driving an automobile* or a similar formulation. How can it be shown on the basis of conditional relevance that Panagopoulos' question in this letter to the editor is primarily intended as an argumentation, just as Christine Barrero's question and Mr. Crane's congratulation are primarily intended as an expression of a standpoint?

In the absence of evidence to the contrary, one must assume that the participants in a discourse are making sense, the things they are saying being relevant to the stage of the speech event they have reached and the communicative acts performed at an interactional level relating adequately to one another and to the overall and local interactional goals in force.[18] Bearing this in mind, it is clear that

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[17]Here, it should be emphasized that similar observations are made by Jackson and Jacobs (1980, 1981, 1982, 1983) as were also made by Grootendorst and myself, and which are rephrased here in a dialectically redefined version of the terminology of conversational analysis as described in Levinson (1983, Chap. 6).

[18]Apart from relevance, the coherence of the discourse is also at stake here (cf. Edmondson 1981, 14).

Panagopoulos' question may not be taken at face value because in the context of his standpoint it would be inapt. Incidentally, that the literal question can not be taken seriously is already evident from the fact that it is obvious that the answer must be 'no'. It is crystal clear that some of the preparatory and sincerity conditions for a correct performance of the communicative act of questioning will certainly not be fulfilled. The connected goal of getting an informative answer is sure to remain unachieved and this alone is already a good reason to consider it most unlikely that the communicative act of questioning is, after all, intended.

If Panagopoulos' question is to fit into the framework of relevance created by the speech event of a letter to the editor and a point of view to be defended by the writer, a relevance gap has to be bridged between this question and the standpoint. This may be done by considering the question as an argumentation, thus interpreting it as an attempt to repair the presumed disagreement between Panagopoulos and his readers by making his standpoint acceptable and justify it to the satisfaction of the readers. This interpretation of Panagopoulos' two utterances, according to which they are linked at the interactional level of the speech event, the one serving as a standpoint being cast into doubt and the other as an argumentation to overcome this doubt and gain acceptance for the standpoint, can only be established if the connection can be more precisely understood. This can be achieved by looking more closely at the communicative act of advancing a point of view and its correctness conditions. Once more I must confine myself to the essential condition:

> Advancing the constellation of one or more speech acts constituting the point of view counts as taking responsibility for a positive or negative position with regard to the propositional content of these speech acts, i.e. assuming an obligation to defend that position if challenged to do so.

The conventional connection between the speech act, advancing a point of view as an act complex at a higher textual level, and some kind of disagreement, is expressed in the essential condition. When within this interactional context doubts are expressed, implicitly indicated or in any other way perceived to be present, argumentation is called for to defend the acceptability of the point of view. In a letter to the editor such a context is presumed by all, so that argumentation might well be expected. As satisfaction of the essential, propositional content, preparatory and sincerity conditions in the case of Panagopoulos' question being also, and primarily, an argumentation to the effect that we should not allow terrorists to think they have succeeded, pose no special problems but fit nicely into the background as far as it is known, an argumentative interpretation of this question is not only relevant, but also plausible.

With the help of the correctness conditions of the communicative act complexes of argumentation and, specifically, of points of view we can get a clearer picture of what exactly the plausibility of an indirect argumentation may consist of. The plausible realization of the conditional relevance as argumentation of indirect speech acts such as Panagopoulos' question can be demonstrated all the more readily by pointing at preparatory or other correctness conditions for performing the communicative act complex of advancing a point of view which are left unfulfilled

but which are satisfied by the argumentation, thus characterizing in more detail the link which joins argumentation and standpoint. This way our distinction is exploited between speech acts at the sentence level and at a higher textual level, for whilst at a sentence level the correctness conditions of the communicative acts may be completely fulfilled, without there being any necessity of an interactional link, at a higher level the self-same speech acts may constitute a standpoint for which argumentation may be purported to satisfy one or more of its unfulfilled correctness conditions.

As there are several kinds of correctness conditions, various sorts of links between argumentations and standpoints may be distinguished depending on the kind of condition(s) being called into question, precisely because in each case another form of doubt has to be overcome, and this has consequences for the point of departure in interpreting the possible argumentation. In the case of a preparatory condition being at issue, contextual pre-requisites (in the broadest sense of the words) for advancing a standpoint, are at stake; in the case of a sincerity condition, the personal commitments created by advancing a standpoint; and in the case of the propositional condition its tenability, this latter being considered by many as calling for argumentation 'proper', in contrast to explanatory argumentation, etc.[19]

Indirectness of both standpoints and argumentations may take various forms: an indirect standpoint may be presented as an assertive, directive, commissive, expressive or declarative, all serving as a standpoint when the appropriate conditions reign, and the same applies to the indirect presentation of argumentation. Of course, combinations of standpoints and argumentations which might be indirect, can also occur, so that instances may occur like the following:

S1: Go home now (*directive as indirect standpoint*)
S2: Eh? (*expression of doubt*)
S1: Don't you mind staying late? (*directive as indirect argumentation*)
S1: ?
S2: I'll be there (*commissive as indirect argumentation*) (So) you can count on me (*commissive as indirect standpoint*)
S1: ?
S2: It's so ugly (*expressive as indirect argumentation*)
     (Therefore) What a waste! (*expressive as indirect standpoint*)
S1: I hereby distinguish two kinds of complexes (*declarative as indirect standpoint*)
S2: Eh? (*expression of doubt*)
S1: I (hereby also) retract my doubt about your contention (*declarative as indirect argumentation*)

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[19]Given a standpoint cast into doubt, one knows because of the correctness conditions already that argumentation is to be expected and because of the kind of condition which is unfulfilled one also knows precisely what kind of argumentation is to be expected. This needs elaboration. In a joint project with Grootendorst, Jackson and Jacobs more details will be given on these matters.

and also cross-combinations like these:

S1:   Can you take this book with you? (*directive as indirect standpoint*)
S2:   Eh? (*expression of doubt*)
S1:   You only live around the corner (*assertive as direct argumentation*)
S1:   ?
S2:   You only live around the corner (assertive as direct *argumentation*) Can't you take it with you? (*directive as indirect standpoint*)
S1:   Can't you take this book with you? (*directive as indirect standpoint*)
S2:   Eh? (*expression of doubt*)
S1:   I'll do it next time (*commissive as indirect argumentation*)

In these cases the precise connection between argumentation and standpoint can be plausibly spelled out with the help of the correctness conditions of a standpoint. In the first example the argumentation *You would not want to be home late* satisfies an unfulfilled preparatory condition of the standpoint *You must go home now*, to the effect that one must have some justification for advancing this particular point of view. By virtue of the essential condition of a standpoint one assumes an obligation to defend the position one has taken responsibility for by expressing the standpoint if challenged to do so. If it is not clear from the context of the speech event what the justification is, as is obviously the case when a proposition is at issue in letters to the editor, an argumentation in which it is provided supplies the missing link adequately. This way in all the examples just quoted the gap between standpoint and proclaimed argumentation can be bridged simply by referring to one or more of the correctness conditions of the standpoints.

   Once more, it is demonstrated by this that if the discourse is already partly understood the interpretation of the remainder may be assisted by what we know already. Obviously, this is the case if it is already clear what standpoint is at issue in a letter to the editor. As far as Panagopoulos' rhetorical question is concerned, the argumentation conveyed in this question, *A traffic accident or two on the highway would not stop you from driving an automobile*, clearly fulfils, among other correctness conditions, the preparatory condition left unsatisfied with the standpoint *We should not allow terrorists to think they have succeeded:* that there is an acceptable justification for advancing this standpoint—assuming that it is understood that this is the point of view to be defended in Panagopoulos' letter to *Time* magazine.

17.7   Dialectical Analysis and Reasonable Interpretation

So far we have concentrated on how far a rational judge can get in interpreting parts of ordinary discourse as argumentation, profiting from the special vantage point of speech act theory, which makes it possible in solving problems of interpretation to exploit conversational maxims, etc. by referring to the tacit knowledge language

users have of correctness conditions of speech acts. Only then when it is fully clear that in this way the problem cannot be completely solved and that the context of the speech event, which is often rather indicative, is of no help, does it seem to be legitimate and perhaps even inescapable to reach a decision motivated by the normative background of the dialectical analysis aimed for. In these problematical cases the dialectical starting-point shifts from the background to the foreground, providing a rationale for the transformation of substitution by linking the normatively desirable in the analysis with the descriptively possible. The justification for this transformation is then that it is for reason's sake.

There is, however, a deliberate ambiguity in the phrase 'for reason's sake'. Firstly, it may refer to Hobson's choice, and, secondly, also more positively, to a general disposition to try to resolve conflicts dialectically by way of a critical discussion.[20] Although it may be reasonable to do something for lack of any serious alternative, to act reasonably in a dialectical sense implies more. If its literal meaning alone would not make sense, any rational judge would try to interpret a communicative act as an indirect speech act, thus allowing for the Co-operative Principle and conversational maxims to be observed, but dialectical reasonableness goes yet a step further: when in doubt in analyzing a discourse, the speaker or writer is given the benefit of the doubt and the interpretation is favoured which is most beneficial to the resolution of a dispute. Starting from our theory, this means that a rational judge who acts reasonably will opt for assigning to questionable utterances the communicative force which is the most congruent with the distribution of communicative acts in the ideal model of a critical discussion.

For a dialectical analysis of speech acts occurring in the argumentation stage this means that if the communicative force of certain utterances is not completely clear an argumentative interpretation should be tried, reconstructing those parts of the discourse as serving as argumentation. It is in such an analysis of special importance that argumentation be clearly and justly distinguished not only from communicative acts like advancing a standpoint and accepting or rejecting it, but also from act complexes which may just as well be performed in that stage of a critical

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[20]This dialectical approach avoids the Scylla of 'geometrical' formal absolutism and the Charybdis of 'anthropological' epistemic relativism by combining logical problem-validity and rhetorical intersubjective validity in a code of conduct for resolving disputes by means of a critical discussion, regimented by procedural rules for the distribution of speech acts through the various stages (cf. Barth and Krabbe 1982; van Eemeren and Grootendorst 1984). According to this dialectical approach, inspired by the critical rationalist views of Karl Popper, Hans Albert, Else Barth, among others, a discussion is deemed to be reasonable inasmuch as it congrues with rules which further the resolution of disputes and a discussant is deemed reasonable inasmuch as he obeys the rules of the ideal model. This construction of a rational judge who acts reasonably, is that of an ideal exponent of rationality whose conduct is in all respects in coherence with the code, and who judges others solely according to this code. In certain respects, Perelman's 'universal audience', Mead's 'generalized other', and Habermas' 'ideale Redesituation' fulfil not dissimilar functions, but the advantage of the dialectical concept of a rational judge, by virtue of its embodiment in the framework of an ideal model of a critical discussion aimed at resolving disputes, is that not only its intersubjective validity but also its problem-validity can be made subject to scrutiny.

discussion but which aim at different interactional effects and create different kinds of commitments, such as usage declaratives like for example a definition, precization, amplification, explication and explicitization. Whilst interpreting a speech act as a usage declarative one must not ask if it is an adequate defence of a standpoint but, in the case of a precization for instance, if it indeed restricts the possible interpretations of what is precizated. If, on the other hand, a speech act is not considered as an argumentation but mistaken for a usage declarative, it will fail to be judged properly and adequately as a contribution made by the speaker or writer in resolving the dispute at issue. Even if they are presented indirectly, the commitments made by advancing arguments (or standpoints) are those of assertives and have to be judged as such, therefore they should also be reconstructed as assertives.

17.8   Strategies of Dialectical Analysis

By way of a legal metaphor it might be said that in analyzing a discourse satisfactorily, in the absence of indisputable facts, for lack of proof, starting from circumstantial evidence and taking into account all extenuating or aggravating circumstances, judgement has to be made and pronounced by a rational judge who is reasonable in a dialectical sense. Such a judge is required, in interpreting speech acts the communicative force of which is not quite clear, to apply the strategy of *maximal reasonable interpretation*. This strategy implies that a discourse which may or may not be conceived of as a critical discussion, is conceived of as such. In applying the strategy of maximal reasonable interpretation, the point of departure is that the discourse is meant to resolve a dispute. In such an interpretation all speech acts performed are, in principle, interpreted as a potential contribution to this goal. In this way the language users are given maximal credit where it is due.

The code of conduct for the performance of speech acts in a critical discussion is at the same time the point of departure for the reasonable judge, who is interpreting the communicative acts performed in the various stages whilst analysing the discourse as a critical discussion. A dialectical analysis of any discourse has always a conditional character: only in as much as the discourse is, indeed, aimed at resolving a dispute, the ideal model used as a starting-point of the analysis is applicable and the analysis holds water.

The application of the strategy of maximal reasonable interpretation is a means of supplying a suitable perspective from which a discourse can be adequately analysed. To know what kind of speech act would be appropriate at any given point in a discourse, were it to be a critical discussion, the distribution of speech acts in the ideal model has to be consulted. This is exactly what has to be done in solving the remaining problems when determining the communicative force of some implicit and indirect speech acts as in the letters from *Time* magazine. In this dialectical perspective of reasonableness it is warranted in analysing speech acts in the argumentative stage, when in doubt, unless there is any clear indication to the

contrary, to opt for the strategy of *maximal argumentative interpretation*. This means that unclear implicit speech acts occurring in this stage which may have the communicative force of argumentation but which may also have another communicative force should be assigned the communicative force of argumentation. This applies to speech acts belonging to the category of assertives but also to implicit speech acts which at first sight appear to be commissives, directives, expressives or declaratives, but which only fulfil a constructive part in the critical discussion if translated into assertives constituting argumentation, like Alexander Panagopoulos' and Christine Barrero's italicised questions.

Of course, it is only necessary to choose a maximal argumentative interpretation in doubtful cases, and the relevance of a question which remains unquestionably a question, naturally remains a question. The strategy of maximal argumentative interpretation just prevents speech acts which play a potentially crucial part in resolving a dispute from not receiving acknowledgment. This is also why in a dialectical analysis Panagopoulos' directives have to be substituted by the assertive standard form of a standpoint and an argumentation[21]:

1'. We should not allow the terrorists to think they have succeeded, for you would not stop driving an automobile if you hear about some traffic accident.

Having seen how the dialectical ideal of reason can be implemented using a maximal argumentative interpretation, as it applies to speech acts the communicative force of which is yet undetermined, as with Panagopoulos' rhetorical question, then it is also possible to implement the dialectical ideal of reasonableness in yet another way in the normative reconstruction of the argumentation stage. Thus far, our analysis was confined to single argumentation, but very often the argumentation is more complex, like in the letter to *Time* of Mr. Crane. A problem of analysis arises when it is unclear whether a multiple argumentation or a co-ordinatively compound argumentation is the case. Then it is possible that the speaker or writer sees the single argumentations individually as conclusive of his standpoint, but it is equally possible that he takes them to be a conclusive defence only when seen in concert. In dialectical analysis multiple interpretation of the argumentation structure is a strategy to start with. That way, at least there are guarantees that each single argumentation will be examined as to its justifying or refuting capacity in relation to the proposition to which the standpoint being defended refers. Since in this way we attribute a maximum of argumentative force to each individual component single argumentation, this recommendation leads to the strategy of the *maximal argumentative parsing*.[22]

After having indicated why a rational judge, for reason's sake, should perform the substitution transformation of reconstructing certain parts of a discourse, like Panagopoulos' rhetorical question, as an argumentation by applying a strategy of

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[21]To be precise, this argumentation is an example ('substitution instance') of the well-known argumentation scheme of reasoning from analogy (cf. van Eemeren and Kruiger 1986, Chap. 2).

[22]See van Eemeren and Grootendorst (1987, Chap. 8).

maximal argumentative interpretation, I have now also explained that this strategy in a dialectical analysis of the argumentation stage of a critical discussion can be supplemented by a strategy of maximal argumentative parsing of the argumentation structure, both strategies being consequences of a general strategy of maximal reasonable interpretation. In this way a normative reconstruction of argumentative discourse can be achieved which may truly be called a dialectification.

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Part V
Strategic Manoeuvring in Argumentative Discourse

Chapter 18
Strategic Maneuvering: Maintaining a Delicate Balance

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18.1 Meta-Theoretical Starting-Points

"Quirites!" This is the infamous one-word speech by which Julius Caesar won his rebellious legions over to fight the republican army in North Africa, in 46 BC. After having fought a great number of battles under Caesar's command, the soldiers had refused to follow him again. Caesar's use of the word *quirites* as form of address had a devastating effect. According to the classical scholar Leeman (1992), 'quirites' was the dignified word a Roman magistrate used to address an assembly. Caesar's use of this word to his soldiers made it clear to them that they had not only lost their privilege of being addressed as *commilitones*, or 'comrades,' but were even no longer entitled to a Roman general's normal form of address for his soldiers: *milites*. "We are *milites*!" they reportedly shouted when they all volunteered to follow Caesar once more into battle. Ceasar's use of the 'neutral' *quirites* as a qualification is an excellent illustration of how the communicative and interactional meaning of argumentative language use can only be grasped if the discourse is first put in a functional perspective in which its social context and the commitments assumed by the participants are duly taken into account.[1]

Argumentation theorists, however, are not just interested in the effectiveness of argumentation in convincing people of a certain viewpoint, but also in the standards argumentative discourse should comply with in order to be sound. For many, the *raison d'être* of the study of argumentation is even the critical analysis of argumentative discourse—i.e., the interpretation and evaluation of actual cases in the light of normative standards for argumentative conduct (van Eemeren et al. 1993, 37). Argumentative discourse is therefore a research subject with an empirical dimension as well as a critical dimension, and the study of argumentation can best be seen as part of the broader enterprise that van Eemeren (1990) dubbed 'normative pragmatics.'

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[1]For the principles of 'functionalization,' 'socialization' and 'externalization' involved in this approach, see van Eemeren and Grootendorst (1984, 4–15).

Inthe normative pragmatic approach we envisage, argumentative discourse is judged not only in terms of its success in gaining the audience's assent, but also in terms of its problem-solving capacity, i.e., its appropriateness for doing the job of resolving a difference of opinion.[2] Our 'pragma-dialectical' ideal for judging argumentative discourse is to check to what extent the defense of standpoints against critical reactions is in agreement with a procedure for testing the acceptability of standpoints that is 'problem-valid' as well as 'intersubjectively (or conventionally) valid.'[3]

18.2   The Pragma-Dialectical Model of Critical Discussion

The model of 'critical discussion' is the theoretical device developed in pragma-dialectics to define a procedure for testing standpoints critically in the light of commitments assumed in the empirical reality of argumentative discourse (van Eemeren and Grootendorst, 1984).[4] This model provides a description of what argumentative discourse would be like if it were optimally and solely aimed at methodically resolving a difference of opinion about the tenability of a standpoint.[5] It specifies the resolution process, the stages that can analytically be distinguished in this process, and the types of speech act that are instrumental in resolving the difference in each particular stage. In the *confrontation* stage, the difference of opinion is defined. In the *opening* stage, the various kinds of commitment are established that are the starting point of the

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[2]For the 'dialectification' of the study of argumentative discourse that is, in our view, required in this endeavor, see van Eemeren and Grootendorst (1984, 14–18).

[3]Unlike in the 'geometrical' and 'anthropological' philosophies of argumentation distinguished by Toulmin (1976), argumentative discourse is thus inherently connected with conducting a 'critical discussion,' and reasonableness is neither reduced to instrumental rationality nor to achieving a cultural-determined mutual agreement. This critical philosophy of argumentation embodies a Popperian concept of reasonableness that does not restrict the possibility of arguing reasonably to a particular discipline say academic epistemology. Instead, in a critical rationalist vein, reasonable argumentation can occur in all spheres of life, inclusive of those in which value judgments may play a major part, such as political discourse and private deliberation.

[4]Unlike formal dialectics, pragma-dialectics is a discourse dialectic, closely aligned with a pragmatic approach to communication and interaction. This, however, does not automatically mean that formalization is right away excluded. Because pragma-dialectics involves the development of a model of regimented ways of resolving a difference of opinion, this approach to argumentation is formal in a procedural sense. Ultimately, it always depends on the stage of development a theoretical approach has reached what the possibilities for formalization are: in some instances formalization is premature and would spoil the view of the phenomena concerned while in other cases refraining from formalization prevents a theory from developing any further. In practice, it may be the case that the state of theorizing is such that only certain parts or aspects of the subject-matter are ready for formal treatment while others can only be formalized at the expense of harmful reductions.

[5]It is important to realize that in a critical discussion also standpoints can be 'tested' whose acceptability is not a matter of truth. Coherence in the sense of the avoidance of pragmatic inconsistency is then, of course, required. See Putnam (2001, 23).

discussion and serve as a frame of reference during the discussion. In the *argumentation* stage, arguments and critical reactions are exchanged. In the *concluding* stage, the result of the discussion is determined.

In real argumentative discourse, at every stage of the critical discussion projected in the discourse, specific obstacles may arise that can be an impediment to the resolution of the difference of opinion. These impediments are traditionally known as *fallacies*. The pragma-dialectical rules for critical discussion, which provide a procedural definition of the general principles of constructive argumentative discourse, are designed to prevent such obstacles from interfering or from being detected as interfering with the resolution process. Unlike the rules of formal dialectics, which are rules for generating rational arguments, the pragma-dialectical rules do not only pertain to argumentation proper; they aspire to cover all speech act*s* performed in all stages of a critical discussion. They are supposed to reflect all necessary conditions for resolving a difference by means of argumentative discourse.

The procedures for ensuring critical reasonableness developed in pragma-dialectics not only lay claim to problem-validity, but they are also, as they should be, in various ways based in argumentative reality. On a philosophical level, would-be arguers have a 'pragmatic' rationale for accepting these procedures as guiding principles. The acceptability of the procedures is not derived from any external source of authority or some metaphysical necessity, but depends on their suitability for resolving a difference of opinion on the merits for which they are designed (van Eemeren and Grootendorst 1988). Viewed philosophically, this rationale for judging intersubjective or conventional validity may be called *pragmatic* because pragmatists characteristically decide the value of any proposal on its contribution to solving the problem they are out to solve.[6]

The pragmatic basis of the pragma-dialectical procedures for maintaining critical reasonableness is also apparent from the way taken out of the *Münchhausen-trilemma* (Albert 1975). Ending up in 'infinite regress' or a 'logical circle' is to be avoided. The justifications given at the point in the resolution process where the argumentation starts by 'justificationists' of all makes, whether they favor a 'geometrical' or an 'anthropological' conception of reasonableness, always amount to some philosophical form of *Letzbegründung* that is dialectically arbitrary. More or

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[6]Although the quality of the pragma-dialectical rules depends on their problem-solving validity, the additional requirement of intersubjective validity creates a pressure to ascertain that people who aim to resolve their differences by means of argumentative discourse will maintain norms that are, at least for the most part, equivalent with the pragma-dialectical rules. To determine precisely to what extent the pragma-dialectical rules agree with the norms favored by ordinary language users, we test their intersubjective validity by carrying out a prolonged series of empirical investigations. The results provide a general insight into ordinary arguers' reasonableness conceptions (see, e.g., van Eemeren et al. 2000). At the University of Amsterdam, we are also carrying out a research project aimed at making an inventory of all indicators of moves that are relevant to resolving a difference of opinion. The scope of the inventory extends to indicators of counterarguments, 'argument schemes,' and structural relations between arguments, and also to indicators of moves in other stages of the resolution process, such as expressing antagonism, granting a concession, and adding a rebuttal (see, e.g., Henkemans 1995).

less axiomatically, a certain starting point is then declared sacrosanct because its truth is evident on the grounds of intellectual intuition or empirical experience. With Barth and Krabbe (1982) and other critical rationalists, we prefer a pragmatic option that is neither final nor philosophically charged. We speak of reasonable argumentation only if the argumentation is backed by a 'concession' which is part of the starting point (explicitly or implicitly) recognized by the other party, irrespective of the kind of reason they may have for this recognition.[7] It is worth noting that this contextual approach, situating argumentation in the actual process of dispute resolution, is hermeneutically in perfect agreement with the 'logical propaedeutic' of the Erlangen school of dialogue logic, which resorts to a starting point that is already given—or, as these German scholars say, "immer schon da" (Kamlah and Lorenzen 1984).[8]

18.3 Strategic Maneuvering in Resolving a Difference of Opinion

In a pragma-dialectical analysis, argumentative discourse is 'reconstructed' as an attempt to resolve a difference of opinion.[9] This reconstruction results in an *analytic overview* of the resolution process—a representation of the discourse in terms of a critical discussion (van Eemeren and Grootendorst 1992, 93–94). The analytic overview constitutes the basis for a critical evaluation. It clarifies the difference of opinion at issue and the positions of the participants. It identifies the procedural and substantive premises that serve as the starting point of the discussion. It surveys the arguments and criticisms that are—explicitly or implicitly—advanced, the argument schemes that are used, the argumentation structures that are developed. And it determines the conclusion that is reached. The model of critical discussion provides a survey of all speech acts and combinations of speech acts that operate in the

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[7]Toulmin calls such pragmatism "an honest foundation for knowledge" (2001, 174). This pragmatic approach is also important in distinguishing between 'real' and 'artificial' (or 'academic' or 'philosophical') doubt. The starting point for 'real' doubt lies in argumentative practice. Peirce once reminded us that having (real) doubt is not so easy as putting forward a lie. It is good to realize that 'fallabilism' does not mean that everything needs to be doubted, but only that doubt should be expressed if there is reason to express it. Putnam regards it as the most important insight achieved in American pragmatism that one can be 'fallibilistic' and 'anti-skeptical' at the same time (2001, 29–30).

[8]Among rhetoricians there is a confusing tendency to call such a pragmatic basis of argumentation or discussion rules 'rhetorical.' We prefer to reserve the term *rhetorical* for references to (clear and distinct concepts from) rhetorical theory. For a recent and serious attempt to connect rhetoric and pragmatics theoretically, see Dascal and Gross (1999), who acknowledge "that it is a union with problems on both sides of the aisle" (p. 108).

[9]It goes without saying that argumentative discourse, or any other kind of discourse, can also be analyzed from other perspectives, with other goals. As Kant already observed, the one analysis cannot necessarily be reduced to or translated into the other.

various stages of the resolution process. It therefore serves as a heuristic and
analytic tool for the reconstruction of the speech acts that are relevant to resolving a
difference of opinion, but may remain implicit or opaque in the actual discourse
(van Eemeren et al. 1993).

People engaged in argumentative discourse are characteristically oriented toward
resolving a difference of opinion and may be regarded as committed to norms
instrumental in achieving this purpose—maintaining certain standards of reason-
ableness and expecting others to comply with the same critical standards.[10] This
does not mean, however, that these people are not interested in resolving the
difference *in their own favor*. Their argumentative speech acts may even be
assumed to be designed to achieve precisely this effect.[11] In other words, there is
not only a 'dialectical,' but also a 'rhetorical' aspect to argumentative discourse.[12]
Initially, the pragma-dialectical method of analysis concentrated solely on the
dialectical aspect. Meanwhile we have shown that the reconstruction of argumen-
tative discourse can be strengthened considerably by incorporating rhetorical con-
siderations in the analysis, and particularly in its justification (van Eemeren and
Houtlosser 1998, 1999, 2000a, b, 2001, 2002).

The combination of rhetorical and dialectical lines of analysis we favor amounts
to a systematic integration of rhetorical considerations in a dialectical framework of
analysis.[13] In argumentative discourse, whether it takes place orally or in writing, it
is generally not the arguers' sole aim to win the discussion, but also to conduct the
discussion in a way that is considered reasonable. The arguers' rhetorical attempts
to have things their way can therefore be regarded as being incorporated in their
dialectical efforts to resolve the difference of opinion in accordance with the proper
standards for a critical discussion. This means in practice that in every stage of the
resolution process, irrespective of whether it is the confrontation stage, the opening
stage, the argumentation stage or the concluding stage, the parties may, while being
out for the optimal rhetorical result at that point in the discussion, be presumed to

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[10]According to Putnam, we are governed by norms of rationality and reasonableness that have to
us become values in their own right (2001, 76–77). See for some empirical confirmation of this
claim van Eemeren, Meuffels and Verburg (2000).

[11]Linguistic pragmatics suggests already a strong argument for this approach: Why perform a
speech act, in particular that of advancing a standpoint, if it is not for gaining acceptance?

[12]Using the label 'rhetorical' in this way does not necessarily imply a conception of rhetoric that
equates rhetoric without any ado with 'winning,' let alone with 'winning at all cost' (or a similar
goal). It does mean, however, that rhetoric, whatever safeguards are added, is in our view in the
end always, and undeniably, associated with getting your point as intended across to the audience.
According to Simons (1990), rhetoric is, most neutrally, the study and the practice of persuasion.
Kienpointner (1995, 453) points out that many scholars see rhetoric as "a rather narrow subject
dealing with the techniques of persuasion and/or stylistic devices," but others conceive of rhetoric
as "a general theory of argumentation and communication" (while still others deny that it is a
discipline at all).

[13]We aim at integrating rhetorical insight into a dialectical framework, instead of the other way
around, because our primary interest was and is the resolution of differences of opinion by putting
standpoints to the (critical) test.

hold also to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two different aims, which may at times even seem to go against each other, the arguers make use of what we have termed *strategic maneuvering*. This strategic maneuvering is directed at diminishing the potential tension between pursuing at the same time a 'dialectical' as well as a 'rhetorical' aim.

As we see it, a pragma-dialectical analysis benefits in at least three ways from using this conception of strategic maneuvering in reconstructing argumentative discourse. By getting a clearer view of the rhetorical aspects of the discourse, we get a better and more comprehensive grasp of what may rightly be called 'argumentative reality.' By achieving a more thorough and more subtle understanding of the rationale behind the specific instantiation of the various discussion moves, our analysis of the argumentative discourse becomes not only more profound but also more clearly justified. By gaining a more realistic insight in the strategic design of the discourse, we develop a more mature sense of the whys and wherefores of the various fallacious moves that occur in ordinary argumentative practice.

18.4 The Traditional Conceptions of Dialectic and Rhetoric

How does our position relate to the traditional conceptions of dialectic and rhetoric? As has been made clear abundantly in the earlier chapters of this volume, already since Aristotle there has been a distinct division between rhetoric and dialectic, in spite of their initial close connection. Plato viewed dialectic as a means of finding the truth. Aristotle developed it in the *Topics* into a system of regulated dialogues for refuting a claim, starting from concessions of the other party. In the *Rhetoric* Aristotle provided the conceptual framework for the study of rhetoric by his 'argumentative' definition of rhetoric as an ability or capacity (*dynamis*) in each case to see the available means of persuasion. Beside the Aristotelian perspective, an Isocratian tradition developed that concentrated more on style and literary aspects. In Cicero's *De oratore* (Ed., 1942) these aspects are integrated in the Aristotelian framework and until the seventeenth century western history of the theory of rhetoric remained foremost Ciceronian, although after its rediscovery in the fifteenth century, Quintilian's *Institutio oratoria* became the major classical authority on rhetoric in education (Kennedy 1994, 158, 181).[14]

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[14]In later years, a distinction can be made between philosophically oriented persuasion rhetoric, inspired by Aristotle and Whately, and elocutionary, decorative, belletristic rhetoric. As Gaonkar (1990) explains, in the United States there is also a tradition stemming from Burke that expands the frontiers of rhetoric from 'persuasion' to 'identification'-as-an-explanation-for-social-cohesion. According to van Eemeren et al. (1997, 213), modern-day persuasion theories are "heavily oriented to analysis of attitude formation and change" and bear little resemblance to Aristotle's rhetoric.

In medieval times dialectic achieved an importance at the expense of rhetoric, which—after the study of *inventio* and *dispositio* was moved from rhetoric to dialectic—was reduced to a doctrine of *elocutio* and *actio*. With Ramus this development culminated in a strict separation between dialectic and rhetoric, with rhetoric being devoted exclusively to style, and dialectic incorporated into logic (Meerhoff 1988).[15] Although there were these precursory symptoms of a widening gap between rhetoric and dialectic, according to Toulmin (2001), the division did not become 'ideologized' until after the 'Scientific Revolution.'[16] Then the division resulted in two separate and mutually isolated paradigms, each conforming to a different conception of argumentation, which were considered incompatible. Rhetoric has within the humanities become a field for scholars in communication, language and literature.[17] With the further formalization of logic in the nineteenth century, dialectic almost disappeared from sight.[18] Although in the twentieth century the dialectical approach to argumentation has been taken up again, there is still a yawning gap in conceptualisation as well as understanding among argumentation theorists between the theorists who opt for a dialectical approach and the protagonists of a rhetorical approach.[19]

On closer inspection there have nevertheless always been authors who saw a connection between rhetoric and dialectic (see van Eemeren and Houtlosser 1998). For Aristotle, rhetoric is the mirror image or counterpart (*antistrophos*) of dialectic[20]; in the *Rhetoric*, he assimilates the opposing views of Plato and the sophists (Murphy and Katula 1994, Chap. 2). According to Reboul, Aristotle wrote "que la rhétorique est le 'rejeton' de la dialectique, c'est à dire son application, un peu comme la médecine est une application de la biologie. Mais ensuite, il la qualifie comme une 'partie' de la dialectique" (1991, 46). For Cicero rhetoric is also

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[15]According to Mack, with the foundation of the universities, from the thirteenth century onward dialectic became the "intellectually dominant part of the *trivium*, while rhetoric was left with the important practical task of teaching official letter-writing" (1993, 8).

[16]Although the nature, speed and coherence of this 'Scientific Revolution' are questioned in recent studies in the history of science, such as Shapin (1996), Toulmin's general observation still stands, albeit more so in its subtler version expounded in Toulmin (2001) than in the cruder version Toulmin put forward in his Jefferson Lecture of 1997, where he identified the Peace of Westphalia (1648) as the breaking point.

[17]According to Toulmin, rhetoric was until recently by many logicians seen as no more than "the deceptive peddling of falsehoods" (2001, 12).

[18]A similar development has taken place in the history of juridical theorizing. See Hohmann, this volume.

[19]Among the dialectical theories of argumentation with a formal character, apart from Barth and Krabbe (1982), are Hamblin (1970), Rescher (1977) and Woods and Walton's joint studies of the fallacies (1989). Influential modern rhetorical approaches are Perelman and Olbrechts-Tyteca's (1969) 'new rhetoric' and some traditions in American speech communication (see van Eemeren et al. 1996, Chap. 7).

[20]Reboul (1991, 46) observes that for *antistrophos* the translators "donnent […] tantôt 'analogue,' tantôt 'contrepartie.'" He adds: "*Antistrophos*: il est gênant qu'un livre commence avec un terme aussi obscur!"

disputatio in utramque partem, speaking on both sides of an issue. In late antiquity, Boethius subsumes rhetoric in *De topicis differentiis* under dialectic (Kennedy 1994, 283). According to Mack, dialectic is for Boethius more important, "providing rhetoric with its basis" (1993, 8, n. 19). The development of humanism "provoked a reconsideration of the object of dialectic and a reform of the relationship between rhetoric and dialectic" (Mack 1993, 15). In *De inventione dialectica libri tres* (1479/1967), a major contribution to humanist argumentation theory, the remarkable scholar Agricola builds on Cicero's view that dialectic and rhetoric cannot be separated and incorporates the two into one theory. Unlike Perelman and Olbrechts-Tyteca (1969), who much later bring elements from dialectic into rhetoric, Agricola merges elements from rhetoric into dialectic.[21]

To overcome the sharp and infertile ideological division between dialectic and rhetoric, dialectics is in pragma-dialectics—more or less in line with Agricola—viewed as a theory of argumentation in natural discourse and rhetorical insight is fitted in with a dialectical approach. Van Eemeren, Grootendorst, Jackson and Jacobs define dialectic as "a method of regimented opposition" in verbal communication and interaction "that amounts to the pragmatic application of logic, a collaborative method of putting logic into use so as to move from conjecture and opinion to more secure belief" (1997, 214).[22] By conceiving dialectic pragmatically as discourse dialectic, a conception of dialectic is promoted that differs in various ways from the conceptions favored in Aristotelian dialectic or formal dialectics. Rhetoric is in pragma-dialectics viewed as the theoretical study of the various kinds of practical persuasion techniques. There is no reason to assume that the rhetorical norm of artful persuasion is necessarily in contradiction with the ideal of reasonableness that lies at the heart of pragma-dialectics. Why would it be impossible to comply with critical standards for argumentative discourse when one attempts to shape one's case to one's own advantage? In fact, argumentative moves that are considered rhetorically strong by a critical audience will in practice almost certainly be in accordance with the dialectical norms applying to the discussion stage concerned.[23] Viewed from this perspective, there is a sound basis for overcoming the traditional division between dialectic and rhetoric by integrating the rhetorical dimension into the pragma-dialectical method of analysis.[24]

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[21]Mack explains that Agricola's work is unlike any previous rhetoric or dialectic: "[He] has selected materials from the traditional contents of both subjects" (1993, 122). In Meerhoff's (1988, 273) view, "pour Agricola, […] loin de réduire la dialectique à la seule recherche de la vérité rationnelle, il entend parler de celle-ci en termes de *communication*."

[22]We agree with Toulmin: "If we accept a pragmatic view of theorizing [such as Dewey's], it is not hard to escape from the imbalance in our ideals about Reason that we have inherited from Modernity" (2001, 172).

[23]Other theoreticians, such as Reboul, also recognize that rhetorically strong argumentation should comply with dialectical criteria: "On doit tout faire pour gagner, mais non par n'importe quels moyens: il faut jouer [le jeu] respectant les règles" (1991, 42). See also Wenzel (1990).

[24]For more far-reaching proposals, in which rhetoric is subordinated to dialectic, see, for example, Natanson (1955). See also Weaver (1953).

18.5   Maintaining a Delicate Balance

An understanding of the role of strategic maneuvering in resolving differences of opinion can be gained by examining how the opportunities available in a certain dialectical situation are used to handle that situation for a certain party in the most favorable way. Each of the four stages in the resolution process is characterized by a specific dialectical aim. Because the parties involved want to realize this aim to their best advantage, they can be expected to make the strategic moves that serve their interest best. In this way, the dialectical objective of a particular discussion stage always has a rhetorical analogue and the presumed rhetorical objectives of the participants must be specified according to stage: it depends on the dialectical stage one is in what kind of advantages can be gained.

In the confrontation stage, the dialectical objective of the parties is to achieve clarity concerning the specific issues that are at stake in the difference of opinion and the positions that each of the parties assumes. Viewed rhetorically, the parties will aim to direct the confrontation in the way that is the most beneficial from their own perspective. This means that each party will attempt to achieve a definition of the disagreement that favors the issues each of the parties wants to discuss and the positions each of them would like to assume.

The dialectical objective of the opening stage is to establish an unambiguous point of departure for the discussion. This point of departure consists of intersubjectively accepted procedural and material starting points—the mutual 'concessions'—and also includes an agreement about the division of the burden of proof. The rhetorical aim of each of the parties is to arrive at a point of departure that serves their own interest best. Each party's strategic maneuvering will be aimed at establishing the most workable starting points and the most opportune allocation of burden of proof.

In the argumentation stage, the dialectical objective is to test the tenability of the standpoints that have shaped the difference of opinion in the confrontation stage, starting from the point of departure established in the opening stage. Viewed from a rhetorical perspective, the parties will aim to make the strongest case and to launch the most effective attack.

The dialectical objective of the parties in the concluding stage is to establish the result of the critical testing procedure and to decide jointly whether the protagonist can maintain his standpoint in the light of the criticisms advanced by the antagonist or whether the antagonist can maintain his position of doubt even considering the arguments advanced by the protagonist. Viewed rhetorically, each party will attempt to claim victory and their strategic maneuvering will be designed accordingly.

In the view we developed, strategic maneuvering can take place in making an expedient choice from the options constituting the 'topical potential' associated with a particular discussion stage, in selecting a responsive adaptation to 'audience demand,' and in exploiting the appropriate 'presentational devices.' Both parties may be expected to select the material they can handle well, or that suits them best,

develop the perspective most agreeable to their audience, and present their contributions in the most effective way. With respect to each of these three aspects of strategic maneuvering, both parties have an opportunity to influence the result of the discourse in their own favor.[25]

The *topical potential* associated with a particular dialectical stage can be regarded as the set of relevant alternatives available in that stage of the resolution process.[26] As Simons (1990) observes, the ancient Greeks and Romans were already aware that on any issue there is a range of 'stratagems' that can be called upon when discussing a case. Perelman and Olbrechts-Tyteca rightly emphasize that from the very fact that certain elements are selected, "their importance and pertinence to the discussion are implied" (1969, 119).[27] Apart from endowing elements with a 'presence,' deliberate suppression of presence is also a noteworthy phenomenon of choice (1969, 116).[28]

As regards choosing from the topical potential, strategic maneuvering in the confrontation stage aims for the most effective choice among the potential issues for discussion—restricting the 'disagreement space' in such a way that the confrontation is defined in accordance with the party's preferences.[29] In the opening stage, strategic maneuvering attempts to create the most advantageous starting point, for instance by calling to mind, or eliciting, helpful 'concessions' from the other party. In the argumentation stage, starting from the list of 'status topes' associated with the type of standpoint at issue, a strategic line of defense is chosen that involves a selection from the available loci that best suits the speaker or writer. In the concluding stage, all efforts will be directed towards achieving the conclusion of the discourse desired by the party concerned, by pointing out, for instance, the consequences of accepting a certain complex of arguments.

For optimal rhetorical result, the moves that are made must in each stage of the discourse also in such a way be adapted to *audience demand* that they comply with the listeners' or readership's good sense and preferences. Argumentative moves that are entirely appropriate to some may be inappropriate to others. In general, adaptation to audience demand will consist in an attempt to create in each stage the required empathy or 'communion.' In the confrontation stage, this may, for example, be manifested by the avoidance of unnecessary or unsolvable

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[25]A party that utilizes the material available in the context concerned in the most expedient way, taking carefully into account the beliefs, preferences and expectations of the other party or audience, and verbalizing its contributions in the most appropriate way, can be said to *optimally adjust (to) the situation at hand* (cf. Jacobs, this volume).

[26]In the way we use the term, there are *aggregates of topical potential* or 'topical systems' for all discussion stages, not just for the argumentation stage.

[27]'Presence' can, of course, also be accomplished by non-verbal means, such as pictures and tables. See Groarke (2002).

[28]How suppression of presence can be used strategically, is clearly illustrated in Edward Kennedy's 'Chappaquidick speech.' See van Eemeren et al. (1993, vii–xi), and van Eemeren and Houtlosser (1998).

[29]For the notion of 'disagreement space,' see van Eemeren et al. (1993, 95).

contradictions. According to Perelman and Olbrechts-Tyteca, disagreement with respect to values is sometimes communicated as disagreement over facts, because that disagreement is easier to accommodate. As a rule, a speaker or writer's effort is directed to "assigning […] the status enjoying the widest agreement to the elements on which he is basing his argument" (1969, 179). This explains why, in the opening stage, the status of a widely shared value judgement may be conferred on personal feelings and impressions, and the status of a fact on subjective values. In the argumentation stage, strategic adaptation to audience demand may be achieved by quoting arguments the listeners or readers agree with or by referring to argumentative principles they adhere to.

For optimally conveying rhetorical moves, the available *presentational devices* must be strategically put to good use. This means that discursively effective means should be sought to convey the various moves in the discourse. The phrasing and stylistic framing of the moves should be systematically attuned to their discursive effectiveness—exploiting the Gricean maxims of Manner in a specific and deliberate way.[30] In *De oratore*, Cicero (Ed., 1942) observes an unbreakable unity between expression and content—*verbum* and *res*. Anscombre and Ducrot identify expression with orientation: "Signifier, pour un énoncé, c'est orienter" (1983, i), or, as Anscombre puts it, "diriger le discours dans une certaine direction" (1994, 30). According to Perelman and Olbrechts-Tyteca, all argumentative discourse presupposes "a choice consisting not only of the selection of elements to be used, but also of the technique for their presentation" (1969, 119).

Rhetorical figures are specific modes of expression that can be used as presentational devices; they are ways of presenting that make things present to the mind.[31] Perelman and Olbrechts-Tyteca regard a figure as argumentative if it brings about a change of perspective (1969, 169).[32] Among the rhetorical figures that can serve argumentative purposes are, of course, classical ones such as rhetorical questions and *praeteritio*—drawing attention to something by saying that you will refrain from dealing with it. The success of a figure depends on the stage of the discourse in which it is employed. Figures such as *metalepsis* can, for instance, in the opening stage facilitate the transposition of values into facts, as in "remember our agreement" for "keep our agreement" (Perelman and Olbrechts-Tyteca 1969, 181). And figures such as *conciliatio*—in one interpretation, adopting the opponent's premises to support one's own position—can be brought to bear to prepare the way for convincing the opponent in the argumentation stage.

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[30]According to Dascal and Gross "style is both a level at which discourse is pitched ([…] a register) and a set of semantic, syntactic, and prosodic variants within that register" (1999, 122). We agree, but would like to add a pragmatic element to the second meaning.

[31]Perelman and Olbrechts-Tyteca regard a rhetorical figure as "a discernible structure, independent of the content, […] a form (which may […] be syntactic, semantic or pragmatic) and a use that is different from the normal manner of expression, and, consequently, attracts attention" (1969, 168).

[32]"If the argumentative role of figures is disregarded, their study will," in Perelman and Olbrechts-Tyteca's opinion, "soon seem to be a useless [or literary] pastime" (1969, 167).

Although the three aspects of strategic maneuvering, which run parallel with important classical areas of interest—topics, audience-orientation, and stylistics –, can be distinguished analytically, in actual practice they will usually work toge-ther.[33] We shall say that a fully-fledged 'argumentative strategy' is being followed only if the speaker's or writer's strategic maneuverings in the discourse converge with respect to choosing from the topical potential, adapting to the audience demand, and the exploitation of presentational devices. Argumentative strategies in our sense are methodical designs of moves for influencing the result of a particular dialectical stage, or the discussion as a whole, to one's own advantage, which manifest themselves in a systematic, coordinated and simultaneous exploitation of the opportunities afforded by that stage. There are specific confrontation strategies, opening strategies, argumentation strategies and concluding strategies. Among the confrontation strategies used in defining the difference of opinion when choosing the issues that define the 'disagreement space' are evasion and 'humptydumptying.' There are also specific opening strategies, such as creating a broad zone of agreement or, the opposite, a 'smokescreen.' The argumentation strategies include spelling out desirable—or undesirable—consequences that are supposed to immediately con-vince—or intimidate—the opponent. A notorious concluding strategy is forcing the audience to 'bite the bullet.' The various rhetorical styles of argumentative discourse can be characterized in terms of a particular combination of such strategies. Clearly, the one strategy or style is more acceptable than the other is.

18.6   Fallacies as Derailments of Strategic Maneuvering

In pragma-dialectics, argumentative moves are only considered sound if they are in agreement with the rules for critical discussion. Any violation of any of these rules obstructs the aim of dispute resolution and the move concerned is then considered fallacious. Clear criteria are required to determine methodically for all the moves in all the stages of the resolution process whether or not it is a violation of a certain rule and may thus be regarded fallacious. Our concept of strategic maneuvering as an attempt to alleviate the potential tension between arguing perfectly reasonably and having things one's own way can be of help in clarifying the problems involved in identifying such criteria.

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[33]It is often wrongly assumed that audience adaptation is the overriding, if not the only, charac-teristic of rhetoric. Rhetoric is then without any further ado equalized with giving in to audience demand. There is also a tradition in which the use of presentational devices is taken to be the main characteristic of rhetoric. Rhetoric is then primarily viewed as stylistics. In fact, topical selection could just as well be seen as the general umbrella characteristic of rhetoric. In the latter case, rhetoric would be aptly described as the art of finding the appropriate loci of persuasion. In our view, none of these one-sided conceptions of rhetoric does justice to the intricate relationship inherent in any form of adequate strategic maneuvering.

All the moves made in argumentative discourse can be regarded as designed both to uphold a reasonable discussion attitude and to further a party's case. This does not mean that these two objectives will always be in perfect balance. On the one hand, arguers may neglect their persuasive interests for fear of being perceived as unreasonable; on the other hand, in their assiduity to win the other party over to their side, they may neglect their commitment to the critical ideal. Neglect of persuasiveness comes down to bad strategy—or even to a blunder (Walton and Krabbe 1995). It harms the arguer but not the adversary and is therefore not 'condemnable' in the sense of being fallacious. A party, however, whose strategic proceedings allow its commitment to a reasonable exchange of argumentative moves to be overruled by the aim of persuading the opponent, may victimize the other party. Then the strategic maneuvering has got 'derailed,' and is condemnable for being fallacious. All derailments of strategic maneuvering are fallacious and all fallacies can be regarded as derailments of strategic maneuvering.

This view of the fallacies explains why in actual argumentative practice fallacies are often not immediately *apparent* or *manifest*. A party that maneuvers strategically will normally be regarded to uphold at all times a commitment to the rules of critical discussion. Thus, an assumption of reasonableness is conferred on every discussion move (see also Jackson 1995). This assumption is operative even when a particular way of maneuvering violates a certain discussion rule and is thus fallacious. Echoing Aristotle's definition of a fallacy as cited by Hamblin (1970, 12), we may say that the maneuvering then still 'pretends' to obey the rules of critical discussion, although in fact it does not.[34] If the rule violation is a deliberate violation, it is imperative for the party that is guilty of the violation to convey quite clearly that its commitment to reasonableness still stands, because if it were clear that this is not so, any persuasive effect of the move would be lost immediately. If the violation is unintentional—the move is simply a mistake—it is nevertheless still a fallacy in the pragma-dialectical sense: the move concerned may seem rhetorically strong as well as dialectically acceptable to the offender, but is in fact not reasonable. Such an unintended infringement is, of course, not irreversible. Once the other party has pointed out that an offense against reasonableness has been committed, this offense may be instantly repaired.

Our view of fallacies as derailments of strategic maneuvering can also be of help in developing criteria for identifying fallacious argumentative behavior. In our view, each form of strategic maneuvering has, as it were, its own continuum of sound and fallacious acting. Fallacy judgments are in the end always contextual judgments of specific instances of situated argumentative acting. Neither does this predicament mean, however, that that there must, of necessity, always remain a grey—or even dark—zone, nor that no clear criteria can be established in advance to determine whether a particular way of strategic maneuvering goes astray. Particular 'types' or 'categories' of strategic maneuvering can be identified, and for each of these types specific conditions can be formulated that need to be fulfilled if

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[34]This characterization can thus be of help in explaining the deceptive character of the fallacies.

the maneuvering is to remain dialectically sound. Certain instances of strategic maneuvering can then be recognized as sound while other instances of strategic maneuvering can be pinned down as fallacious because the relevant conditions are not satisfied.

18.7   Argumentation in Vivo: 'Clear Thinking in Troubled Times'

We illustrate how integrating rhetorical considerations into a pragma-dialectical theoretical framework can be of help in achieving a satisfactory analysis and evaluation of argumentative discourse by giving a reconstruction of an 'advertorial' published by Shell in the *Observer* of November 19, 1995. Although the argument remains partly hidden, this advertorial is a good example of argumentation in vivo. Having only just recovered from the damage suffered from the Brent Spar case, Shell responds to the massive, worldwide protests inflamed by the conviction and execution by the Nigerian regime of the writer, dissident critic and environmental activist Ken Saro-Wiwa. In the process, the company maneuvers strategically to defend its economic and political involvement in Nigeria.

At first sight, the text appears to be pretty straightforward: Shell informs the public of the nature of its involvement in Nigeria. As soon as it is taken into account, however, that the advertisement was published at a time when Shell was accused of lending support to the dictatorial Nigerian regime, and it is assumed that Shell responds relevantly to the accusations, it becomes clear that the advertorial is not just a slightly colored piece of information, but rather a defense of Shell's actions and an attempt to convince the public of the superiority of Shell's policies in Nigeria.

CLEAR THINKING IN TROUBLED TIMES

1   In the great wave of understandable emotion over the death of Ken Saro -Wiwa, it's very easy for the facts to be
       swamped by anger and recriminations. But people have the righ t to the truth. Unvarnished. Even uncomfortable. But
       never subjugated to a cause, however noble or well -meaning. They have the right to clear thinking.

           The situation in Nigeria has no easy solutions. Slogans, protests and boycotts don't offer answers. T here are difficult
5   issues to consider.

           First, did discreet diplomacy fail? Perhaps we should ask instead why the worldwide protests failed. Our experience
       suggests that quiet diplomacy offered the very best hope for Ken Saro -Wiwa. But as worldwide threats and protests
       increased, the Government position appeared to harden. As Wura Abiola, daughter of the imprisoned unofficial winner
       of the last Nigerian presidential election said on Newsnight "The regime does not react well to threats. I believe that this is
10   the way of showing that they will not listen to threats." Did the protesters understand the risk they were taking? Did the
       campaign become more important than the cause?

           There have also been charges of environmental devastation. But the f acts of the situation have often been distorted
       or ignored. The public – who rightly care deeply about these issues – have too often been manipulated and misled.

           There are certainly environmental problems in the area, but as the World Bank Survey has c onfirmed, in addition to the
15   oil industry, population growth, deforestation, soil erosion and over -farming are also major environmental problems there.

           In fact, Shell and its partners are spending US$100 million this year alone on environment -related
       projects, and US$20 million on roads, health clinics, schools, scholarships, water schemes and agricultural
       support projects to help the people of the region. And, recognising that solutions need to be based on
       facts, they are sponsoring a $4.5 million independent environmental survey of the Niger Delta.

20   But another problem is sabotage. In the Ogoni area – where Shell has not operated since
       January 1993 – over 60% of oil spills were caused by sabotage, usually linked to claims for compensation. An d when
       contractors have tried to deal with these problems, they have been forcibly denied access.

           It has also been suggested that Shell should pull out of Nigeria's Liquefied Natural Gas project. But if we do so now,
       the project will collapse. Maybe for ever. So let's be clear who gets hurt if the project is cancelled.

25   A cancellation would certainly hurt the thousands of Nigerians who will be working on the project, and the tens of
       thousands more benefiting in the local economy. The environment, too , would suffer, with the plant expected to cut greatly
       the need for gas flaring in the oil industry. The plant will take four years to build. Revenues won't start flowing until ear ly
       next century. It's only the people and the Nigerian Government of tha t time who will pay the price.

           And what would happen if Shell pulled out of Nigeria altogether? The oil would certainly continue flowing. The
30   business would continue operating. The vast majority of employees would remain in place. But the sound and ethi cal
       business practices synonymous with Shell, the environmental investment, and the tens of millions of dollars spent on
       community programmes would all be lost. Again, it's the people of Nigeria that you would hurt.

           It's easy enough to sit in our comfortable homes in the West, calling for sanctions and boycotts against a developing
       country. But you have to be sure that knee -jerk reactions won't do more harm than good.

35   Some campaigning groups say we should intervene in the political process in Nig eria. But even if we could, we must
       never do so. Politics is the business of governments and politicians. The world where companies use their economic
       influence to prop up or bring down governments would be a frightening and bleak one indeed.

       Shell. We'll keep you in touch with the facts.

18.8 An Integrated Pragma-Dialectical Analysis

In our analysis we shall show for each discussion stage how Shell strategically uses the topical potential of the discussion situation, adapts its message strategically to the beliefs and preferences of the audience, and strategically exploits certain presentational devices.

18.8.1 Confrontation Stage

Shell's advertorial constitutes a response to accusations leveled against its involvement in Nigeria as well as a justification of its policies. Viewed rhetorically, the advertorial is therefore both an apologia and a policy statement.[35] Shell's claim in the apologetic part (lines 4–22) is that its involvement in Nigeria is not blameworthy. The main claim defended in the political part (lines 23–37) is that it should continue its involvement in Nigeria. Both claims are subsumed under the general position that Shell's presence in Nigeria is justified.

The object of the apologetic defense is 'juridical.' Shell addresses two issues: its involvement in the death of Ken Saro-Wiwa and the part it plays in environmental devastation. When dealing with the first issue (lines 6–11), Shell opts for the status of *qualitas*: the company has made serious attempts to help Saro-Wiwa, but the protesters, sloganeers and would-be boycotters frustrated these attempts. In addressing the second issue (lines 12–22), Shell assumes the status *coniecturalis*, shifting the issue to other causes of environmental devastation and thereby suggesting that its share in the devastation is negligible.

In its discussion of the main policy claim, Shell selects three issues to deal with: its participation in Nigeria's Liquified Natural Gas project (lines 23–28), its overall involvement in Nigeria (lines 29–34), and its non-intervention policy (lines 35–37). All three issues relate to the fundamental ('stock') issue of advantages and disadvantages: pulling out of the project and withdrawing from Nigeria altogether would have undesirable consequences for the people of Nigeria, and intervention would be disastrous for the political morals (Fig. 18.1).

In this analysis Shell's strategic maneuvering is not yet fully taken into account. By leaving the main claims addressed in the confrontation stage implicit in its presentation, Shell is able to select from the available 'disagreement space' the issues that are easiest to cope with. One of the main accusations directed at Shell at the time was that it indirectly supported the regime. Shell was, of course, expected to address this difficult issue, but refrains from doing so. At least explicitly, for at the very end of the text Shell declares that the company will not intervene in Nigerian politics (lines 35–37) and adds (in line 37) that it rejects *propping up* a

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[35]See for the *apologia* as a text genre, e.g., Ware and Linkugel (1973) and Benoit and Lindsey (1987). For a characterization of policy statements, see Freeley (1993).

Making use of the pragma-dialectical tools for reproducing the structure of argumentation, this analysis can be represented as follows:

Juridical: (1) Shell is not to be blamed

1.1a Shell is not to be blamed for the death of Ken Saro-Wiwa

    1.1a.1a   Shell has made efforts to help Saro-Wiwa

    1.1a.1b   These efforts were frustrated by the campaigners

1.1b Shell is not to be blamed for any environmental devastation

    1.1b.1a   There are other problems in the area

        1.1b.1a.1   The World Bank confirms this

    1.1b.1b   Shell is in fact contributing to saving the environment

        1.1b.1b.1a They are substantially subsidizing environment-related projects

        1.1b.1b.1b They are substantially subsidizing other 'good' projects

        1.1b.1b.1c They are substantially subsidizing an environment survey

    1.1b.1c   A substantial component of environmental devastation is not caused by Shell

        1.1b.1c.1a In the Ogoni-area 60 % of the environmental devastation is caused by sabotage

        1.1b.1c.1b The contractors have been denied access when they tried to deal with these problems

        1.1b.1c.2 Shell has not been operative in the Ogoni-area since 1993

Policy: (2) Shell's involvement in Nigeria is justified

2.1a Shell should not pull out of the NLG-project

    2.1a.1a   The people would suffer

    2.1a.1b   The environment would suffer

    2.1a.1c   The future Nigerian government would suffer

        2.1a.1a-c.1 If Shell would pull out of the NLG-project, the project would collapse

2.1b Shell should not pull out of Nigeria

    2.1b.1   The people of Nigeria would get hurt

        2.1b.1.1   All kinds of advantages for the Nigerian people would be lost

2.1c Shell should not intervene in Nigerian politics

    2.1c.1a   Politics is the business of politicians

    2.1c.1b   A world in which oil companies use their influence to prop up or bring down governments would be a frightening and bleak world

Fig. 18.1 Dialectical analysis of the argumentation structure of Shell's advertorial

government as much as bringing it down—thus implicating that, in addition to not intervening, it also does not support the regime. In this way, Shell accommodates to audience demand by addressing the issue of support without explicitly answering the accusation involved. It can do so by exploiting the fact that the text, at this stage, has changed from an apologia into a policy statement. This change makes it only natural that the last paragraph of the text reads as another justification of Shell's policy. Nevertheless, Shell is back to its apologetic endeavor: the issue is no longer whether Shell should adopt a certain policy, but whether the company is, politically and morally, *to blame* for its policy (Fig. 18.2).

> This amendment to the structural representation of the argumentation clearly illustrates that taking rhetorical considerations into account can have real consequences for the analysis.

18.8.2   Opening Stage

Taking account of Shell's strategic maneuvering in the opening stage of the projected discussion makes it clear that the company creates a solid starting point for its case. It does so in the first place by contrasting the factual basis of its views with the emotional basis of the opinions of its opponents.

> The company makes it clear that its position is only based on objective facts. Some facts are known due to the company's own experience (lines 6-7), some other facts are provided by authorities such as Wura Abiola – the daughter of the then imprisoned winner of the last election (lines 8-10) – or by the World Bank (lines 14-15). Shell even makes a few concessions to strengthen its image of objectivity. One of these is the undeniable fact that there are indeed environmental problems in the Nigeria region (line 14).

Shell further enhances its credibility as an objective, disinterested and rational protagonist, as well as its humanitarian ethos.

> Shell enhances its credibility by emphasizing its knowledge of Nigerian affairs (lines 6-7, 16-19, 25-28, 29-32), its reliance on genuine data and respect for the truth (lines 2-5, 12-15, 18-19, 33-34, 39). In its presentation, Shell sustains this image by labelling the issues as "difficult" (line 4), eluding "easy solutions" (line 4), and having to do with "unvarnished truth" (line 2) rather than being "subjugated to a cause" (line 3). To enhance its humanitarian ethos, Shell shifts the focus of attention from its own problems to a concern with the problems of Nigeria: SHELL HELPS! (lines 6-7, 16-19, 25-27, 30-32). This is the perspective it is going to exploit thoroughly in its argumentation, elaborating extensively on its "development aid."

In contradistinction to Shell, the public is portrayed as allowing its judgements to be clouded by emotions (lines 1–2) and being easily manipulated and misled (lines 12–13). The campaigners are even worse: they are people whose perceptions are suffused with anger and recriminations (line 2), who utter nothing but "slogans, protests and boycotts" (line 4) and for whom the campaign has become more important than the cause (lines 10–11).

This disclosure of Shell's manipulation of the 'intervention' issue calls for a slightly different structural analysis:

Juridical: (1) Shell is not to be blamed

1.1a	**Shell is not to be blamed for the death of Ken Saro-Wiwa**
	1.1a.1a Shell has made efforts to help Saro-Wiwa
	1.1a.1b These efforts were frustrated by the campaigners
1.1b	**Shell is not to be blamed for any environmental devastation**
	1.1b.1a There are other problems in the area
	1.1b.1a.1 The World Bank confirms this
	1.1b.1b Shell is in fact contributing to saving the environment
	1.1b.1b.1a They are substantially subsidizing environment-related projects
	1.1b.1b.1b They are substantially subsidizing other 'good' projects
	1.1b.1b.1c They are substantially subsidizing an environment survey
	1.1b.1c A substantial component of environmental devastation is not caused by Shell
	1.1b.1c.1a In the Ogoni-area 60 % of the environmental devastation is caused by sabotage
	1.1b.1c.1b The contractors have been denied access when they tried to deal with these problems
	1.1b.1c.2 Shell has not been operative in the Ogoni-area since 1993
[1.1c'	**Shell is not propping up the Nigerian regime]**
	1.1c'.1 Shell should not intervene in Nigerian politics
	1.1c'.1.1a Politics is the business of politicians
	1.1c'.1.1b A world in which oil companies use their influence to prop up or bring down governments would be a frightening and bleak world

Policy: (2) Shell's involvement in Nigeria is justified

2.1a	**Shell should not pull out of the NLG-project**
	2.1a.1a The people would suffer
	2.1a.1b The environment would suffer
	2.1a.1c The future Nigerian government would suffer
	2.1a.1a-c.1 If Shell would pull out of the NLG-project, the project would collapse
2.1b	**Shell should not pull out of Nigeria**
	2.1b.1 The people of Nigeria would get hurt
	2.1b.1.1 All kinds of advantages for the Nigerian people would be lost

Fig. 18.2 Integrated pragma-dialectical analysis of the argumentation structure of Shell's advertorial

Shell also maneuvers strategically with the positions of the parties in the discussion. Dialectically speaking we have here two opposing parties—Shell and the campaigners—and a third party—the public—that is supposedly neutral.[36] At the time, however, public opinion was against rather than in favor of Shell, and Shell was fully aware of this. Therefore, the rhetorical situation was so that Shell was not only required to resolve a mixed dispute with the campaigners, but also with the public. Nevertheless, the company initially acts as if there was only a standard 'non-mixed' dispute, thus adjusting this situation to its own objectives. Shell even treats the public as a possible ally, ready to close ranks with Shell against the campaigners (lines 1–32).

> This definition of the positions in the dispute is reinforced by the way in which Shell adapts to its audience: it attempts to create a degree of communion that makes its starting point more easily acceptable. Goodwill is invoked by flattering the public at this stage: they are sensible people who are concerned about the same problems as Shell; they are entitled to clear thinking and can cope with the unvarnished truth (lines 2-3). Thus the public is dissociated from Shell's opponents in the conflict.

In addition, Shell appeals to the public's responsibility: because rights imply duties, it is the public's duty to think clearly and accept only what is objectively true, however unsettling the truth may be (lines 2–3, 33–34, 39).

> One of the presentational means used to strengthen Shell's communion with the public consists in addressing them in the way a father speaks to his children: although the emotions they feel are "understandable" (line 1), they should learn the truth; and although they "rightly care deeply" (line 13), they are easily "manipulated and misled" (line 13), especially when a cause seems "noble and well-meaning" (line 3).

But if they take sides with Shell, all will end well. On the other hand, if they don't, chances are that they end up in the same bad position as the campaigners: cloaked in a warning, the public is put on a par with those it was initially, together with Shell, supposed to ridicule (lines 33–34).

> Among the presentational devices Shell employs to widen the dissociation between the campaigners and the public, is the passive voice: "there have […] been charges" (line 12), "the facts [have] been distorted" (line 12), "it has been suggested" (line 23), et cetera. In this way, the campaigners are portrayed as anonymous accusers. Shell's repeated use of antithesis serves to put more emphasis on the contrast between its own clear thinking and rational attitude and the irrational attitude and muddled thinking of the campaigners (and sometimes the public): it is "facts" versus "emotions" (lines 1-3), "discreet diplomacy" versus "threats and protests" (lines 6-10), "clear thinking" versus "troubled times" (title), et cetera.

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[36]When two parties have contradictory standpoints, the dispute is *mixed*. When one party has a standpoint and the other party is neutral in the sense that it questions the standpoint but has no standpoint of its own, the dispute is *non-mixed* (van Eemeren and Grootendorst 1992, 16–22).

18.8.3 Argumentation Stage

In the case of the juridical not-to-blame claim (1), Shell selects for its defense primarily factual arguments from authority; in the case of the policy claim (2), the arguments are causal and pragmatic. The first issue associated with the 'Shell is not to blame' claim, Ken Saro-Wiwa's death (1.1a), invokes Shell's own authority (lines 6–7) and that of Wura Abiola (lines 8–10). The second blame-issue, environmental devastation (1.1b), calls in the authority of the World Bank (line 14–15) as well as Shell's own authority (lines 16–19). The policy issues—Shell's withdrawal from Nigeria's Liquified Natural Gas project (2.1a) and from Nigeria in general (2.1b) as well as Shell's intervention in Nigerian politics (which we reconstructed as a disguised argument for the not-to-blame claim)—are all dealt with by pointing at the supposedly catastrophic consequences (lines 23–28, 29–32, 35–37).

Shell's preference for factual arguments from authority and causal arguments is entirely in line with its recurrent emphasis on the factual status of its position. Factual and causal arguments are often regarded more conclusive kinds of support: facts cannot be doubted and a causal chain suggests, unlike an analogical relation, a tight and unbreakable connection.

> There is one exception to the factual and causal treatment: Shell's refutation of the accusation that it supports the Nigerian regime (lines 35-37). Although the advertorial appears to provide causal argumentation, it is clear that in this case a causal argument will not do. Because the inference from Shell's non-intervention statement to the implied claim that it does not support the Nigerian regime cannot be causally warranted, from necessity, a weaker – symptomatic – inference has to do the job.

When we look at the way in which Shell's argumentation is adapted to its audience, two types of maneuvering stand out. The first pertains to the issue of blame. In refuting any suggestion of guilt with regard to both Ken Saro-Wiwa's death and environmental devastation, Shell exploits the SHELL HELPS perspective earlier invoked. Shell has helped Saro-Wiwa by means of discreet diplomacy (lines 6–7); and Shell has helped to get environmental devastation under control by providing financial and material aid (lines 16–19, 25–27, 30–32). In both cases, Shell claims, the effects of its help were frustrated by the actions of others (lines 10–11, 20–22).

In the justification of Shell's policy standpoint, adaptation to the audience takes place by evoking a frightening perspective of catastrophe and collapse: if Shell pulls out, calamity awaits the people of Nigeria (lines 24, 28, and 32). By referring to "the people […] that *you* would hurt" (our italics), the public is once more reminded of its responsibility (line 32). By also emphasizing that "the environment, too, would suffer" (line 26), Shell employs an argument based on the figure of *conciliatio*: Shell's opponents' supposed concern about the Nigerian people and the environment is turned against them. The perspective of calamity is contrasted with that of Shell's prolonged activities in Nigeria, when the "sound and ethical business practices" synonymous with Shell will continue to bear their blessed fruit (lines 30–32).

As can be expected, in refuting the 'blame'-issues a businesslike style prevails. The facts are (in lines 6-10 and 14-22) supposed to speak for themselves. In its presentation of the arguments for the policy standpoint, Shell hammers in the picture of calamity by asking suggestive rhetorical questions – "What would happen if Shell pulled out of Nigeria altogether?" (line 29) – and by issuing warnings – "So let's be clear who gets hurt if the project is cancelled" (line 24) and "Again, it's the people of Nigeria you would hurt" (line 32). At a certain stage (in lines 29-32), some concessions are presented in a staccato of short and unconnected sentences that suggest lack of coherent thinking. They are then followed by a long and carefully constructed sentence that suggests that Shell has the situation under control. There is again no lack of suggestive wording: "the oil would certainly continue *flowing*" (with connotations of 'uncontrolled' and 'idle'), "the business would continue *operating*" (*cui bono*?), and "the vast majority of employees would *remain in place*" (but will they work?) (lines 29-30, our italics).

18.8.4 Concluding Stage

By leaving the general conclusion of the discussion of its involvement in Nigeria implicit, Shell suggests that it has said all there is to say and that the conclusion is obvious. What else can the readers conclude than that Shell is neither to blame for the killing of Ken Saro-Wiwa nor for any environmental disaster? On the contrary, Shell is a great help to the people of Nigeria and should stay there to prolong its generous 'development aid.'

> To ensure that the public reaches this favorable view, Shell again makes an appeal to the public's responsibility. Having paved the way by the repeated warnings that the fate of the Nigerian people is in their hands, Shell strikes the final blow at the end of the text, when it starts to lecture the people about their attitude. The public acts irresponsibly: their opinions of the Nigerian problems amount to empty slogans, and their response is nothing but a knee-jerk reaction that can only harm this poor developing country (lines 33-34). They do indeed need Shell to put them straight.

Shell's last move in the argumentation stage of the discussion was to invoke a straightforward image of doom and horror. This exploitation of the presentational device of a metaphor is aimed at eradicating any idea that the company could be doing a thing so evil as supporting the Nigerian regime (lines 36–37). The implication of this move for the concluding stage of the discussion is clear: if it is evident to all what horrific consequences supporting the Nigerian regime will have, Shell can only be accused of such misbehavior by those extreme malevolents whose sole aim is to destroy Shell's political and moral ethos.

> The final words, "We'll keep you in touch with the facts" (line 39), are not just a slogan, but should reassure the public that Shell will prevent the menacing perspective of a frightening and bleak world from becoming a reality – clear thinking will prevail. These words, however, also convey a veiled counter-accusation: You, the public, are not capable of keeping in touch with the facts. This is why Shell will do it for you.

18.9 An Evaluation of Shell's Strategic Maneuvering

18.9.1 The Use of *Conciliatio*

We would like to elucidate the pragma-dialectical approach to evaluating argumentative discourse by first discussing a specific instance of strategic maneuvering: Shell's use of the figure of *conciliatio*. In a *conciliatio*, the proponent uses an argument of the opponent to support his own standpoint. In terms of strategic maneuvering, making use of a *conciliatio* amounts to making a selection from the available argumentative potential that is evidently expedient and clearly optimally adapted to the opponent's starting point. Certain presentational devices, such as the use of a rhetorical question, are well-suited to make it obvious that the argument the proponent is going to use is in fact already part of the opponent's commitments.

Because the opponent's adherence is secured in advance, this form of strategic maneuvering is rhetorically strong. Because the proponent proceeds by arguing *ex concessis*, it is also pre-eminently dialectical. The danger of derailment stems from the fact that the opponent may be assumed to agree with the *content* of the argument, but may *not* be assumed to agree with the way in which the argument is used to support precisely the opposite standpoint. According to the correctness conditions applying to the speech act of advancing argumentation, an argument only counts as a felicitous attempt to convince the opponent if both parties not only accept the propositional content of the argument but also accept this proposition as a potential justification of the standpoint at issue (see van Eemeren and Grootendorst 1992). In the case of a *conciliatio*, the former is—typically—granted, but the latter is most unlikely—at any rate in the first instance.

This speech act analysis points to a condition that can be of help in evaluating actual manifestations of *conciliatio*: such manifestations can only be 'sound' if the proponent offers sufficient support for his view that the argument taken over from his opponent has an overriding justificatory potential with regard to his standpoint and leaves it eventually to the opponent to decide whether this is indeed the case.[37] The use of *conciliatio* can be said to be a 'derailment' if the proponent just presupposes that the adopted argument has an unquestioning justificatory potential for his standpoint and leaves the opponent no room to question this presupposition. If a *conciliatio* is in this way derailed, the proponent relies on a starting point that is not yet accepted by the opponent and commits the fallacy of *begging the question*.

A good example of *conciliatio* is provided in John LeCarré's novel *A Perfect Spy*. The main character in the book is a boy who is raised by everyone but his father, a real, albeit amiable, charlatan. Now and again the father comes to visit the boy. Each time when he gets ready to leave again the boy starts to cry. The father wants to stop him from crying and tries to achieve this like this:

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[37]Additional conditions are that the proposition concerned is really part of the opponent's commiments and that the proponent himself is prepared to live up to the commitments involved.

Do you love your old man? Well then…

The *conciliatio* works as follows. First, the father attributes to the boy the proposition that is to be taken over from him ("I love my old man") by means of a rhetorical question. Then he implies, by adding "well then…," that *if*, or *given that*, the boy adheres to the proposition that he loves his old man, he should also accept the—implicit—standpoint that he should stop crying. Because it is clear that the father does not add any further support for this implication and his wording suggests that this is all there is to be said, it can be concluded that his strategic maneuvering by means of *conciliatio* has got derailed.

In 'Clear thinking in troubled times,' Shell also makes use of a *conciliatio* when the company justifies its not pulling out of Nigeria's Liquified Natural Gas project by pointing out that not Shell but the Nigerian people and the environment would suffer if Shell pulled out (lines 25–26). These arguments are clearly derived from the opponents' professed concerns for the people and the environment: given their political preferences, Shell's opponents may be assumed to be in favor of a prospering native population and a non-polluted environment. At the propositional level, Shell can therefore be sure of acceptance. But how does the oil company proceed to ensure the opponents' acceptance of the justificatory potential of these two points for its standpoint that Shell should not pull out of the project? Shell does so by claiming that there is a causal relation between Shell's pulling out of the project and a deterioration of the human and environmental circumstances. In this way, Shell lends at least some support to the view that its opponents' arguments have an overriding justificatory potential for its standpoint. Although the insertion of "certainly" conveys a suggestion of obviousness, Shell does not actually deter the reader from questioning the supposed causal link. Therefore, no actual derailment of strategic maneuvering with *conciliatio* has taken place and it is not appropriate to accuse Shell of question begging.

We shall now have a closer look at Shell's strategic maneuvering in the various stages of the discourse and point out some fallacies that are committed.

18.9.2 Confrontation Stage

Our first evaluative observation is that Shell slyly manipulates the issues of the discussion: the company addresses the crucial issue of its involvement in Nigeria only in an implicit way. As transpired in the analysis, Shell emphasizes that it is undesirable that companies use their economic influence to prop up or bring down governments to support its standpoint that the company should not intervene in Nigeria. In order to defend this standpoint, however, it suffices to argue that it is wrong for companies to use their economic influence *to bring down* governments. Adding that the company's influence may also never be used *to prop up* governments is only relevant if Shell implicitly also attempts to convey the idea that *it does not support the Nigerian regime*. This is, in fact, precisely the point Shell should get

across because when the advertorial was published the primary accusation was that Shell kept the Nigerian regime going.[38] Shell is apparently unwilling to confront this accusation outright, but needs to deny it all the same. The company does this implicitly by providing an argument from which the denial can be deduced.

Shell thus engages in a confrontation strategy of circumvention. The company employs this strategy to evade the crucial issue in the difference of opinion. According to the dialectical standards, one of the rules of critical discussion is that arguments should be relevant to the standpoint at issue. This rule is violated in Shell's argument for the reconstructed standpoint that Shell does not support the Nigerian regime: it is undesirable for companies to use their economic influence to prop up or bring down governments. Although this argument is analytically relevant to the standpoint—it is precisely because of this analytic relevance that the standpoint could be reconstructed—, it lacks any evaluative relevance[39]: that it is undesirable to use economic influence to prop up or bring down governments may lend support to the political standpoint that Shell should not intervene in Nigeria's political situation, but could never support the *factual* standpoint that Shell does not support the Nigerian regime.[40] In the process, Shell not only violates the relevance rule for critical discussion, but also the *language use rule*: given that what now only becomes apparent after a radical reconstruction would have been immediately clear if Shell had advanced the standpoint explicitly, Shell is guilty of being misleadingly vague (Fig. 18.3).

18.9.3 Opening Stage

The dominant opening strategy is involving the readers as closely as possible in Shell's view. In the first instance, this is achieved by acting as if the public is not really in opposition to Shell, but has merely some doubts—resulting from ignorance rather than careful reflection. Shell thus presents the public as a possible ally rather than a potential opponent. In leading on the readers in this way, Shell chooses an opening strategy of inclusion. Near the end of the advertorial, when the public's comfortable position is suddenly made questionable, the final consequence of this strategy becomes apparent: a public that does not take sides with Shell should distance itself from this reasonable position and join the campaigners—which has by then become a highly unattractive perspective. How is the use of this strategy to

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[38]There were cries for intervention after Ken Saro-Wiwa had been sentenced to death and had not yet been executed, but no such cries were heard *after* the execution, i.e., at the time when Shell published its advertorial. By then, the only demand was that Shell should get out of Nigeria.

[39]See for the distinction between analytic and evaluative relevance van Eemeren and Grootendorst (1992).

[40]Even for the standpoint that Shell should not intervene, this argument offers only very weak support, but because this explicit standpoint is much less controversial than the implicit standpoint, this support might suffice.

By using a distorted arrow for the fallacious maneuver in the defense of Shell's standpoint that it does not support the Nigerian regime, we can give the following evaluative overview of the formal representation the structure of Shell's argumentation:
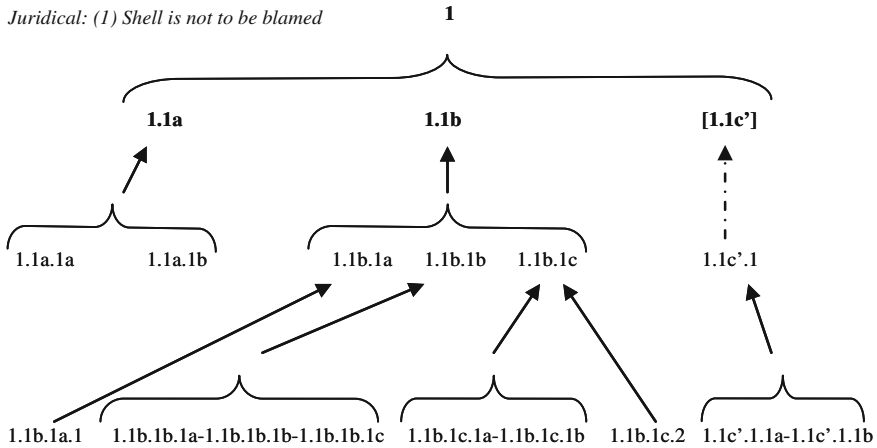
Fig. 18.3 Partial pragma-dialectical evaluation of Shell's advertorial as analyzed in Fig. 18.2

be evaluated? First, we should notice that at the end of the text Shell offers the public an unrealistic alternative when it confronts the public with the need of a choice. In times when the need of support is overwhelmingly urgent, forcing the public in a you-are-with-or-against-us situation could be acceptable in a policy speech. In an apology aimed at proving someone's innocence, however, this strategy is clearly inadmissible: establishing the facts is not a matter of making choices, let alone the choices presented by Shell. In this case, Shell is guilty of fallacious maneuvering: the company creates a *false dilemma*. Second, it should be noticed that the dilemma presented here can only have persuasive force because it is based on Shell's perpetual *ad hominem* attacks on the campaigners. Most of these attacks are abusive (the campaigners are unrealistic idealists, sloganeers who distort or ignore facts, irresponsible egocentrics who do not understand the risk they are taking), some are just circumstantial (the campaign became more important than the cause). Had the campaigners been portrayed as sensible people, the dilemma would not have existed. These *ad hominem* fallacies are thus a constitutive part of the fallacious maneuvering.

18.9.4   *Argumentation Stage*

The strategic maneuvering favored by Shell in the argumentation stage consists in founding its arguments on facts and authority and in suggesting that its actions are motivated by charity. This points to a combination of the argumentation strategies

of certification and humanization. It is not so hard to see what could go dialectically wrong: derailments of the *ad verecundiam* type and ethical fallacies may occur. But do they occur? In the *ad verecundiam* case, the issue is whether making an appeal to authority is acceptable to the adversary and, if so, whether the authority appealed to is a genuine and relevant authority. The first question cannot really be answered in this monologal situation, but the last two questions can. The authorities Shell appeals to are Wura Abiola, the World Bank and Shell itself. Wura Abiola's authority is invoked to sustain a view concerning how the Nigerian regime tends to react when threatened. Her authority is supposedly based on the fact that she is the daughter of a former presidential candidate. The question is now: can she, just because of that background, indeed be regarded as an expert on the psychology of Nigerian politics? The fact that, apart from Shell, Newsnight too values her opinion on this issue may be seen as evidence that she can. This argument from authority is therefore probably not fallacious. This is also the case with the appeal to the authority of the World Bank to sustain certain data concerning environmental devastation. Although we have only Shell's word for it that the data that are mentioned are correct, the World Bank may indeed be expected to provide authoritative information that is also relevant. A remaining reservation can still be that Shell does not say whether the World Bank Survey puts the other environmental problems indeed on a par with the problems caused by Shell. It could well be the case that the latter problems outweigh the former by far.

A more definitive judgement can be given when we consider Shell's emphasis on its own authority as an expert on Nigerian affairs. This emphasis, which is present throughout the text but pre-eminently in Shells reference in line 6 to its own experience in dealing with the issue of Ken Saro-Wiwa's pending execution, exemplifies how strategic maneuvering cannot only derail but also be weak. The maneuvering derails because whether Shell knows best how to handle the situation in Nigeria is precisely the issue. It is also weak because neither Shell's opponents nor the public can be expected to accept Shell's authority at face value.

Shell's strategy of bestowing a pre-eminent status on factual reasoning connects well with its appeals to authority. It is, again, not too difficult to see what kind of fallacious maneuvering could take place. Are the "facts" presented by Shell indeed facts? And if so, are they relevant to the case? It is noticeable that Shell, in presenting its arguments against the accusation of environmental devastation, states the facts of the case in an unclear way. Who are the claimants in the sabotage cases? Who are the saboteurs? It is the elusive phrasing that prevents these questions from being answered. Again, Shell commits the fallacy of using misleadingly vague language. A similar fallacious strategy can be detected in Shell's argumentation against the accusations that it did nothing to prevent Ken Saro-Wiwa's execution. Shell suggests that the facts speak for themselves, but whether they do is another matter. A host of presuppositions is smuggled in that take an agreement for granted which probably not exists. Asking whether "discreet diplomacy" failed, for instance, presupposes that Shell has indeed made diplomatic efforts to save Ken Saro-Wiwa, that these efforts were rightly made in secret, et cetera. In all these instances, Shell can be accused of violating the *starting point rule* that allows

arguments to be advanced only on the basis of a commonly accepted starting point. Apart from the dubious status of the facts, it is not transparent what relevance the facts are supposed to have. This maneuver connects in fact closely with Shell's recurrent reference to its charitable motives. It is, for instance, unclear how exactly combating environmental devastation relates to Shell's financing of roads and health clinics. Apparently the company does a lot of good, but should this automatically mean that it cannot be guilty of environmental devastation? Shell violates, again, the *relevance rule* of critical discussion.

18.9.5   Concluding Stage

Shell's concluding move is to use a strategy of termination. After having first implied that the public might end up on a par with the campaigners, the company concludes by invoking a catastrophic scenario that would become reality should the campaigners' wishes be fulfilled. The aim of this move clearly is to discourage the public to maintain any doubts concerning Shell's dealings in Nigeria. Instead of concluding that its standpoints are adequately defended by its own arguments, Shell thus suggests that its standpoints are acceptable because no doubts can be raised against them. In this way, Shell makes a fallacious attempt to end the discussion.

18.10   Conclusion

The analysis of Shell's advertorial shows how in argumentative discourse the rhetorical opportunities offered by the dialectical situation can be used strategically in making a self-serving choice from the available topical potential, responding expediently to audience demand, and making a crafty use of presentational devices. The strategy of circumvention used by Shell in the confrontation stage consists in manipulating the difference of opinion, and changing its focus, by highlighting and addressing selectively only those issues that Shell can cope with and dealing only indirectly with the main issue it is expected to address. The strategy of inclusion, which is dominant in the opening stage, amounts to involving the public as closely as possible in Shell's view of the case by presenting them as a possible ally rather than an opponent and leading them in this way up the garden path. In the argumentation stage, Shell's strategic maneuvering combines the strategies of certification and humanization: while demeaning its opponents as not knowledgeable and irresponsible, Shell lends the prerogative to causal reasoning based on 'authorized' facts (restricted to those facts that can be put in a perspective that is attractive to the public) and establishes at the same time its own image as a social conscience company. Shell's concluding strategy of termination appeals to the public's common sense by impregnating them with responsibilities that are at variance with their present unrealistic attitude through rubbing in the facts. All told, Shell's defense

cannot be evaluated so positively as its clever use of *conciliatio* may have suggested. Several of Shell's moves are derailments of strategic maneuvering that are fallacious because they violate a rule for critical discussion. Shell's advertorial is, in fact, a good illustration of how supposedly clever strategic maneuvering can become rhetorically inappropriate when it is dialectically not acceptable.

In this chapter we have shown that the analysis and evaluation of argumentative discourse benefits in several ways from using rhetorical insight in a pragma-dialectical reconstruction. It may also have become apparent that a satisfactory rhetorical reconstruction cannot be carried out either if dialectical considerations are not taken into account: the rhetorical function of a speech act can only be determined systematically if it is first put in a well-defined perspective of what is at stake in a certain stage of the discourse. Because the methodical enrichment we have obtained allows us to get a firmer grasp on the various aspects of strategic maneuvering, we achieve a deeper and more comprehensive view of what may be called 'argumentative reality.' Gaining a thorough understanding of the strategic rationale behind specific discussion moves made in argumentative discourse strengthens the analysis by making it not only more profound and more informed but also better-justified. Achieving a clear view of the strategic design of the discourse also results in a more refined sense of when and why certain types of strategic maneuvering are to be considered fallacious in actual argumentative practice.

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Chapter 19
Strategic Maneuvering: Examining Argumentation in Context

Frans H. van Eemeren and Peter Houtlosser

19.1 Introduction

The pragma-dialectical theory of argumentation developed by van Eemeren and Grootendorst (1984, 1992, 2004) enables the analyst of argumentative discourse to make a theoretically motivated reconstruction of the discourse that results in an "analytic overview" of all elements that are pertinent to a critical evaluation (van Eemeren and Grootendorst 1992). The analytic overview clarifies the difference of opinion at issue and the positions of the participants. It identifies the procedural and substantive premises that serve as the starting point of the discussion. It surveys the arguments and criticisms that are—explicitly or implicitly—advanced, the argument schemes that are used, the argumentation structures that are developed. And it determines the conclusion that is reached.

The analysis is based on the pragma-dialectical model of a critical discussion that provides a survey of all speech acts and combinations of speech acts that have a constructive function in the various stages of the process of resolving a difference of opinion on the merits and therefore provides an appropriate heuristic and analytic tool for reconstructing the development of the resolution process. This reconstruction consists of carrying out transformations that amount to making explicit speech acts that remain implicit in the actual discourse but are relevant to the resolution process ("addition"), reformulating in an unequivocal way speech acts whose function would otherwise be opaque ("substitution"), rearranging in an insightful way speech acts whose order in the discourse does not reflect their function in the resolution process ("permutation"), and abandoning speech acts from consideration that do not play a part in the resolution process ("deletion") (van Eemeren et al. 1993).

In some cases, however, neither the textual presentation, nor contextual information in the strict sense ("micro-context") or in the broader sense ("meso-context," "macro-context," and "hyper-context") nor the possibilities of making logical and pragmatic inferences, nor general or specific background knowledge—our regular

sources for giving a justified analysis—seem to offer enough evidence for a full reconstruction of the discourse, so that pragma-dialecticians—in a charitable fashion—take refuge to so-called "maximal" strategies aimed at making the analytic choices that do optimal justice to the purposes of a critical discussion, but remain, in fact, arbitrary ("maximally reasonable reconstruction," "maximally argumentative interpretation," "maximally argumentative analysis"). This predicament makes the analysis that can be achieved less thorough and comprehensive than desirable, its justification less firmly grounded than desirable, and an evaluation based on this analysis less well-balanced than desirable.

In our view, the reconstruction that takes place in a pragma-dialectical analysis of argumentative discourse can be further refined and better accounted for if the standard version of the pragma-dialectical theory is extended by including a rhetorical dimension that makes it possible to take the strategic design of the discourse into consideration in the analysis (cf. Leff 2006; Zarefsky 2006a). A pragma-dialectical theory that is thus extended will, because the strategic function of argumentative moves is taken into account, also allow for a more realistic treatment of the fallacies in the evaluation of argumentative discourse (cf. Zarefsky 2006b).

In the research project *Strategic Maneuvering in Argumentative Discourse*, which the two of us started in 1996, it was our aim to develop such an extended version of the pragma-dialectical theory of argumentation. This extended pragma-dialectical theory will be presented in the near future in a monograph with the same title as the project (van Eemeren 2010). This Chapter provides a preview of the monograph that serves at the same time as an introduction to the discussions of strategic maneuvering in the essays collected in this volume.

19.2   Dialectical and Rhetorical Perspectives on Argumentation

In Antiquity, the dialectical approach and the rhetorical approach to argumentative discourse were in a fundamental sense connected with each other, and in some way or other they have remained connected for a long time. Already since Aristotle this connection went together with a distinct division of labor between dialectic and rhetoric, albeit that in later times the division between the two did not always remain the same.

Aristotle's teacher Plato had seen dialectic as a means for finding the truth and had looked down on the rhetorical practice of the Sophists, favoring instead a kind of rhetoric closer to dialectic. In his turn, Aristotle (1960 ed.) developed dialectic in the *Topics* into a system of regulated dialogues for refuting a claim, starting from the other party's concessions. For him, rhetoric is the mirror image or counterpart (*antistrophos*) of dialectic. In the *Rhetoric* Aristotle (1991 ed.) assimilated the opposing views of Plato and the Sophists (Plato, *Phaedrus*, ed. 1914; Murphy and Katula 1994, Chap. 2), and provided, by his "argumentative" definition of rhetoric

as an ability or capacity (*dynamis*) in each case to see the available means of persuasion, the conceptual basis for a good deal of what would be considered rhetoric in later times.

Cicero (1942) integrated in *De oratore* the stylistic and literary aspects of the Isocratian tradition, which had developed beside the Aristotelian perspective, into the Aristotelian framework. Up to the seventeenth century this Ciceronian rhetoric, which involved also dialectical elements such as *disputatio in utramque partem* (speaking on both sides of an issue), dominated the western tradition, although after its rediscovery in the fifteenth century Quintilian's (1920 ed.) *Institutio oratoria* became the major classical authority on rhetoric in education (Kennedy 1994, 158, 181).

In late antiquity, Boethius (1978 ed.) subsumed rhetoric in *De topicis differentiis* under dialectic (Kennedy 1994, 283). According to Mack, dialectic is for Boethius more important, "providing rhetoric with its basis" (1993, 8, n. 19). The development of humanism "provoked a reconsideration of the object of dialectic and a reform of the relationship between rhetoric and dialectic" (Mack 1993, 15). The humanist Agricola built in *De inventione dialectica libri tres* (1479/1967) on Cicero's view that dialectic and rhetoric cannot be separated and incorporated the two in one theory. Unlike Perelman and Olbrechts-Tyteca (1958/1969), who—much later—brought in their New Rhetoric some elements from dialectic into rhetoric, Agricola merges elements from rhetoric into dialectic.

Meanwhile, however, in medieval times a development had taken place that proved to be fatal for the "cohabitation" of dialectic and rhetoric: Dialectic had achieved a preponderant importance at the expense of rhetoric, which was reduced to a doctrine of *elocutio* and *actio* after the study of *inventio* and *dispositio* were moved to dialectic. With Ramus, this development culminated in a strict separation between dialectic and rhetoric, with dialectic being incorporated in logic and rhetoric devoted exclusively to style (Meerhoff 1988). In spite of these precursory symptoms of a widening gap between rhetoric and dialectic, according to Toulmin (2001), the division did not grow "ideological" until after the Scientific Revolution. Then dialectic and rhetoric became two separate and mutually isolated paradigms, each conforming to a different conception of argumentation and generally considered incompatible.

While rhetoric has survived in a somewhat different shape, in particular in the United States, as a field of study and a source for scholars in communication, language and literature in the humanities (Gaonkar 1990), dialectic almost disappeared from sight with the formalization of logic in the nineteenth century. Although the dialectical approach to argumentation has been taken up again in the second part of the twentieth century by "formal dialecticians" and "pragma-dialecticians" and the rhetorical approach continued to have a substantial following (Simons 1990), we observe a yawning conceptual and communicative gap between argumentation theorists opting for a dialectical approach (Barth and Krabbe 1982) and protagonists of a rhetorical approach (Leeman 1992). This gap hinders the development of a full-fledged theory of argumentation and it is, in our view, unnecessary (cf. Wenzel 1990).

19.3   Strategic Maneuvering Combining Aiming for Critical Reasonableness and Artful Effectiveness

We want to overcome the sharp and infertile division between the dialectical approach and the rhetorical approach to argumentative discourse by showing—more or less in line with Agricola—that if they are defined in a liberal way the two approaches can, in fact, be seen as complementary (cf. Krabbe 2002; Leff 2002). In pragma-dialectics, "dialectic" is defined pragmatically as a method for dealing systematically with critical exchanges in verbal communication and interaction to move from conjecture and opinion to more secure (descriptive, evaluative or inciting) standpoints. Rhetoric can, as far as it is immediately relevant to our current purposes, best be defined as the theoretical study of the various kinds of persuasion techniques that can be effective in argumentative practice.

Starting from these definitions, there is no theoretical reason to assume from the outset that the rhetorical norm of artful effectiveness is necessarily in contradiction with the dialectical ideal of critical reasonableness. In practice, argumentative moves that are rhetorically strong in the sense that they are effective in persuading a critical audience will more often than not be in accordance with the dialectical norms applying to the discussion stage in which these moves are made (O'Keefe 2009). Viewed from both a theoretical and a practical perspective, there is a sound basis for trying to overcome the ideological division between dialectic and rhetoric that has obstructed a constructive reconciliation of the dialectical and the rhetorical dimension of the study of argumentation.

The gap between dialectic and rhetoric can in our view be bridged by introducing the theoretical notion of "strategic maneuvering" to do justice to the fact that engaging in argumentative discourse always means being at the same time out for critical reasonableness and artful effectiveness (van Eemeren and Houtlosser 2002). In the way we use this term *strategic maneuvering* refers to the continual efforts made in principle by all parties in argumentative discourse to reconcile their simultaneous pursuit of rhetorical aims of effectiveness with maintaining dialectical standards of reasonableness (van Rees 2009; cf. Jacobs 2007; Tindale 2009).

Each of the four stages in the process of resolving a difference of opinion by means of a critical discussion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties involved in the difference want to realize these dialectical objectives to the best advantage of the position they have adopted in the discussion, every dialectical objective has its rhetorical analogue. In all discussion stages the rhetorical goals of the participants will be dependent on—and therefore run parallel with—the dialectical goals. As a consequence, the specification of the rhetorical aims the participants in the discourse are presumed to have must in this perspective take place according to dialectical stage. This is the methodological reason why in the study of strategic maneuvering that we propose rhetorical insights are systematically integrated in a dialectical—in this case, a *pragma*-dialectical—framework of analysis.

19.4   Three Inseparable Aspects of Strategic Maneuvering

Strategic maneuvering manifests itself in argumentative discourse in the choices that are made from the "topical potential" available at a certain stage in the discourse, in audience-directed "framing" of the argumentative moves that are made, and in the purposive use of linguistic (or other) "devices" in presenting these moves. Although these three aspects of strategic maneuvering, which run parallel with classical areas of interest (topics, audience orientation and stylistics), can be distinguished analytically, as a rule they will occur together (and work together) in actual argumentative practice (cf. Tindale 2004).

As regards choosing from the topical potential, a party's strategic maneuvering in the confrontation stage aims for making the most effective choice among the potential issues for discussion—thus utilizing the "disagreement space" available in the dialectical context in such a way that the confrontation is defined in accordance with that party's preferences. In the opening stage, each party's strategic maneuvering is directed at creating the most advantageous (procedural and material) starting point, for instance by calling to mind, or eliciting, helpful "concessions" from the other party. In the argumentation stage, starting from the "status topes" associated with the type of standpoint at issue, each party that acts as protagonist chooses a strategic line of defense that involves a selection from the available *loci* that suits that party best and each party that acts as antagonist chooses the line of attack that seems most effective in light of the dialectical situation. In the concluding stage, each party will direct all its efforts toward achieving the conclusion of the discourse desired by that party, for instance by pointing out what the consequence is of accepting a certain complex of arguments. In examining topical choices in the various stages systematically, we start from (modern interpretations of) classical *stasis* and *topoi* theory (cf. Rigotti 2006; Kauffeld 2002).

As regards audience-directed framing, the moves a party makes must in each stage of the discourse be adapted to "audience demand" in such a way that they are framed to be optimally acceptable to the other party in view of that party's preferences, taking into account that argumentative moves that are considered appropriate by some people may not be considered appropriate by others. In general, adaptation to audience demand will consist in each stage in an attempt to create the required "communion." In the confrontation stage, this second aspect of strategic maneuvering may manifest itself, for example, in the avoidance of contradictions between the parties that appear unsolvable. Perelman and Olbrechts-Tyteca (1958/1969) point out that one way of avoiding such unsolvable contradictions is to communicate disagreement with respect to values as disagreement over facts, because disagreements over facts are generally easier to accommodate.

As a rule, Perelman and Olbrechts-Tyteca observe, each party's efforts are directed at "assigning […] the status enjoying the widest agreement to the elements on which he is basing his argument" (1969, 179). This explains, for instance, why in the opening stage the status of a widely shared value judgement may be conferred on personal feelings and impressions, and the status of a fact on subjective

values. In the argumentation stage, strategic adaptation to audience demand may be achieved by quoting arguments the other party is known to agree with or by referring to argumentative principles that party may be expected to adhere to. In examining audience adaptation in the various discussion stages systematically, we start first of all from the preparatory conditions for performing the types of speech acts by which the various argumentative moves are made that play a constructive part in resolving a difference of opinion on the merits. These conditions indicate, among other things, which requirements must be satisfied with regard to the addressee for a correct performance of these speech acts, so that audience adaptation can be realized by emphasizing their fulfilment.

As regards the third aspect of strategic maneuvering, utilizing presentational devices, the phrasing of the moves a party makes and all other ways of styling of must in all stages of the discourse be systematically attuned to achieving the effect on the other party that is aimed for in making these moves. We agree with Perelman and Olbrechts-Tyteca that all argumentative discourse presupposes "a choice consisting not only of the selection of elements to be used, but also of the technique for their presentation" (1969, 119). This means, among other things, that each party will exploit the Gricean maxims of Manner in a specific and deliberate way in the discourse. As Anscombre and Ducrot observe, "Signifier, pour un énoncé, c'est orienter" (1983, i), which means, as Anscombre puts it, "diriger le discours dans une certaine direction" (1994, 30).

Among the means of expression that can be used, *par excellence*, as presentational devices are the various "figures" (of speech and thought) known from classical rhetoric and dialectic (Fahnestock 1999, 2009). Perelman and Olbrechts-Tyteca regard a figure as argumentative if it brings about a change of perspective (1969, 169), which applies, depending on the stage the discussion has reached, for instance, to *praeteritio*, *conciliatio*, rhetorical questions, and *metalepsis* (cf. Reboul 1989; Rocci 2009; Snoeck Henkemans 2009). In examining presentational choices in the various stages systematically, we start from rhetorical and dialectical stylistics (see Fahnestock 1999, 2009).

A party can only be said to carry out a full-fledged "argumentative strategy" if the strategic maneuvering of that party in the discourse converges consistently both "vertically" and "horizontally." Vertical convergence means that the characteristics of the strategic maneuvering with respect to choosing from topical potential, adapting to audience demand, and utilizing presentational devices reinforce each other. Horizontal convergence means that the characteristics of the first strategic maneuver and the next strategic maneuvers that are made in the discourse reinforce each other. Argumentative strategies in our sense are (vertically and horizontally) coordinated series of strategic maneuvers aimed at influencing the result of a particular dialectical stage, and the discussion as a whole, methodically in a certain direction which manifest themselves at a certain stage of the discourse in a systematic and simultaneous exploitation of the available opportunities. Besides general argumentative strategies pertaining to the discussion as a whole there are specific confrontation strategies, opening strategies, argumentation strategies and concluding strategies.

19.5   Strategic Maneuvering in Different Kinds of Argumentative Activity Types

In the various spheres of life, varying from the public sphere to the technical sphere and the private or personal sphere, argumentative discourse takes place in different kinds of "activity types," which are—depending on the sphere we are talking about —to a greater or lesser degree institutionalized, so that certain argumentative practices have become conventionalized. Unlike theoretical constructs such as the ideal model of a critical discussion, which are purely based on analytic considerations regarding the most problem-valid way of implementing a discursive task, activity types and their associated speech events are empirical concepts that can be identified and characterized on the basis of a careful study of a certain domain of argumentative practice (van Eemeren and Houtlosser 2005). Within such a domain —prominent examples are the legal (Feteris 2009), the political (Ieţcu-Fairclough 2009; Zarefksy 2009), the medical (Schulz and Rubinelli 2008; Goodnight 2009) and the scientific or scholarly domain (van Eemeren and Garssen, Eds. 2008)— certain clusters of argumentative activity types can be distinguished that are manifestations of typical argumentative practices in that kind of domain.

Due to the different rationales—the "point"—of the various (clusters of) activity types and the ensuing goals and requirements, the conventional preconditions for argumentative discourse differ to some extent according to argumentative activity type and these differences have an effect on the strategic maneuvering in the activity type concerned. There will be certain constraints on the kind of strategic maneuvering that is allowed or deemed acceptable and certain opportunities for strategic maneuvering may arise in the one activity type that are not available in the other. By way of illustration we shall describe for some prominent clusters of activity types, "adjudication," "mediation," "negotiation," and "public debate" the preconditions pertinent to the conduct of strategic maneuvering, and draw a comparison between them in order to make clear that the strategic maneuvering will be affected in different ways depending on the constraints and opportunities going with the argumentative activity type in which it takes place.

Adjudication aims for the termination of a dispute by a third party rather than the resolution of a difference of opinion by the parties themselves. Although the cluster of adjudication is broader, it is commonly understood as taking a difference of opinion that has become a dispute to a public court, where a judge, after having heard both sides, will make a reasoned decision in favor of either one of the parties. The judge determines who is wrong and who is right according to a set of rules. As a closer analysis shows, most of these rules are tantamount to specifications of rules for critical discussion aimed at guaranteeing that the dispute is terminated in a reasonable way. There are, for instance, special rules concerning the division of the burden of proof, the data that can be considered as a common starting point and the kinds of proof that count as acceptable. In adjudication, the parties readjust their discussion roles from trying to persuade each other to trying to convince the adjudicator.

Mediation refers to a cluster of (for a large part argumentative) activity types that start from a difference of opinion that has become a disagreement that the parties concerned cannot resolve by themselves, so that they have to take refuge to a third party that acts as a neutral facilitator of the discussion process and guides the parties in their cooperative (and sometimes less than cooperative) search for a solution. Unlike an adjudicator, the mediator does not have the power to terminate the disagreement. Irrespective of whether the disagreement concerns custody of the children of a divorced couple or the price that has to be paid for the reparation of a car, the mediator aims at helping the parties to come to an arrangement that is satisfactory to both parties.

Negotiation refers to a cluster of (sometimes argumentative) activity types that start from a conflict of interests rather than merely a difference of opinion. These activity types may vary from peace negotiations to bargaining. Unlike in adjudication and mediation, in negotiations the disputants are focussed on each other rather than on a presumably neutral third party. Negotiations prototypically aim for a compromise. Usually, the compromise will consist of the maximum amount of agreement that can be reached on the basis of the concessions that both parties are willing to make. A series of more or less conventionalized interest-related interactive speech events have developed that are aimed at reaching an outcome in which the interests of both sides are met to an extent that is mutually acceptable.

Public debate refers to a multi-varied cluster of (emphatically argumentative) activity types that start from a mixed difference of opinion between the debaters about one or more issues on which the views of the listening (or television-watching) audience diverge. Although some public debates may have a more clearly defined format than others, they are in principle not fully conventionalized. In public debates the contestants generally have clear starting points that are in crucial respects different from each other. At all times they take the listening audience into account up to the point that this audience is their primary addressee and sometimes even their only "real" addressee. More often then not their argumentation is therefore aimed at convincing the audience rather than their debate partner(s). It is the audience that determines the outcome of the debate, albeit that this outcome may be different for different members of the audience. The activity types belonging to the cluster of pubic debate are particularly interesting from our extended pragma-dialectical perspective because its conventionalization, as far as it goes, affects both the dialectical and the rhetorical dimension of argumentative discourse.

Examples of clusters of argumentative activity types characterized with the help of the model of a critical discussion

Critical discussion	Confrontation stage	Opening stage	Argumentation stage	Concluding stage
Cluster of activity types	Initial situation	Starting points (rules, concessions)	Argumentative means	Outcome
Adjudication	Dispute; 3rd party with jurisdiction to decide	Largely explicit codified rules; Explicitly established concessions	Argumentation based on interpretation of concessions in terms of facts and evidence	Settlement of dispute by sustained decision 3rd party (no return to initial situation)
Mediation	Disagreement; 3rd party with no jurisdiction to decide	Implicitly enforced regulative rules; No explicitly recognized concessions	Argumentation conveyed in would-be spontaneous conversational exchanges	Conclusion of disagreement by mediated arrangement parties or provisional return to initial situation
Negotiation	Conflict of interests; decision up to the parties	Semi-explicit constitutive rules of the game; Changeable sets of explicit concessions	Argumentation incorporated in exchanges of offers, counter-offers and other commissives	End of conflict by compromise parties, mutually accepted agreement or return to initial situation
Public debate	Divergence of mixed views; Decision up to a non-interactive audience	Largely implicit intersubjective rules; Explicit and implicit concessions on both sides	Argumentation defending standpoints in critical exchanges	Resolution of difference to some members audience or maintenance initial situation

Starting from this comparative inventory of preconditions for argumentative discourse applying to these four clusters of activity types, its can be shown how these preconditions discipline the conduct of strategic maneuvering in the activity types belonging to a certain cluster. However, in order to give a more precise specification, we need to concentrate on the peculiarities of specific activity types instead of on the cluster of activity types as a whole. It is at the level of the individual activity types that the preconditions for (sound) strategic maneuvering manifest themselves most clearly and specifically (see Andone 2009; Mohammed 2009; Tonnard 2009).

19.6 Parameters in Determining the Strategic Function of Argumentative Maneuvers

In analyzing the strategic function of the maneuvering that is carried out by making a particular argumentative move the following parameters need to be considered (van Eemeren and Houtlosser 2008b):

1. the *results* that can be achieved by the maneuvering;
2. the *routes* that can be taken to achieve these results;
3. the *constraints* imposed by the institutional context;
4. the *commitments* defining the argumentative situation.

Ad 1. Theoretical insight into the various components of the *analytic overview* ensuing from reconstructing a piece of argumentative discourse pragma-dialectically as a critical discussion provides an analytic tool for substantiating the first parameter. Because each discussion stage has its own distinctive constitutive components, insight into an analytic overview enables us to track down systematically which kinds of results can be aimed for in each category of strategic maneuvering. The outcomes that can be reached in a particular discussion stage consist of the various options for filling out the various components of the analytic overview applying to the stage concerned. In the confrontation stage, for instance, which aims at defining the difference of opinion, the results can be a "non-mixed single," a "mixed single," a "non-mixed multiple" or a "mixed multiple" difference, depending on the number of propositions involved in the difference of opinion and the positions assumed by the parties with regard to these propositions. In the same vein, the results that can be reached in the other stages can be determined. In the argumentation stage, for instance, reconstruction leads to a specific outcome regarding the arguments that have been advanced, the premises that have been left unexpressed, the types of argument schemes that have been applied, the kinds of criticism that have been leveled, and the structure of the argumentation as a whole.

Ad 2. The theoretical notion of a *dialectical profile* provides an analytic tool for substantiating the second parameter. Dialectical profiles represent the sequential patterns of the "analytically relevant" moves that the participants in a critical discussion can make to achieve an outcome of a discussion particular stage (van Eemeren and Grootendorst 2004; cf. Walton and Krabbe 1995). The profile of the "explicitization procedure for unexpressed premises," for instance, defines the procedural ways in which a premise that is left implicit in the argumentation stage can be made explicit. It represents the possible "routes" the participants can take in the process that starts with the "production" of a supposedly incomplete argument and ends with an agreement about the unexpressed premise that is to be attributed to the protagonist. Because, in practice, the route that is actually followed is also determined by the interaction between the parties, it is not fully predictable in which way exactly the participants will go through the procedure: What next step they can take depends on the earlier steps they have made but also on the steps that are made

by the other party. Nevertheless, the set of alternatives to choose from is finite and indicated in the dialectical profile.

Ad 3. An analytic tool for substantiating the third parameter consists of the empirical notion of *argumentative activity types*. As we already explained in the previous section, argumentative activity types are more or less institutionalized entities of verbal interaction that can be distinguished and characterized by empirical observation of the communicative practices in the various domains of discourse. They manifest themselves in a great many culturally established variants, some of which have a clearly articulated format, such as Plea Bargaining at a court of law, a Presidential Debate at election time and Prime Minister's Question Time in parliament, whereas some other activity types, such as informal memos, internet discussion forums or coffee klatch, are generally characterized by a lack of precise format restrictions. Argumentative discourse typically takes place in the context of a rather precisely or only loosely defined activity type, or a communicative and interactional context that can be interpreted as such, which is subjected to conventional preconditions instrumental in shaping the argumentative practice concerned. Depending on the activity type and the conventional preconditions prevailing in that activity type, different constraints (and opportunities) apply with regard to the strategic maneuvering that can be carried out.

Ad 4. The *commitment sets* the arguers have developed by the argumentative moves they have made at the point in the discussion the analyst is focusing on constitute an analytic tool for substantiating the fourth parameter. When taken together the commitments acquired by the parties involved in the discourse determine the "argumentative situation" the arguers are in at a specific juncture in the dialectical profile portraying the relevant part of the discussion. At the point where he is expected to provide argumentation, for instance, an arguer may be in an argumentative situation in which he and his discussion partner are committed to some clearly delineated starting points they have accepted earlier so that they are bound to act in accordance with these starting points. This is not to say that the commitment sets that determine the argumentative situation the arguers are in are merely restrictions on their strategic maneuvering in the continuation of the discussion: These commitment sets also open up opportunities for the arguers to use the other party's commitments to the advantage of their own cause. In a pragma-dialectical view of argumentative discourse such an opportune use of commitments is endorsed by the fact that, in principle, commitments only count as genuine if both parties agree on the taking on of these commitments, so that ideally all commitments that are exploited are in a sense *shared* commitments.

The parameters we have just discussed allow for taking account of a finite set of considerations that are pertinent to determining the strategic function of the maneuvering that takes place in making a certain argumentative move in a specific case of argumentative discourse. When taken together, they constitute a useful basis for analyzing the maneuvering in each of the four categories of strategic maneuvering. As a matter of course, the analysis starts from the way in which the strategic maneuvering manifests itself in the discourse, i.e., in a particular choice that is made from the available topical potential, a particular way in which the opportunities for

audience-directed framing are used, and a particular way in which the presentational possibilities are exploited. Although in strategic maneuvering these three aspects always go together, and are intrinsically connected, in argumentative practice often one particular aspect is more prominently manifested than the other aspects. The strategic maneuvering may, for instance, come primarily to the fore in the topical choice that is made, say by the emphatic use of an argument from authority (*ex autoritate*), or in the way audience adaptation is realized, say by emphatically adopting some of the other party's arguments (*conciliatio*) for defending one's own standpoint, or in the use of striking presentational techniques, say by an emphatic repetition of the standpoint (*repetitio*). This is why it is, in our view, for the sake of recognition recommendable to refer to the mode of strategic maneuvering at issue in first instance by naming its most conspicuous manifestation in either of the three aspects, "maneuvering by argument from authority," "maneuvering by conciliation(n)," "maneuvering by repetition," and so forth. Subsequently, the four parameters we discussed can be used to analyze the strategic function the particular mode of maneuvering referred to may have in the case of the maneuvering concerned. In due course, when a classification of modes of strategic maneuvering has been developed, these modes may be referred to as "types" and can be given the names that are most appropriate to these types in the taxonomy.

19.7   Fallacies as Derailments of Strategic Maneuvering

Although in strategic maneuvering aiming for dialectical objectives and trying to reach rhetorical aims can go well together, this—of course—does not automatically mean that in practice there is always a perfect balance between pursuing the two objectives. If a party allows his commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, so that his moves are no longer in agreement with the critical norms, we say that the strategic maneuvering has got "derailed" (van Eemeren and Houtlosser 2003). Such derailments occur when a rule for critical discussion has been violated in the discourse. In that case, realizing the rhetorical aim has gained the upper hand at the expense of achieving the dialectical objective. Because derailments of strategic maneuvering always involve a violation of a rule for critical discussion, they are, as has been explained in standard pragma-dialectics, on a par with the wrong moves in argumentative discourse designated as *fallacies* (van Eemeren and Grootendorst 1992). Viewed from this perspective, fallacies are violations of critical discussion rules that come about as derailments of strategic maneuvering.

The difference between legitimate manifestations of strategic maneuvering and manifestations that are fallacious is that in the latter case at the point in the discourse where they occur certain soundness conditions have not been met that apply to the use of the mode of strategic maneuvering concerned in the activity type and argumentative situation in which the maneuvering takes place. In principle, each mode of strategic maneuvering has as it were its own continuum (or in some cases

its distinguishing classification) of sound and fallacious acting and the boundaries between the two are not in every case crystal clear. In the end, fallacy judgments are contextual judgments that depend more often than not on the specific circumstances of situated argumentative acting.

The criteria for determining whether or not a certain norm for critical discussion has been violated may be dependent on the institutional conventions regarding how argumentative discourse is disciplined prevailing in the argumentative activity type in which the strategic maneuvering takes place—in a law case, for instance, somewhat different criteria will apply to making an appeal to authority than in a public debate, so that making an appeal to authority by referring to a certain section of the law or to precedent may be a perfectly legitimate move in the argumentation stage of the adjudication process whereas making such an appeal in a scientific discussion may not be regarded an appropriate move. This predicament should, of course, not lead us to the hasty conclusion that there are no clear criteria for determining whether strategic maneuvering has gone astray, or that all such criteria are always context-dependent, but only to the conclusion that, depending on the institutional requirements, these criteria may vary to some extent from the one activity type to the other, leaving room for the possibility that in the one activity type the criteria are somewhat different, more precise, more specific or more elaborate, than in the other.

This account of the fallacies as derailments of strategic maneuvering explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that fallacies can sometimes pass unnoticed (van Eemeren and Houtlosser 2008). First of all, fallacies generally have sound counterparts that are manifestations of the same mode of strategic maneuvering; they are not "completely different animals" that are immediately recognizable as such, so that one be easily fooled. Second, as Jackson (1995) has pointed out, it is an "assumption of reasonableness" in argumentative discourse that each party will normally uphold a commitment to the rules of critical discussion, so that the presumption of reasonableness is conferred on every discussion move, also when it happens to be a discussion move that is in fact fallacious. Third, the criteria for determining whether a certain move is fallacious may vary to some extent from context to context, so that one may easily be confused about what exactly the relevant criteria are, especially when the strategic maneuvering takes place in an argumentative activity type one is not really familiar with.

Echoing the logical Standard Definition of a fallacy, which was introduced and criticized by Hamblin (1970), we might say—in post-Hamblin pragma-dialectical terms—that fallacious strategic maneuvering is strategic maneuvering that *seems* to comply with the critical discussion rules, *but does not*. Because, as Aristotle (1965 ed.) already demonstrated in *On Sophistical Refutations*, none of the parties will be very keen on portraying themselves as being unreasonable, deviations from the rules for critical discussion are often also hard to detect. To realize a purpose that is potentially at odds with observing a particular discussion rule, rather than resorting

to completely different means, they will be inclined to stick to the dialectical means for achieving their objective that are considered reasonable and "stretch" the use of these means in such a way that they are able to realize their purpose (cf. Kienpointner 2006, 2009).

19.8 Strategic Maneuvering by Appealing to an Authority

In argumentative activity types the conduct of argumentative discourse can be disciplined in various ways. As a case in point, we discuss the demarcation of non-fallacious and fallacious moves in one particular mode of strategic maneuvering in the argumentative activity type of an informal deliberation. The mode of strategic maneuvering we have in mind is defending a standpoint by advancing an "argument from authority," a subtype of the type of argumentation known as "symptomatic argumentation," which is also called "sign argumentation." Symptomatic (or sign) argumentation is based on an argument scheme that presents the acceptability of the premise (argument) as a sign of the acceptability of the conclusion (standpoint) by establishing a relationship of concomitance between having the property mentioned in the premise and having the property mentioned in the conclusion ("Paul certainly loves cheese; he is a Dutchman, you know"). In the case of an argument from authority the transition of acceptance is brought about by introducing in the premise an external source that has a certain kind of knowledge or expertise and then appealing to this source to justify a conclusion dependent on such knowledge or expertise. This happens, for instance, in "The competence for learning a language is innate—Noam Chomsky, the outstanding linguist, says so."

Like using other arguments from sign, using an argument from authority is potentially a sound mode of strategic maneuvering. In a great many cases we are fully justified in supporting our claims by referring to an authority who is supposed to know—in argumentative reality this is in fact often the only sensible thing we can do. If the source we are referring to is indeed a good source to rely on in the case concerned, was to be taken seriously when he made the statement referred to, and is quoted correctly, an appeal to authority can be unproblematic and may even be conclusive. In argumentative practice, however, strategic maneuvering by means of arguments from authority can also derail. In a particular case an appeal to an authority may not be justified because one or more of the 'critical questions' that serve as the criteria for checking if the authority is used legitimately and correctly in the argumentative activity type concerned cannot be answered satisfactorily so that the argument violates the pragma-dialectical *Argument Scheme Rule* and must be considered an *argumentum ad verecundiam*. To mark the important distinction between non-fallacious and fallacious strategic maneuvering as clearly as possible, we use the traditional—often Latinized—names of the fallacies, such as *argumentum ad verecundiam*, exclusively for the *in*correct and fallacious cases.

In different argumentative activity types different criteria may apply for complying with the soundness norm pertaining to the argument-from-authority variant

of the Argument Scheme Rule. Imagine that we are playing a game of scrabble. At a certain moment you may claim to have compiled a *word*, but I doubt that the combination of letters you have laid out really constitutes an English word. In the informal deliberation we are now having about this you use an argument from authority to defend your claim: "This is an English word, because it is in the dictionary." Whether your appeal to authority is in this case a legitimate strategic maneuver depends in the first place on the agreement that exists or that the players —you and I—have made prior to playing the game as to the testing procedure that is to be followed for making out whether or not a would-be English word is to count as an English word. If there was an agreement that in case of doubt we let the dictionary decide, and you cite the dictionary correctly, then there is nothing wrong with your argumentative move—the move would even be a strong one, unless we had also agreed in advance that the *Concise Oxford Dictionary* would be the ultimate judge while you are referring to *Webster's*. If, on the other hand, the agreement was that a combination of letters would get recognition as an English word *only* if the word and its meaning are known to all players, your appeal to the authority of the dictionary would clearly be irrelevant, and therefore fallacious. If, finally, nothing was agreed upon in advance concerning how to decide in such cases, no rule for critical discussion has as yet been violated, but the use of the argument from authority may very well introduce a new topic of discussion concerning its legitimacy.

In a great many argumentative activity types it is not completely up to the participants to decide on the soundness criteria that are to be applied. These criteria are often *expressis verbis* or silently imposed on the participants by the institutional context the argumentative activity type is part of. Then they belong to the conventional preconditions for argumentative discourse future participants have become familiar with by way of education or during socialization. It is not hard to imagine that similar preconditions apply to other modes of strategic maneuvering carried out in the same activity type or in other activity types. In our opinion, it is our task as argumentation theorists to describe not only the general soundness conditions of different modes of strategic maneuvering but also the specific soundness conditions applying to these modes of strategic maneuvering in the variety of argumentative activity types and subtypes that can be found in argumentative reality.

19.9 Strategic Maneuvering by Pointing Out an Inconsistency

As a second case of disciplining argumentative conduct, we discuss the demarcation of non-fallacious and fallacious instances of a mode of strategic maneuvering used in the opening stage of a critical discussion in which the one party attacks the other party by pointing out a logical or pragmatic inconsistency between one of that

party's starting points and a starting point that party assumed on a different occasion (van Eemeren and Houtlosser 2004). Pointing out such an inconsistency can be a perfectly legitimate—and even very strong—strategic maneuver, but it can also derail and result in a *tu quoque* fallacy.

When considering inconsistencies between starting points we must distinguish between two kinds of (explicit or implicit) starting points: *procedural* starting points and *material* starting points. Ideally, both kinds of starting points should be fully clear to the participants in an argumentative discourse, so that the parties involved not only know *how* the discussion is going to be conducted but also *what* propositions they can safely bring to bear once the discussion has come off the ground. In order to conduct a proper critical discussion, the parties must agree in the opening stage (if only implicitly) about the division of the burden of proof, the discussion rules and the propositions that may be unconditionally used in the argumentation stage to defend the standpoints at issue. In argumentative practice, in certain institutional contexts agreements about particular procedural and material starting points are presupposed. As far as procedural starting points are concerned, this goes, for instance, for activity (sub)types such as parliamentary debate. As far as material starting points are concerned, in a Dutch criminal law case admissions made by the accused in the interrogation preceding the actual trial provide a clear example: They can be used in court to establish conclusions weighing against or in favor of the accused, as the case may be.

In informal activity types there are usually no explicit agreements as to the material starting points. Generally, the parties use certain propositions as their starting points without asking for the other party's consent, but taking this consent, rightly or wrongly, for granted. All the same, there are a lot of cases in which it is first negotiated in a sub-discussion whether or not particular propositions may serve as a common starting point. Viewed dialectically, the parties are under no obligation to provide a reason for not admitting a proposition as a common starting point (van Eemeren and Grootendorst 2004, Chap. 6). Viewed rhetorically, however, it may be better if they do: It is generally regarded of no use to start a discussion with people who refuse to commit themselves to any common starting point or, without giving any further explanation, to a specific starting point. Giving reasons for a refusal to admit a proposition as a common starting point can be a perfectly sound way of strategic maneuvering, but it can also derail into a fallacy, e.g., the fallacy of *tu quoque*. In the *tu quoque* case, the reason-giving amounts to saying that the protagonist's proposal to treat a proposition as a starting point is not acceptable because the proposition is inconsistent with something the protagonist has said or implied (by what he said or did) on a different occasion.

When discussing the soundness criteria that make it possible to decide whether or not an antagonist maneuvers in an admissible way when refusing to admit a proposition as a starting point because of a proclaimed inconsistency between the proposed proposition and the protagonist's (verbal or non-verbal) behavior on a different occasion, we observe that the soundness conditions hinge on three points: (1) how is inconsistency to be defined so that it is possible to determine whether two propositions are logically or pragmatically inconsistent (a point of definition),

(2) how can an accusation by the antagonist be incorporated that pertains to an inconsistency between the proposition presently proposed as a starting point and something that was earlier *done* (a matter of scope), and (3) what is in practice to be understood by "on a different occasion," so that it can be determined in a specific case whether pointing at an inconsistency from a dialectical perspective makes sense (a quasi-empirical issue). All three issues need to be addressed.

19.10   Conclusion

Summing up my expose, in analyzing the strategic function of a piece of maneuvering in argumentative discourse we have to take into account, first, which results can be achieved by making the argumentative move that is made, so that it can be explained what kind of outcome may be aimed for by this kind of strategic maneuvering. The spectrum of relevant options open to be filled out in the analytic overview can be of help in this endeavor. Second, we have to take into account which reasonable options are available when making the argumentative move so that it can be explained what route is taken by carrying out this particular kind of strategic maneuvering. The dialectical profile for the moves that are analytically relevant at this juncture in the discussion, which we shall discuss in Chap. 6, can be of help in this endeavor. Third, we have to take into account the institutional constraints imposed on the argumentative discourse that is carried out, so that it can be explained what the conventional preconditions are that the strategic maneuvering must meet. An understanding of the kind of activity type in which, or communicative and interactional background against which, the strategic maneuvering takes place can be of help in this endeavor. Fourth, we have to take into account what is the actual state of affairs in the discourse when the strategic maneuvering takes place, so that it can be explained to which situational demands exactly the strategic maneuvering must respond. An understanding of the commitment sets of the arguers that define the argumentative situation can be of help in this endeavor. As I shall explain in Chap. 6, if these four parameters are duly considered in analyzing the maneuvering that manifests itself in the discourse at the point the analyst is focusing on, it can be explained more easily and with a stronger foundation which strategic function a particular mode of maneuvering, characterized by a specific combination of topical choice, audience orientation and presentational design, may fulfill in the discourse.

By outlining a theoretical perspective on argumentative discourse that integrates rhetorical insight concerning the effectiveness of argumentative discourse in the standard pragma-dialectical framework pertaining to the reasonableness of argumentative discourse (van Eemeren and Houtlosser 2002), we have developed an extended version of the pragma-dialectical theory of argumentation. This extended pragma-dialectical theory makes it possible to take the strategic design of the discourse into consideration in the analysis of argumentative discourse so that the reconstruction can be further refined and better accounted for. Because the strategic

function of argumentative moves can now be taken into account, the extended theory also allows for a more accurate and realistic treatment of the fallacies in the evaluation of argumentative discourse. This treatment explains the potential persuasiveness of the fallacies as well as their treacherous character. In this way a new perspective for the study of argumentation is created that overcomes the traditional division between the dialectical approach and the rhetorical approach to argumentative discourse by enabling an integrated approach in which both dialectical and rhetorical insight are systematically taking into account.

In this way I have tried to explain how the standard pragma-dialectical theory of argumentation can be extended with insights regarding the effectiveness of argumentation in specific argumentative activity types. This means that in order to make progress with this project the context in which the argumentative discourse takes place should be duly taken into account. Examining how the context in which strategic maneuvering is conducted influences the way in which argumentative discourse is conducted and the way in which the quality of argumentative discourse is valued is, in my view, one of the main challenges for argumentation theorists in the near future. In my opinion, the theoretical perspective Peter Houtlosser and I have developed in our extended pragma-dialectical theory provides a suitable point of departure for such an enterprise.

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Chapter 20
Rhetoric in a Dialectical Framework: Fallacies as Derailments of Strategic Manoeuvring

Frans H. van Eemeren and Peter Houtlosser

20.1 Introduction

The subject we are dealing with in this paper—fallacies in argumentative exchanges—is a crucial topic in the study of argumentation. In our opinion, the way in which the fallacies are treated can even be seen as the "acid test" for any normative theory of argumentation.

Let us first turn to some real-life examples of fallacies, so that it becomes clear what the subject of our paper involves.

The first example—noticed by Douglas Walton—is a paradigm case of the fallacious personal attack known as the *argumentum ad hominem*, here appearing in its *abusive* variant. The example is taken from an exchange that took place in the Canadian House of Commons in 1970. Prime Minister Trudeau had been asked to consider using a Jet-star government plane to send an information-gathering team to Biafra and he responded negatively by saying:

> It would have to refuel in the middle of the Atlantic Ocean. . .

Whereupon the Member of Parliament Mr. Hees—known for his drinking habits—retaliated by raising a point of order:

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

Mr. Trudeau then finished this exchange off by making the following remark:

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

By insinuating that the honorable Member Mr. Hees is habitually drunk, the Prime Minister introduces here a textbook example of a direct personal attack, which was in this case killing. The example nicely illustrates how humor can be brought to bear not only to enliven the discussion and make it more relaxed, but also to get away with fallacies.

The next example comes from an interview with the Dutch politician Femke Halsema, who is the leader of the Green Left Party. Like in other European countries, it became an issue in The Netherlands last year whether or not citizens of Turkish descent are prepared to recognize that in Turkey an Armenian genocide took place at the beginning of the twentieth century. When asked in a radio interview whether any of the Turkish members of her Green Left Party would have any problems with this recognition, Ms. Halsema replied:

> We don't have that kind of members because that would be bad for the party, wouldn't it?

The fallacy in the reasoning here is that Ms. Halsema just assumes that something is the case, that is: that her party does not have members who deny the Armenian genocide, because she *wants* it to be the case—a variant of the fallacy that is called *argumentum ad consequentiam*.

For our last example we turn to the "Nigeria Spam Letters" (analyzed by Kienpointner 2006). As you will probably know, these Spam Letters were e-mail messages that were sent to a great many people in recent years to ask them for their assistance in transferring enormous amounts of money to the sender. Referring to the number of the section of the Nigerian law that forbids these fraudulent practices, they are now simply called "419 letters." In one of these 419 letters, a barrister who calls himself Michael Chris presents himself as the legal adviser to an American couple called Mr. and Mrs. Brown. Mr. Chris informs the addressee that the Browns had lived in Nigeria for 30 years before, in 2002, they died in a plane crash —the kind of tragic story that is usually told in 419 letters. The Browns, says Mr. Chris, had no children and were good Christians. In his last will, Mr. Brown had asked Mr. Chris to sell all his property and give it to a ministry "for the work of God." Mr. Chris confesses that first he had wanted to embezzle the money (13,800.000 USD), but later he had "an encounter with Christ," and, "as a born again Christian," started to read the Bible. He now wants to fulfill Mr. Brown's last will. Looking for a good Christian, Mr. Chris took refuge to the Internet and experienced what could be called a miracle: "after my fervent prayer over it, […] you were nominated to me through divine revelation from God."

Nigeria Spam Letters like this one appeal first of all to greed and have had a considerable impact on people who wanted to have a share in the money and therefore, as requested, sent money of their own to set the African capital free. It will be clear that it is not just an intellectual challenge but also an important social task to unmask the kind of fallacies upon which the success of these letters is based—in this case, for instance, a profane appeal to God that amounts to an abuse of authority known as the *argumentum ad verecundiam*. Although in Ms. Halsema's and Mr. Trudeau's case it may not be possible to calculate so precisely how many dollars their fallacies cost, viewed in the light of the need for guarding the quality of public discourse and our democratic proceedings, their significance may be even be greater.

20.2   Hamblin's Revolution in the Study of Fallacies

From Antiquity onwards, the fallacies have been an important object of study. Aristotle examined them extensively, both in his dialectical and in his rhetorical studies. In the *Topics*, Aristotle's treatise on dialectic, he placed the fallacies in the context of a debate between the attacker and the defender of a thesis in which the attacker attacks the thesis and the defender defends it. The attacker can win the debate first of all by refuting the defender's thesis. Aristotle discusses correct moves the attacker can make to refute the defender's thesis as well as incorrect moves that he considers fallacious. Among the fallacious moves is, for instance, *petitio principii*—the circular way of reasoning used in "begging the question," and in Aristotle's analysis a fallacious move because it assumes the truth of the thesis, which is precisely what is the issue of the dispute. In general, in Aristotle's dialectical perspective, fallacies are false moves employed in the attacker's efforts to refute the defender's thesis. In *Sophistical Refutations,* Aristotle deals with the false ways of refuting a thesis that he ascribed to the popular debate experts known as the Sophists—hence the epithet "sophism." In his *Rhetoric*, Aristotle discusses from a rhetorical perspective some fallacious refutations that are only apparent refutations.

The fallacies have remained a popular subject of study and in the course of time a number of "new" fallacies were discovered. Although in the nineteenth century the dialectical perspective was, largely due to the huge influence of bishop Whateley, replaced by a much broader logical perspective, the newly discovered fallacies were just added to the Aristotelian list. The Latin names that were given to many of them may suggest that they stem from the classical tradition, but this is not the case. The name *argumentum ad hominem*, for instance, comes from the seventeenth century philosopher John Locke.

In 1970, the Australian philosopher Charles Hamblin caused a revolution in the study of fallacies through the publication of his book *Fallacies*. After having studied the leading logical textbooks, Hamblin was struck by the similarities between the treatments of the fallacies in the various textbooks. Each of the textbooks presented more or less the same list of fallacies and the fallacies were always explained in more or less the same way. Very often even the same examples were used. Hamblin suspected that the one author was just copying the other, without any further reflection.

Hamblin observed that the "Standard Treatment" he had detected in the textbooks started from a Logical Standard Definition in which the fallacies were described as *arguments that seem valid but are in fact not valid*. Strangely, however, the treatment of the fallacies that was actually given was highly inconsistent with this definition. A great many of the fallacies that were treated in the logical textbooks were in fact no arguments, such as the *argumentum ad hominem*, or arguments that were certainly not invalid, such as "circular reasoning," and there were also cases in which the fallacy that was described was not productive for an entirely different reason than invalidity, such as the *argumentum ad verecundiam*.

It will be no surprise that these observations caused a lot of turmoil, although open-minded argumentation theorists saw immediately that Hamblin was right. Gradually they came to share all his objections to the Logical Standard Definition of the fallacies. Nowadays, most argumentation theorists no longer consider "logical validity" the sole criterion for fallaciousness. They also tend to agree that including a word like "seems" in the definition of fallacies, as happens in the Standard Definition, brings in an undesirable amount of psychologistic subjectivity. A certain argument may seem OK to us, but why would it seem OK to you if you know that it is invalid or otherwise false?

In spite of their pertinence, Hamblin's devastating criticisms were not always effective in practice. Let us first mention two extremely unproductive reactions. First, there were the leading logical textbooks: They were in most cases reprinted without any attempt being made to deal seriously with Hamblin's objections. Perhaps the authors thought that their textbooks were selling well as it was—and what did their students know about Hamblin? The opposite extreme reaction to Hamblin consists of abandoning the treatment of the fallacies altogether (e.g., Lambert and Ulrich 1980).

Besides these two extreme reactions one could have imagined that, as a third option, an easy way-out had been chosen by maintaining the Logical Standard Definition of the fallacies as it is and leaving all fallacies out of one's treatment that this definition does not cover, such as the *argumentum ad hominem*. Argumentation theorists, however, do not seem prepared, just for the sake of theoretical purity, to throw the baby out with the bathwater and leave the problems of the fallacies unresolved.

20.3 Woods and Walton's Formal Analysis and Walton's Later Analysis

Fortunately, Hamblin's book *Fallacies* was also a source of inspiration to those argumentation scholars who wanted to develop a constructive alternative to the way in which the fallacies were approached in the logical Standard Treatment (see Hansen and Pinto 1995). In North America, the most continuous and extensive post-Hamblin contribution to the study of the fallacies was made by the Canadian logicians and fallacy theorists John Woods and Douglas Walton. In a series of co-authored articles and books, they substantiated their remedy for the Standard Treatment by calling on more sophisticated logics (see Woods and Walton 1989). Their first starting point is that fallacies can generally be analyzed with the help of logical systems, so that successful analyses of a great many fallacies will have features that qualify those analyses as formal in the sense that they introduce concepts that are described by employing the technical vocabulary or the formal structures of a system of logic or some other formal theory. This preoccupation with formality is a limitation of the Woods-Walton approach that was not maintained in

the studies of the fallacies that were later on independently undertaken by Walton (1987, 1992, 1995, 1998, 1999).

A second typical feature of the Woods-Walton approach is that it is *pluralistic* because in their view each fallacy must be treated in its own way. In our opinion, a major disadvantage of this starting point is that it makes the approach ad hoc. It is ad hoc, because the more or less arbitrary list of fallacies that is handed down by history and recorded in the literature is, without much further ado, taken as the point of departure—a point of departure that Walton has always maintained, in spite of the fact that the list is not systematic, let alone theoretically motivated. Since this approach is combined with giving a different theoretical treatment of each individual fallacy, the Woods-Walton approach is also ad hoc in another sense. If each fallacy gets its own theoretical treatment, each treatment has its own peculiarities and the various treatments of the fallacies can be at variance with each other. In his later studies, Walton (1995, 1998) opts for a more unifying approach to the fallacies.

20.4 Fallacies as Violations of Rules for Critical Discussion

In our view, the theorizing about fallacies has to start from a general and coherent perspective on argumentative discourse that provides a common rationale to all studies of the fallacies. Because a theory of errors cannot be constructed independently, a theory of fallacies must be an integral part of a normative theory of argumentation that provides the standards for *sound* argumentative discourse. The theoretical account of the fallacies should be systematically related to these standards in such a way that it is in all cases clear why the fallacies are fallacious.

Following on from Hamblin, in Europe some theories of argumentation were developed in the early 1980s that relate the fallacies systematically to standards for sound argumentation. These theories are dialectical theories of argumentation that share a "critical rationalist" perspective on argumentative discourse in which the fallibility of all human thought is the fundamental starting point. First there was *Formal Dialectics*, developed by Barth and Krabbe (1982), and second came the *Pragma-Dialectical Theory of Argumentation* developed by van Eemeren and Grootendorst (1984, 1992, 2004) and later extended by van Eemeren and Houtlosser (2002, 2003, 2004). Because Barth and Krabbe's formal dialectics does not deal with the identification of fallacies in ordinary argumentative discourse, we shall concentrate on the pragma-dialectical theory. This theory links up with formal dialectics, but it starts from the conviction that the fallacies can only be properly understood if argumentative discourse is also viewed pragmatically from a communicative and interactional perspective.

Pragma-dialectics starts from the simplest argumentative situation: a speaker or writer advances a standpoint and acts as "protagonist" of that standpoint, and a

listener or reader expresses doubt with regard to the standpoint and acts as "antagonist." In the discussion that develops, the two parties try to find out whether the protagonist's standpoint can withstand the antagonist's criticism. After the antagonist has expressed doubt or other kinds of criticism, the protagonist puts forward argumentation in defense of the standpoint. If he judges that there is reason to do so, the antagonist reacts critically to the protagonist's argumentation. If the protagonist is again confronted with critical reactions on the part of the antagonist, his attempt at legitimizing or refuting the proposition involved in the standpoint may be continued by putting forward more argumentation, to which the antagonist can react, and so on. In this way there is an interaction between the speech acts performed by the protagonist and the speech acts performed by the antagonist that is typical of what we call a "critical discussion." This interaction can, of course, only lead to the resolution of the difference of opinion if it proceeds in an adequate fashion. This requires a regulation of the interaction through *rules for critical discussion* that specify in which cases the performance of certain speech acts contributes to the resolution of the difference. It is, in our view, the task of dialectical argumentation theorists to formulate these rules in such a way that together they constitute a discussion procedure that is problem-valid as well as conventionally valid. The rules of procedure proposed in pragma-dialectics are claimed to be problem-valid standards because each of them contributes in a specific way to solving problems that are inherent in the process of resolving a difference of opinion; the conventional validity of the rules has been confirmed by experimental research regarding their inter-subjective acceptability (van Eemeren et al. 2007). (For an overview of the rules for critical discussion, see the Appendix.)

A procedure that promotes the resolution of differences of opinion cannot be exclusively confined to the logical relations by which conclusions are inferred from premises. It must, as a matter of course, consist of a system of regulations that cover all the speech acts that need to be carried out to resolve a difference of opinion. This means that the procedure should relate to all the stages that are to be distinguished in a critical discussion aimed at resolving a difference of opinion: the "confrontation stage," in which the difference of opinion is developed, the "opening stage," in which the procedural and other starting points are established, the "argumentation stage," in which argumentation is put forward and subjected to critical reaction, and the "concluding stage," in which the outcome of the discussion is determined.

The rules for conducting a critical discussion cover the entire argumentative discourse by stating all the norms that are pertinent to resolving a difference of opinion. In all stages of a critical discussion, the protagonist and the antagonist of the standpoint at issue must observe all the rules for the performance of speech acts that are instrumental to resolving the difference. In principle, each of the pragma-dialectical discussion rules constitutes a distinct standard or norm for critical discussion. Any move constituting an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore (and in this particular sense) be regarded as fallacious. In this way the use of the term *fallacy* is

systematically connected with the rules for critical discussion. (For some of the fallacies resulting from violating the rules for critical discussion see the Appendix.)

Thus, a fallacy is in the pragma-dialectical approach a hindrance or impediment for the resolution of a difference of opinion on the merits, and the specific nature of a particular fallacy depends on the way in which it interferes with the resolution process. Rather than considering the fallacies as belonging to an unstructured list of nominal categories inherited from the past, as in the Standard Treatment, or considering all fallacies to be violations of one and the same validity norm, as in the logic-centered approaches, the pragma-dialectical approach differentiates a *functional variety of norms*.

This approach enables us, for instance, to treat the case of Mr. Trudeau's alluding to the drinking habits of the MP who contradicts him in a more adequate way. It is obvious that the Prime Minister did not allude to these drinking habits in order to show that the conclusion of Mr. Hees's argument does not follow from its premises. Mr. Trudeau has expressed a standpoint, and his diversionary allusion to his challenger's drinking habits enables him to evade defense of that standpoint. Mr. Trudeau's allusion is an *argumentum ad hominem* that violates the *Freedom Rule* (Rule 1) by putting Mr. Hees in a position that makes it practically impossible for him to maintain his opposition. "If Trudeau had not ridiculed his challenger," says David Hitchcock, "he would have had to admit that his challenger was correct and that Trudeau was wrong" (2006, 114).

A comparison shows that fallacies which were traditionally only nominally lumped together are in our approach either shown to have something in common or clearly distinguished, whereas genuinely related fallacies that were separated are now brought together. For instance, two variants are now distinguished of the *argumentum ad populum*, the fallacy of regarding something acceptable because it is considered acceptable by a great many people. The one variant is considered as a violation of the *Relevance Rule* that a party may defend its standpoint only by advancing argumentation related to that standpoint, the other variant as a violation of the *Argument Scheme Rule* that a standpoint may not be regarded conclusively defended if the defense does not take place by means of an appropriate argument scheme that is used correctly. This analysis shows that these variants are, in fact, *not* of the same kind. Among the fallacies that were separated and are brought together in the pragma-dialectical approach are a particular variant of *ad verecundiam* (using an inappropriate (symptomatic) argument scheme by presenting the standpoint as right because an authority says it is right) and a particular variant of *ad populum* (using an inappropriate (symptomatic) argument scheme by presenting the standpoint as right because everybody thinks it is right). When they are analyzed as violations of the *same Argument Scheme Rule* it becomes clear that, seen from the perspective of resolving a difference of opinion, these variants are basically *of the same kind*.

In addition, the pragma-dialectical approach also enables the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits. Examples are *declaring a standpoint sacrosanct*, a violation of the *Freedom Rule* that parties must not prevent each other from putting forward

standpoints or casting doubt on standpoints; *evading the burden of proof* and *shifting the burden of proof*, both violations of the *Burden of Proof Rule* that a party who puts forward a standpoint is obliged to defend that standpoint if asked to; *denying an unexpressed premise*, a violation of the *Unexpressed Premise Rule* that a party may not falsely present something as a premise that has been left unexpressed or deny a premise that has been left implicit; and *making an absolute of the success of the defense*, a violation of the *Closure Rule* that a failed defense must only result in the protagonist retracting the standpoint and a successful defense only in the antagonist retracting his doubt (van Eemeren and Grootendorst 2004).

20.5   Fallacies as Derailments of Strategic Manoeuvring

Although we can safely claim that Hamblin's criticisms no longer apply to the theory of fallacies we have just sketched, this theory is, in our opinion, still not entirely satisfactory. The reason is that it ignores the intriguing problem of the persuasiveness that fallacies may have, which is actually the main reason why they deserve our attention. Although O'Keefe's (2006) "meta-analyses" of experimental persuasion studies seem to suggest that, generally speaking, sound argumentation is more persuasive than fallacious argumentation, Jackson (1995), for one, wants us to pay attention to the persuasiveness of the fallacies. In the logical Standard Definition of fallacies as "arguments that *seem* valid but are not valid," the persuasiveness of the fallacies was indicated by the word "seem," but since Hamblin (1970, 254) issued the verdict that including this qualification brings in an undesirable element of subjectivity, the treacherous character of the fallacies—the Latin word *fallax* means deceptive or deceitful—has been ignored and the search for its explanation abandoned. This means that fallacy theorists are no longer concerned with the question of how fallacies "work" and why they so often go unnoticed. We think that the pragma-dialectical theory of argumentation can remedy this neglect if it is first enriched by insight from rhetoric.

Before turning to the rhetorical extension of the pragma-dialectical theory, it is worth emphasizing that combining dialectical and rhetorical insight is not as unproblematic as one might think. Since the Scientific Revolution in the 17th century—starting, in fact, already with Ramus—there has been, in spite of their initial connection in Antiquity, a sharp ideological division between dialectic and rhetoric. This division has resulted in the existence of two separate and mutually isolated paradigms, conforming to different perspectives on argumentation, which are generally considered incompatible. Rhetoric became a field for scholars of communication, language and literature in the humanities and social sciences while dialectic became the province of logic and science—but almost disappeared from sight after the formalization of logic in the late nineteenth and early twentieth century. Although the dialectical approach to argumentation has been taken up again in the second half of the twentieth century, there was for a long time—and, to a large extent, there still *is*—a yawning conceptual and communicative gap between

argumentation theorists opting for a dialectical perspective and argumentation theorists with a rhetorical perspective. In the last decade, however, serious efforts have been made to overcome the sharp and infertile division between dialectic and rhetoric (see van Eemeren and Houtlosser 2002). The inclusion of rhetorical insight in the pragma-dialectical theory that we have brought about is one of these efforts to bridge the gap between dialectic and rhetoric (van Eemeren and Houtlosser 1998, 2001, 2002, 2003, 2004, 2005).

We observed that in argumentative discourse, whether it takes place orally or in writing, it is not the arguers' sole aim to conduct the discussion in a way that is considered reasonable, but also to achieve the outcome that is from their point of view the best result. The arguers' rhetorical attempts to make things go their way is, as it were, incorporated in their dialectical efforts to resolve the difference of opinion in accordance with proper standards for a critical discussion. This means in practice that at every stage of the resolution process the parties may be presumed to be at the same time out for the optimal rhetorical result at that point in the discussion and to hold to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two aims, which may at times be at odds, the arguers make use of what we have termed *strategic manoeuvring*. This strategic manoeuvring is directed at diminishing the potential tension between jointly pursuing a "dialectical" and a "rhetorical" aim.

Strategic manoeuvring manifests itself in three aspects of the moves that are made in the argumentative discourse, which can be distinguished only analytically: "topical choice," "audience adaptation," and "presentational design." Topical choice refers to the specific selection that is made in each of the various moves from the *topical potential*—the set of dialectical options—available at the discussion stage concerned, audience adaptation involves framing one's moves in a *perspective that agrees with the audience*, and presentational design concerns the selection that the speaker or writer makes from the existing repertoire of *presentational devices*. In their strategic manoeuvring aimed at steering the argumentative discourse their way without violating any critical standards in the process, both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most effective presentation.

A clearer understanding of strategic manoeuvring in argumentative discourse can be gained by examining how the rhetorical opportunities available in a dialectical situation are exploited in argumentative practice. Each of the four stages in the process of resolving a difference of opinion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. As a consequence, the specification of the rhetorical aims the participants in the discourse are presumed to have must take place according to dialectical stage. This is the methodological reason why the study of strategic manoeuvring that we propose boils down to a systematic integration of rhetorical insight in a dialectical—in our case, *pragma*-dialectical—framework of analysis.

In each discussion stage, the rhetorical goals of the participants will be dependent on—and therefore run parallel with—their dialectical goals, because in each stage they are out to achieve the dialectical results that serve their rhetorical purposes best. What kind of advantages can be gained by strategic manoeuvring depends on the particular stage one is in. In the confrontation stage, for instance, the dialectical objective is to achieve clarity concerning the issues that are at stake and the positions the parties assume. Each party's strategic manoeuvring will therefore be aimed at directing the confrontation rhetorically towards a definition of the difference that highlights precisely the issues this party wants to discuss. In the opening stage, the dialectical objective is to establish an unambiguous point of departure consisting of inter-subjectively accepted procedural and material starting points. As a consequence, the strategic manoeuvring by the parties will be aimed at establishing rhetorically procedural starting points that secure an opportune allocation of the burden of proof and combine having desirable discussion rules with having material starting points that involve helpful concessions by the other party. In the argumentation stage, where the standpoints at issue are challenged and defended, the dialectical objective is to test, starting from the point of departure established in the opening stage, the tenability of the standpoints that shaped the difference of opinion in the confrontation stage. Depending on the positions they have taken, the parties will manoeuvre strategically to engineer rhetorically the most convincing case—or the most effective attack, as the case may be. In the concluding stage, the dialectical objective of determining if, and in whose favour, the difference of opinion has been resolved leads to strategic manoeuvring aimed at enforcing victory for the sake of the party concerned by effectuating rhetorically either the conclusion that the protagonist may maintain his standpoint in view of the criticisms that were made or that the antagonist may maintain his doubt in view of the argumentation that was advanced.

Although, in our view, in strategic manoeuvring the pursuit of dialectical objectives can go well together with the realization of rhetorical aims, this—of course—does not automatically mean that the two objectives will in the end always be in perfect balance. If a party allows its commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic manoeuvring has got "derailed." Such derailments occur when a rule for critical discussion has been violated. In that case, trying to realize the rhetorical aim has gained the upper hand—at the expense of achieving the dialectical objective. Because derailments of strategic manoeuvring always involve violating a rule for critical discussion, they are on a par with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are violations of critical discussion rules that come about as derailments of strategic manoeuvring.

The difference between manifestations of strategic manoeuvring that are legitimate and manifestations that are fallacious is that in the latter case certain soundness conditions applying to that way of strategic manoeuvring have not been met. Each way of strategic manoeuvring has as it were its own continuum of sound and fallacious acting and the boundaries between the two are not always crystal clear.

More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may depend on the institutional conventions of the argumentative activity type concerned, i.e., on how argumentative discourse is disciplined—referring to precedent, for instance, may be a perfectly legitimate appeal to authority in a law case but not in a scientific discussion. This does not mean that there are no clear criteria for determining whether the strategic manoeuvring has gone astray, but only that the specific shape these criteria take may vary from the one argumentative activity to the other.

This account of the fallacies as derailments of strategic manoeuvring explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that the fallacy may pass unnoticed. In principle, each fallacy has its sound counterparts that are manifestations of the same way of strategic manoeuvring. Because, as Jackson (1995) has pointed out, it is an *assumption of reasonableness* that a party that manoeuvres strategically will normally uphold a commitment to the rules of critical discussion, and a presumption of reasonableness is therefore conferred on every discussion move. This assumption is also operative when a particular way of manoeuvring is fallacious.

Deviations from the rules for critical discussion are often hard to detect because none of the parties will be very keen on portraying themselves as being unreasonable. It is therefore to be expected that to realize a purpose that is potentially at odds with the objective of a particular discussion rule, rather than resorting to completely different means, they will stick to the dialectical means for achieving their objective and "stretch" these means in such a way that the other purpose can be realized as well. Echoing the logical Standard Definition of a fallacy, we can then say that although the strategic manoeuvring *seems* to comply with the critical discussion rules, in fact it does not.

Let us now return for a moment to the Nigeria Spam Letters. According to Manfred Kienpointner, at least some of these letters manage to hide their suspicious nature quite effectively. In Kienpointner's view, a close look at the strategies that are used in these fraudulent letters confirms the pragma-dialectical insight that fallacious arguments are unsound arguments looking like sound arguments. A case in point is the way in which the authority of God is invoked in the letter we quoted from at the beginning of this paper. The suggestion that God ordered the writer to send his message is an *argumentum ad verecundiam* because God's authority is for argumentative purposes misused in a way that may escape the reader's attention in the context of other appeals to religious authority that are not necessarily fallacious.

20.6   A Case in Point: Argumentation from Authority

Now we have characterized the fallacies as violations of rules for critical discussion which manifest themselves in derailments of strategic manoeuvring that may easily escape attention because the derailments can be very similar to sound instances of strategic manoeuvring. To mark the important distinction between non-fallacious and fallacious strategic manoeuvring as clearly as possible, in our terminology we do not use the same labels indiscriminately for the fallacious as well as the non-fallacious moves, as some others do, but reserve the traditional—often Latinized—names of the fallacies, such as *argumentum ad hominem*, for the *in*correct and fallacious cases only.

Strategic manoeuvring only derails into fallaciousness if it goes against the norms for having a reasonable exchange embodied in the rules for critical discussion. This means in practice that the argumentative moves that were made are not in agreement with the relevant criteria for complying with a particular norm. As we already observed, these criteria vary to some extent according to the argumentative context and, in so far as this is the case, they are determined by the soundness conditions the argumentative moves have to fulfill to remain within the bounds of dialectical reasonableness in the activity type concerned.

As a case in point, while avoiding the use of technical language as much as possible, we shall discuss the demarcation of non-fallacious and fallacious moves in a particular way of strategic manoeuvring in the rather open argumentative activity type of an informal conversation. The way of manoeuvring we have chosen is defending a standpoint by advancing an "argument from authority." The argument scheme of an argument from authority is a subtype of the type of argumentation known as "symptomatic argumentation," which is also called "sign argumentation." Argumentation of this type is based on an argument scheme that present the acceptability of the premise as a sign that the conclusion is acceptable by establishing a relationship of concomitance between a property mentioned in the premise and the property mentioned in the conclusion. Such a fixed symptomatic association is, for instance, suggested in argumentation such as "Paul must be a cheese lover, because he is Dutch," where it is stipulated that loving cheese goes together with being Dutch. In the case of an argument from authority, the transition of acceptance is guaranteed by referring in the premise to an external source that has the knowledge or expertise required for drawing the conclusion. This happens, for instance, in "The competence for learning a language is innate—Chomsky says so," but also in the Nigeria Spam Letter argument "My choosing you for helping me solve this problem is the good choice because God told me to make this choice."

Like using other arguments from sign, using arguments from authority is potentially a sound way of strategic manoeuvring. In a great many cases we are fully justified in supporting our claims by referring to an authority that is supposed to know—in argumentative practice this is, in fact, often the only sensible thing we can do. If we have good reasons to think that the source we are referring to is indeed a good source to rely on in the case concerned and had to be taken seriously when

the observation referred to was made, an appeal to authority can be unproblematic and may even be conclusive. In argumentative practice, however, strategic manoeuvring by means of arguments from authority can also derail. An appeal to authority may not be justified in a particular case because one of the "critical questions" that need to be asked to check if the criteria for assessing arguments from authority in the activity type concerned have been fulfilled cannot be answered satisfactorily so that the argument violates the *Argument Scheme Rule* and must be considered an *argumentum ad verecundiam*.

In different activity types different criteria may apply for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. In the informal activity type of a conversational exchange it is, in principle, up to the participants to decide what the general conditions are for sound strategic manoeuvring by arguments from authority. For the purpose of illustration, we distinguish between three different subtypes of a conversational exchange, each characterized by its own set of preconditions. In the first subtype, (1a) the parties in the discussion have agreed beforehand that an appeal to authority is legitimate, and (1b) the agreement allows an appeal to a specific kind of authority. If the conditions (1a) and (1b) are met in argumentative practice, then no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. In the second subtype, (2a) the parties in the discussion have agreed in the second instance that an appeal to authority is legitimate, and (2b) the agreement specifies to precisely what kind of authority can be appealed. If the conditions (2a) and (2b) are met in argumentative practice, again, no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. In the third subtype, (3) the parties in the discussion have not come to any agreement about the legitimacy of an appeal to authority. If condition (3) is satisfied, no rule for critical discussion has as yet been violated, but the use of the argument from authority may very well introduce a new topic of discussion concerning its legitimacy. It is not hard to imagine other ways of strategic manoeuvring carried out in the same activity type or in other activity types having subtypes that differ in similar ways, so that a similar division of soundness conditions applies.

20.7   Conclusion

By way of conclusion we would like to sum up some of the theoretical points we have tried to make that go against received views.

1. Not everything one does not like or that is generally disapproved of, such as the speculation on greed in the Nigeria Spam Letters, is automatically a fallacy; this is only so if an argumentative move is made that hinders the resolution of a difference and is therefore *dysfunctional in a critical discussion*.

2. Fallacies are not only committed by an arguer violating the logical validity norm in the argumentation stage of a critical discussion, but can be committed through argumentative moves that violate any of the multi-varied norms that are instrumental in the resolution process *by both parties in all stages of a critical discussion*.

3. Isolated textbook examples of fallacies are only clear if the argumentative context in which they appear is unequivocal, as may be the case in certain jokes or absurd cartoons, because fallacies can only be identified *in the actual context of situated argumentative discourse*.

4. The dialectical standards provided by the norms incorporated in the rules for critical discussion are general—and, who knows, even universal—and not limited to any particular activity type, but the criteria for determining whether a certain move agrees with these norms may vary *depending on the soundness conditions prevailing in the context concerned*.

5. Fallacies may in argumentative practice easily go unnoticed, except when they are caricatures, because derailments of strategic manoeuvring are *not* per se *fundamentally different from sound strategic manoeuvring*.

6. An important step towards determining the situated conditions that in a particular stage of the discourse must be satisfied to prevent strategic moves from derailing is a clear understanding of the *typical design of the way of strategic manoeuvring concerned*.

7. In making a fallacious argumentative move an essential boundary is crossed, irrespective of whether this boundary is absolute or gradual, and it is important to mark the fallaciousness by giving the fallacy *a name that is different from its sound counterpart*.

8. Fallacies can be so witty that we all like them, but because fallacious moves are a distraction from a sound resolution process, in order not to go against the maintenance of reasonableness, *we cannot afford to take a lenient attitude towards them*. There is no reason, however, to abandon our sense of humor while being critical.

Appendix: Pragma-Dialectical Rules for Critical Discussion and Fallacies

1. **Freedom rule**
   Parties must not prevent each other from putting forward standpoints or casting doubt on standpoints.

Violations of rule 1 by the protagonist or the antagonist at the confrontation stage

1   *Placing limits on standpoints or doubts*
-              fallacy of declaring standpoints sacrosanct
-              fallacy of declaring standpoints taboo
2   *Restricting the other party's freedom of action*
*   putting the other party under pressure
-              fallacy of the stick (= argumentum ad baculum)
-              fallacy of appeal to pity (= argumentum ad misericordiam)
*   attacking the other party's person (= argumentum ad hominem)
-              fallacy of depicting the other party as stupid, bad, unreliable, etcetera (= direct personal attack/"abusive" variant)
-              fallacy of casting suspicion on the other party's motives (= indirect personal attack/"circumstantial" variant)
-              fallacy of pointing out a contradiction in the other party's words or deeds (= "tu quoque" variant)

2. **Burden-of-proof rule**
A party who puts forward a standpoint is obliged to defend it if asked to do so.

Violations of rule 2 by the protagonist at the opening stage
1   *Charging the burden of proof to the other party*
*   in a non-mixed difference of opinion, instead of defending his or her own standpoint the protagonist forces the antagonist to show that the protagonist's standpoint is wrong
-              fallacy of shifting the burden of proof
*   in a mixed difference of opinion the one party does not attempt to defend his or her standpoint but forces the other party to defend its standpoint
-              fallacy of shifting the burden of proof
2   *Escaping from the burden of proof*
*   presenting the standpoint as self-evident
-              fallacy of evading the burden of proof
*   giving a personal guarantee of the rightness of the standpoint
-              fallacy of evading the burden of proof
*   immunizing the standpoint against criticism
-              fallacy of evading the burden of proof

3. **Standpoint rule**

A party's attack on a standpoint must relate to the standpoint that has indeed been advanced by the other party.

Violations of rule 3 by the protagonist or the antagonist at all the discussion stages

1	*Attributing a fictitious standpoint to the other party*	
*	emphatically putting forward the opposite standpoint	
	-	fallacy of the straw man
*	referring to the views of the group to which the opponent belongs	
	-	fallacy of the straw man
*	creating a fictitious opponent	
	-	fallacy of the straw man
2	*Misrepresenting the other party's standpoint*	
*	taking utterances out of context	
	-	fallacy of the straw man
*	oversimplifying or exaggerating	
	-	fallacy of the straw man

4. **Relevance rule**

A party may defend his or her standpoint only by advancing argumentation related to that standpoint.

Violations of rule 4 by the protagonist at the argumentation stage

1	*The argumentation has no relation to the standpoint under discussion*	
	-	fallacy of irrelevant argumentation (= ignoratio elenchi)
2	*The standpoint is defended by means other than argumentation*	
*	non-argumentation	
	-	fallacy of playing on the sentiments of the audience (= pathetic fallacy)
	-	fallacy of parading one's own qualities (= ethical fallacy/abuse of authority)

5. **Unexpressed premise rule**

A party may not falsely present something as a premise that has been left unexpressed by the other party or deny a premise that he or she has left implicit.

Violations of rule 5 by the protagonist or the antagonist at the argumentation stage

1   *Adding an unexpressed premise that goes beyond what is warranted*
     -        fallacy of magnifying an unexpressed premise
2   *Refusing to accept commitment to an unexpressed premise implied by one's defense*
     -        fallacy of denying an unexpressed premise

6. **Starting point rule**
   No party may falsely present a premise as an accepted starting point, or deny a premise representing an accepted starting point.

Violations of rule 6 by the protagonist or the antagonist at the argumentation stage

1   *Meddling with the starting points by the protagonist by falsely denying that something is an accepted starting point*
     -        fallacy of falsely denying an accepted starting point
2   *Meddling with the starting points by the antagonist by falsely presenting something as an accepted starting point*
     -        fallacy of making unfair use of presuppositions in making assertions
     -        fallacy of making unfair use of presuppositions in asking questions (= fallacy of many questions)
     -        fallacy of using an argument that amounts to the same thing as the standpoint (= fallacy of circular reasoning/petitio principii/begging the question)

7. **Argument scheme rule**
   A standpoint may not be regarded as conclusively defended if the defense does not take place by means of an appropriate argument scheme that is correctly applied.

Violations of rule 7 by the protagonist at the argumentation stage

1   *Using an inappropriate argument scheme*
-          populist fallacy (symptomatic relation) (= argumentum ad populum)
-          fallacy of confusing facts with value judgments (causal relation) (= argumentum ad consequentiam)
2   *Incorrectly applying an argument scheme*
-          fallacy of authority (symptomatic relation) (= argumentum ad verecundiam)
-          fallacy of hasty generalization (symptomatic relation) (= secundum quid)
-          fallacy of false analogy (relation of analogy)
-          fallacy of post hoc ergo propter hoc (causal relation)
-          fallacy of the slippery slope (causal relation)

8. **Validity rule**

The reasoning in the argumentation must be logically valid or must be capable of being made valid by making explicit one or more unexpressed premises.

Violations of rule 8 by the protagonist at the argumentation stage

1   *Reasoning that treats a sufficient condition as a necessary condition*
-          fallacy of denying the antecedent
-          fallacy of affirming the consequent
2   *Reasoning that confuses the properties of parts and wholes*
-          fallacy of division
-          fallacy of composition

9. **Closure rule**

A failed defense of a standpoint must result in the protagonist retracting the standpoint, and a successful defense of a standpoint must result in the antagonist retracting his or her doubts.

Violations of rule 9 by the protagonist or the antagonist at the concluding stage

1   *Meddling with the conclusion by the protagonist*
-   fallacy of refusing to retract a standpoint that has not been successfully defended
-   fallacy of concluding that a standpoint is true because it has been defended successfully
2   *Meddling with the conclusion by the antagonist*
-   fallacy of refusing to retract criticism of a standpoint that has been successfully defended
-   fallacy of concluding that a standpoint is true because the opposite has not been successfully defended (= argumentum ad ignorantiam)

10. **Usage rule**

  Parties must not use any formulations that are insufficiently clear or confusingly ambiguous, and they must interpret the formulations of the other party as carefully and accurately as possible.

Violations of rule 10 by the protagonist or the antagonist at all the discussion stages

1   *Misusing unclearness*
-   fallacy of unclearness (implicitness, indefiniteness, unfamiliarity, vagueness)
2   *Misusing ambiguity*
-   fallacy of ambiguity

  From: F. H. van Eemeren, R. Grootendorst and A. F. Snoeck Henkemans (2002). *Argumentation. Analysis, Evaluation, Presentation.* Mahwah, NJ: Lawrence Erlbaum Associates.

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Chapter 21
Strategic Maneuvering with the Burden of Proof

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21.1 The Pragma-Dialectical Approach to Argumentation

According to Johnson (1998), to engage in the practice of argumentation is "to enter argumentative space." The problem with this endeavor is that different theoreticians see this space in different ways. We, from our point of view, distinguish between two general meta-perspectives in the study of argumentation: a dialectical perspective focusing on critical debate, and a rhetorical perspective concentrating on the most appropriate means of persuasion in a certain context. This distinction, of course, corresponds with the well-known Aristotelian division.

For Aristotle, dialectic and rhetoric were two complementary arts, whose relation he characterizes with the term *antistrophos*. As Leff (2000) rightly observes, dialectic and rhetoric have by no means proven to be "fixed entities;" they should rather be seen as "evolving disciplines, defined and redefined" in the course of history. Their identity, structure, function and relationship have changed continuously and the division has even become "ideological" (Toulmin 1997). Due to the successes of the exact sciences, dialectic gained the upper hand while rhetoric became marginalized as a mere doctrine of stylistics, which was left to the humanities. In our view, it is obvious that since dialectic became part of a 'dedialectified' and formalized logic there is a yawning conceptual and communicative gap between the two disciplines (van Eemeren and Houtlosser 1999).

During the past three decades, in the study of argumentation a remarkable revival has taken place of both dialectic and rhetoric. There is at the same time some debate about their status and mutual relationship. Johnson, for one, is not sure about whether dialectic is a "free-standing discipline;" he seems inclined to assign dialectic a supplementary role. Leff sees a separate place in argumentation theory for dialectic beside rhetoric. Where these authors both perceive dialectic in the first place as an addition to logic or rhetoric, we view dialectic as the heart of the study of the argumentative process of critically testing opinions (van Eemeren and Grootendorst 1984; van Rees 2000).

By making use of dialectical insight taken from critical rationalism and dialogue logic, van Eemeren and Grootendorst (1984) have developed a procedure for resolving differences of opinion by testing standpoints critically. In agreement with Barth and Krabbe's (1982) requirements of problem-validity and conventional validity, no moves are allowed that are inconsistent or in any other way interfering with the resolution process or that do not cohere with the point of departure as defined by the arguers. We favor a pragma-dialectical approach that situates argumentation in a pragmatic context of instrumental action within a dialectical procedural framework. Among the theoretical tools for substantiating the pragmatic dimension of this approach are speech act theory, discourse analysis, and the Gricean theory of practical rationality.

The dialectic and the pragmatic dimensions of our approach are jointly given shape by four meta-theoretical principles. Unlike Rescher (1977) and Biro and Siegel (1992), who define argumentation in their epistemological approaches as "plausible justification of theses" and "reasonable justification of beliefs,"[1] following the *principle of functionalization*, pragma-dialecticians conceive argumentation as a complex speech act aimed at justifying or refuting a standpoint to convince the interlocutor of the acceptability or unacceptability of that standpoint.

By relying on commitments ensuing in argumentative discourse from what has been said explicitly or implicitly, thus following the *principle of externalization*, we find ourselves in agreement with Mackenzie and Staines. They also argue that an argument "directly affects, not belief or opinion, but public commitment" (1999, 35). As Hamblin observed earlier (1970, 264), our saying commits us, whether we believe what we say or not. We also agree with Hamblin (1970, 16−17) that commitments can be incurred simply by putting on the appropriate linguistic performance—in our terms, by performing the appropriate speech act. In the critical discussion we envisage, the participants' aim is to convince each other by making use of their own and each other's commitments.[2]

Walton and Krabbe (1995, 9) note that a dialogue is enabled to move forward because the participants are willing to take on commitments in a collaborative way. This observation captures the mutual coordination that, following the *principle of socialization*, is expressed in the way we situate the performance of speech acts in a dialogical context where the need for anticipating and responding to the (presumed) reactions of the other party determines the progress of the discourse. By indicating "agreement or disagreement with a preceding remark of the other speaker," the

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[1]We prefer to use the terms 'tenability' or 'acceptability,' to keep the basic theoretical apparatus free from epistemic associations. Surprisingly, coming from anti-relativists, Biro and Siegel claim that "an argument aims at, and a good one succeeds in, leading an inquirer or an audience from some proposition(s) whose truth or justifiedness *they accept* to others whose truth or justifiedness they will *see themselves as* having good reasons to accept on its basis" (1992, 92, our italics, vEH).

[2]Hamblin's idea of a *commitment-store*, which is similar to Lorenzen's *set of concessions*, and the accompanying *commitment rules*, are an invaluable addition to this way of theorizing: they make it possible to determine what each participant is committed to at each particular discussion stage. This is exactly the kind of externalization we are aiming for.

participants build up their commitment stores. As Walton and Krabbe rightly observe, to know what a party is committed to should be equal to knowing what that party should do, or not do, to live up to this commitment (1995, 17). There must therefore be rules of procedure for performing speech acts that specify for each discussion stage under which conditions certain commitments are incurred or deleted from a participant's commitment store, from the beginning of the discussion in the confrontation stage to its termination in the concluding stage. In establishing procedural rules for resolving a difference of opinion, we provide, following the *principle of dialectification*, standards for the conduct of argumentative discourse that regulate critical interaction (van Eemeren and Grootendorst 1984, 1992).

In this way, we are in perfect agreement with Rescher's (1977) recommendation to move "from the plane of the [...] descriptive and ontological to that of the [...] regulative and methodological." Our dialectical standards are more inclusive, and also more differentiated, than the logical standard of formal validity and the preservation of truth (van Eemeren and Grootendorst 1992). Dialectically sound is what can be maintained in a party's commitment store without leading to any justified accusation of logical or pragmatic inconsistency. With Barth and Krabbe (1982), we are among those who speak of a reasonable result of a discussion when this result has been reached by arguing *ex concessis*. In other words, we opt for a pragmatic way out of the Münchhausen trilemma (Albert 1975): our pragmatic angle warrants us to stop the process of argumentation at the point where acceptance by the other party is assured.

21.2 Strategic Maneuvering in Argumentative Discourse

Argumentative discourse can only be critically evaluated in a theoretically justified way if the discourse has first been adequately analyzed.[3] This requires a method of analysis that is systematic and leads to general and sustained pronouncements rather than merely ad hoc observations. Starting from the pragma-dialectical point of departure, the analysis of argumentative discourse can be envisioned as a methodical reconstruction of the process of resolving the difference of opinion contained in the discourse.

Our method of analysis is to lead to an 'analytic overview' attuned to enabling a sound critical evaluation. The model of a critical discussion can serve as a heuristic instrument for reconstructing the discourse in such a way that it becomes clear which function the various speech acts fulfil and which commitments they create. In a reconstruction of a discourse as a manifestation of a critical discussion it is assumed that the arguers aim to resolve their dispute on the merits. At the same time, however, it may be assumed that they will be intent on having their own

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[3]Such a critical evaluation presupposes that ordinary arguers will, at least in principle, be inclined to comply with standards like those of a critical discussion (van Eemeren et al. 2000).

standpoints accepted. This means that on the one hand they are committed to objectives and obligations of a dialectical kind and on the other hand they have aims and considerations that are to be understood rhetorically. While dialectical obligations have to do with the argumentative procedures that further an abstract ideal of rationality in critical discussion, rhetorical considerations are more pragmatic and relate to the contextual adjustment of argumentation to the people that are to be convinced and their discursive standards. In order to develop a method of analysis that is more refined, and gives a more accurate account of the exigencies of argumentative reality, we intend to supplement our current tools for reconstruction with additional pragmatic tools by incorporating insight from classical and modern rhetoric.

As Wenzel (1980) observed two decades ago, "from the standpoint of rhetoric, a good argument is an effective one." This does not mean, however, that viewed from a rhetorical perspective anything goes as long as it is persuasive. Aristotle did not define rhetoric in terms of persuasive effect, but as the faculty for observing in any given case the available means of persuasion. Leff (2000) emphasized that "this position implies a difference between using the art properly and achieving a specific outcome." In his opinion, "rhetorical art can sustain intrinsic norms of its own." Beside the dialectical obligation to abide by the rules of critical discussion, Krabbe (1999) also distinguishes an obligation "to try to do well in the dialogue."[4]

In the end, as Leff (2000) puts it so well, "rhetoric's effort to achieve 'effective persuasion' must be disciplined by dialectical rationality." Conversely, we would like to claim that there is nothing inconsistent about attempting to resolve a difference of opinion and trying to do so in one's own favor, even though there is indeed a potential discrepancy between pursuing dialectical objectives and rhetorical aims. This potential discrepancy gives rise to the management of the discourse that we call *strategic maneuvering*, which is aimed at making the strongest possible case while at the same time avoiding any moves that are clearly unreasonable (van Eemeren and Houtlosser 1998, 1999, 2000a, b). In a great many cases, the maneuvering is, whether it is successful or not, in perfect agreement with the rules for critical discussion and may count as acting reasonably. As a rule, strategic maneuvering is at least aimed at avoiding an open violation of these critical standards. Even arguers who momentarily let the aim of getting their own position accepted prevail, will strongly attempt to keep up the appearance of being committed to the critical ideal of reasonableness. They will still display what Johnson (2000) calls "manifest rationality."

Because what kind of advantages can be gained depends on the dialectical stages, the presumed rhetorical objectives of the participants must be specified according to stage. As we have explained in earlier papers, strategic maneuvering can take place in making an expedient selection from the options constituting the

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[4]Krabbe thinks that this might be a "dialectical obligation," but in our opinion it typically represents a norm of a rhetorical nature that is implemented in a dialectical view of argumentative discourse.

topical potential associated with a particular discussion stage, selecting a respon-sive adaptation to audience demand, and exploiting the appropriate *presentational devices*. Given a certain difference of opinion, speakers or writers will choose the material they can most appropriately deal with, make the moves that are most acceptable to the audience, and employ the most effective presentational means. Although these three aspects, which run parallel with important classical areas of interest—topics, audience-orientation, and stylistics—can be distinguished analyt-ically, in actual practice they will usually work together.[5]

21.3   The 'Burden of Proof' as a Procedural Concept

The way in which in an argumentative exchange the burden of proof is divided sets the stage for the interactional patterns that may develop in the discourse. The concept of 'burden of proof' is therefore crucial in the analysis of argumentation and consequently in argumentation theory. In particular since the involvement of Richard Whately, it has received a lot of attention. We shall explain our pragma-dialectical perspective by answering a number of pertinent questions, starting with the fundamental question *why a division of the burden of proof is necessary*.

In our view, a division of the burden of proof is necessary in the first place for methodological reasons. Like Rescher (1977), we consider the burden of proof a procedural concept, which serves the critical rationalist purpose of testing the tenability of a standpoint by carrying through the appropriate testing procedures as systematically, perspicuously, efficiently and thoroughly as required. A critical discussion aimed at resolving a difference of opinion concerning the acceptability of a standpoint can only be resolved if the division of the burden of proof is clear and the parties comply with this division. We therefore implemented the principle of socialization in the opening stage of the critical discussion by regulating the mutual coordination of the critical procedure in a 'burden of proof rule' (van Eemeren and Grootendorst 2002) that regulates how the *onus probandi* with regard to a stand-point is distributed in the most perspicuous way. In this way, the concept of 'burden of proof' serves the "division of labor of argumentation" (Rescher 1977). In terms of formal dialectics, one could say that only if the participants are taking on commitments in a collaborative way, the dialogue can move forward (Walton and

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[5]It is often wrongly assumed that audience adaptation is the overriding, if not the only, charac-teristic of rhetoric. Rhetoric is then without any further ado equalized with giving in to audience demand. There is also a tradition in which the use of presentational devices is taken to be the main characteristic of rhetoric. Rhetoric is then primarily viewed as stylistics. In fact, topical selection could just as well be seen as the general umbrella characteristic of rhetoric. In the latter case, rhetoric would be aptly described as the art of finding the appropriate loci of persuasion. In our view, none of these one-sided conceptions of rhetoric does justice to the intricate relationship inherent in any form of adequate strategic maneuvering.

Krabbe 1995, 9). In attributing a purely methodological status to the concept of burden of proof, we differ from others who appear to attribute epistemological, ideological, ethical or even moral qualities to assuming the burden of proof.

It is clear that there should be a division of the burden of proof. The next question, however, is: *a burden of proof for what?* In answering this question, we regard argumentative discourse as consisting of the performance of speech acts, each type of speech act creating its own commitments, and only some specific commitments creating a burden of proof. From the perspective of a critical discussion, in assertive speech acts—or speech acts to be reconstructed as assertives— two types of commitment are to be distinguished, which have different procedural consequences. First, there are assertives advancing a standpoint or an argument that in the course of the discussion becomes a substandpoint. These assertives create the specific commitment that constitutes a burden of proof. Second, there are assertives performed to establish a starting point for the discussion. These assertives create commitments that can be used in the argumentation and concluding stages of the discussion. They have the same function as the formal dialectical concessions, albeit that in a critical discussion such concessions are made by both parties and the commitments they create can be used both in defending and attacking a standpoint. Since these assertives can only serve as a starting point when—and because—they are mutually agreed upon, they do not carry a burden of proof.

What does having a burden of proof involve? In the pragma-dialectical perspective the burden of proof for a (sub)standpoint is the obligation to defend the standpoint once challenged to do so, i.e., to justify or refute the opinion expressed in the standpoint. This implies an obligation to give an adequate rejoinder to the critical response of the other party, i.e., to argue the case concerned as thoroughly and extensively as the antagonist's criticisms require. Where Johnson (1998, 1999) includes dealing with contradictory or otherwise alternative standpoints in the protagonist's burden of proof, the presence of such alternative standpoints makes the dispute in our approach 'mixed'—or even 'multiple.' Then similar conditions for a burden of proof apply to the other party. According to our principle of externalization, only those objections need to be dealt with by the protagonist that are somehow advanced in the discussion, whether explicitly, implicitly or indirectly.

Under which conditions is there a burden of proof? The obligation to defend a standpoint always applies and holds fully until the protagonist has complied with his obligation to defend his standpoint or has retracted the standpoint. There are, nevertheless, some practical restrictions. Both in a non-mixed and in a mixed dispute maintaining the burden of proof does not make sense when the protagonist has earlier defended his standpoint successfully against the same antagonist starting from the same point of departure. Starting a critical discussion is also a waste of time when no joint point of departure can be established.[6]

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[6]We agree with Rescher (1977) that it should always be possible to refer to a "common ground" that determines "what is to count as evidence." We do not agree, however, that this common

Who has the burden of proof? Which task is assigned to whom is in our approach a matter of procedural agreement concerning the division of labor in a critical discussion. Unless it is explicitly agreed otherwise, the burden of proof is on the side of those whose standpoints are challenged by the other party. Throughout the discussion, the division of the burden of proof can, at certain points, become more diversified. As Walton and Krabbe observe, "some commitments are initially set or undertaken, and other commitments are […] incurred along the way" (1995, 50). In our approach, the latter comprise both the commitment to defend the reasons in defense of the standpoint that have been challenged, and thus have become substandpoints, and the commitment to reply to the critical reactions advanced in challenging the argument schemes that connect these reasons with the standpoint at issue. Rescher (1977) and Walton (1988) proclaim that the protagonist's advancing a *prima facie* argument for his initial standpoint shifts the burden of proof to the other party. In our view, this amounts to a transfer of argumentative duties from one party to the other: a 'shift of initiative' rather than a 'shift of burden of proof.'[7] In a non-mixed dispute it is up to the antagonist to ask pertinent critical questions regarding the protagonist's argument; in a mixed dispute the other party's attack will be more severe.

In a non-mixed dispute, only one party has advanced an initial standpoint and there is only a burden of proof for this party. In a mixed dispute, where two parties have advanced contradictory standpoints, each party has a burden of proof for his own standpoint. The problem is: in which order are the standpoints to be defended? And what is the rationale of the "priority principle" that is to be applied? Hamblin takes a simple view: "'He who asserts must prove,' in that 'Statement S // Why S?' clearly puts the onus on the first speaker" (1970, 274). In our view a somewhat more accomodating approach is needed, because there are cases in which the one party has advanced a standpoint that is clearly simpler or faster to defend than the standpoint advanced by the other party. The least difficult defense should then take priority. The question, however, is how it can be determined which standpoint is easiest to defend.

In Whately's view, the burden of proof lies on the side of him who would dispute a 'presumption,' so that the issue of who should start the defense is decided in favor of the party whose standpoint has the highest degree of presumption. This policy, however, does not solve our procedural problem. In a mixed dispute both of the contradictory standpoints are in need of defense, so that neither of them could serve as a presumption. Then only the procedural and material starting points that

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(Footnote 6 continued)

ground is necessarily "impartially fixed": we leave it to the parties involved to choose their own point of departure.

[7]In his system for dealing with (mixed) disputes, Hamblin (1970, 274) also replaces the concept of burden of proof by the "somewhat simpler concept of initiative."

are agreed upon or taken for granted in the opening stage of the critical discussion have the function of presumption, at least for the duration of the discussion.[8]

In epistemological approaches, such as Rescher's (1977), the crucial issue is "how readily the thesis could make its peace within the overall framework of our cognitive commitments." Presumption is then conceived as an epistemic category: the one assertion has presumption because it is more plausible than the other. According to Rescher, the conception of burden of proof is "correlative" with that of a presumption. In his opinion, "in most probative contexts, there is a standing presumption in favor of the usual, normal, customary course of things," which he characterizes as "the cognitive status quo." When Rescher refers to "the usual course of things" in plausible assessment, his words seem to echo those of Perelman and Olbrechts-Tyteca in their *Nouvelle Rhétorique* (1958). In our opinion, the main problem remains that in actual practice people often tend to disagree as to what exactly is to be considered as the 'status quo.'[9]

Our approach accords well with the pragmatic view of Ullman-Margalit (1983) that the issue is not so much concerned with "ascertaining the facts as with proceeding on them". Her procedural consideration concerning the "comparative convenience with which the parties can be expected to produce pertinent evidence" has to do with the question "of what presumption will be the most useful to adopt as an initial step in the process of deliberation […], quite apart from the question whether the conclusion to which [this] adoption […] points is likely to be true."[10]

Van Eemeren and Grootendorst (1992) pointed out that in a mixed dispute the issue of which standpoint can be most easily defended can be determined by appealing to the principle of 'fairness.' In civil law the fact that a 'negative fact' is often harder to prove than a concrete incident is acknowledged along similar lines. In practice, however, the principle of fairness can only be used if the parties agree on its application.

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[8]Barth and Krabbe (1982) take a similar approach.

[9]Whately already detected a presumtion in favor of existing institutions, "on the ground that since a change is not good in itself, he who demands a change should show a cause for it." "If Bishop Whately were to revise his *Elements of Rhetoric* for a late twentieth-century audience," Gaskins writes one and a half century later (1992: 45–46), "he would no doubt sadly inform us that, in public debate, the old presumption in favor of 'every existing institution' has now been shifted. The burden of proof no longer falls on 'him who proposes an alteration,' but rather on anyone who dares to suggest that existing institutions are doing their job. Whately's conservative presumption, now blatantly reactionary, has been seriously challenged by its rhetorical counterpart: the increasingly radical presumption of institutional failure." This explains why Goodnight (1980) feels there should be room for a 'liberal presumption.'

[10]Although adopting a presumption clearly prejudges an issue, it may in Ullman-Margalit's view be seen as rational in a twofold sense: in any particular instance the presumption is open to rebuttal, and the bias it promotes is independently justifiable. In pragma-dialectical terms, the former would mean that a starting point can be revoked; this, however, is only allowed when it can be shown by offering counter-evidence that this starting point is, after all, not acceptable. The latter would mean that institutional or other contextual support must be available.

Another important question to be answered is: *what means can be used to meet the burden of proof?* In to our pragma-dialectical approach, the only means of meeting the burden of proof is advancing argumentation. The argumentation can be single, but, depending on the further critical reactions to the use of a particular argument scheme and the counter-arguments of the other party, it may also become multiple, coordinatively compound, subordinatively compound or some combination of those.

In advancing argumentation, the protagonist can make good use of the starting points that have been established in the opening stage of the discussion. Two kinds of distinctions can be made with respect to these starting points. First, there is a distinction between starting points that consist of material commitments ('premises') and starting points that consist of formal commitments ('discussion rules'). Second, there is a distinction between explicit starting points and implicit starting points. The explicit starting points are mutually agreed upon; they may, as avowed commitments, not simply be revoked. The explicit starting points have a similar status as the propositional commitments that Hamblin (1970), Barth and Krabbe (1982) and Walton and Krabbe (1995) call 'concessions.' The implicit starting points are assumed to be inherent in the discussion context; as contextual commitments, they are liable to rejection but must be maintained if they have successfully passed the appropriate 'intersubjective identification procedure' instigated by the party who does not accept them at face value (van Eemeren and Grootendorst 2002).[11]

The rationale for using certain starting points is in the pragma-dialectical approach a pragmatic one.[12] A starting point is acceptable if it is by intersubjective agreement accepted as such by the parties, irrespective of whether the reason for their acceptance is epistemological, ethical, ideological, juridical, esthetical or other. As we have emphasized before, argumentation does not deal only with matters of truth and plausibility but also with policy matters, moral issues, etc. An epistemological perspective such as Rescher's can therefore at best cover only part of argumentative reality, thus excluding an abundance of important issues from 'argumentative space.'

When has the burden of proof been discharged? In practice, one can sometimes get rid of the burden of proof because of incidental circumstances such as the antagonist abandoning his doubt without any critical consideration—or the death of

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[11]Our contextual commitments are akin to Walton and Krabbe's (1995) "veiled" or dark-side commitments, albeit that the latter are associated with non-externalized states of mind and are not related with any speech acts (cf. Mackenzie and Staines 1999).

[12]In argumentative practice, too, the arguers' orientation seems pragmatic rather than epistemological. Gaskins (1992, 25–26) observes that "for pragmatists truth is 'the evolving product of a properly constituted research community' and that, in a similar spirit, the authority and legitimacy of the (American) judicial process is based on the integrity of its procedures rather than any privileged access to truth.".

the protagonist. The burden of proof has only really been discharged when the standpoint has been sufficiently defended in the critical discussion and can be maintained while the opposition has to be withdrawn. A well-defined procedure is required in order to achieve this result in an orderly fashion and in a finite number of steps.

Like Rescher, we find it necessary that in what we call the opening stage of the discussion the parties jointly determine what the rules are.[13] Unlike in Rescher's approach, in the pragma-dialectical approach the rationale of the rules lies in their 'problem-validity' for the purpose of critically testing the acceptability of standpoints. Among the pragma-dialectical rules are those for the use and the correct application of argument schemes and for critically responding to argument schemes. However complex the argumentation—due to the critical reactions—may be structured, every separate argument is by means of a certain argument scheme connected with the main standpoint or a substandpoint and needs therefore to be tested on its own merits. In pragma-dialectics, this testing takes place in accordance with a fixed procedure. A crucial role in the testing procedure is played by the critical questions associated with the argument scheme used by the protagonist. These questions differ for causal argumentation, comparison argumentation, and symptomatic argumentation. Only by responding to all relevant critical questions, by adding a—subordinative, coordinative or multiple—extension to the argumentation, can the protagonist discharge his—possibly cumulated—burden of proof. The pragma-dialectical critical questions are not identical with the 'objections' an arguer should respond to according to Johnson (1998).[14] As a matter of course, critical questions are not equal to counter-arguments and they do not involve any burden of proof, however 'serious' they may be.

The burden of proof has been discharged only when all relevant critical questions asked by the antagonist have been answered in a way that is deemed sufficiently thorough by the antagonist and no unanswered critical questions remain. Then, the required constellation of arguments has been advanced completely in the argumentation and the argumentation is accepted, so that Govier (1998) would speak of an 'exhaustive case.'

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[13]Walton and Krabbe (1995, 46) point at a favorable consequence of spelling out the rules of dialogue in the opening stage of the discussion: "Your commitment tends to be made more specific as well, for when precise rules of argument are spelled out, the means you can use to defend your point of view are narrowed down."

[14]The critical questions systematically associated with the use of particular argument schemes agree to some extent with the Standard Objections distinguished by Henry Johnstone Jr, which refer to a class of objections "typically or frequently found in the neighbourhood of prominent issues," but, due to their association with particular argument schemes, critical questions are more general and more systematic.

21.4   Strategic Maneuvering with Regard to the Burden of Proof

How about strategic maneuvering with the burden of proof? The strategic maneuvering by the parties will be aimed at strengthening their position as much as possible in all stages of the resolution process. Besides non-fallacious maneuvering, there can also be fallacious manipulation of the burden of proof. As Walton (1988) rightly observes, some fallacies "reflect subtle shifts in the burden of proof that can be powerfully effective, yet often go unnoticed." In view of the difficulty of determining whether the criteria for complying with the dialectical norms are in fact fulfilled, it is necessary to have a clear view of the various kinds of manifestations of strategic maneuvering with the burden of proof.

21.4.1   Confrontation Stage

In the confrontation stage, the dialectical objective of the parties is to achieve clarity concerning the specific issues that are at stake in the difference of opinion and the positions of the parties involved. Viewed rhetorically, the parties aim to direct the confrontation in the way that is most beneficial from their own perspective. This means that each party will attempt to achieve a definition of the disagreement space that highlights the issues both parties want to discuss and that each party will attempt to create the positions they would like to be assumed. As far as the burden of proof is concerned, their strategic maneuvering will concentrate on acquiring the most expedient burden of proof—the maneuvering in the confrontation stage is preparatory to the actual assumption and division of the burden proof in the opening stage. In the confrontation stage, both parties can play a constructive and also a not so constructive part. In the first case, their strategic maneuvering results in a clear view of the preconditions for assuming and dividing the burden of proof; in the second case, it prejudges these matters.

The party who has a certain standpoint can act constructively in acquiring an expedient burden of proof by stating as precisely as possible what his position amounts to, thus avoiding any confusion about what exactly he is prepared to defend. One way of doing this is to make unequivocally clear in the presentation of the standpoint that its scope is limited in a specific way, so that no burden of proof can ensue for anything that exceeds this scope. The same effect can be achieved by leaving aside any issues that are known to be controversial in the discussion context but would interfere with a piecemeal engineering of the resolution process when taken into account. The admissibility of using such a technique in strategic maneuvering may depend on the text genre involved. In the case of an apologia, for instance, it seems clear that particular "accusations" need to be responded to—if not for

dialectical reasons, then at least for social or moral reasons.[15] The party that doubts the acceptability of the standpoint, or is inclined to contradict it, can play a constructive strategic part in construing the burden of proof by articulating what the nature of his criticisms is and to which aspects of the standpoint they exactly pertain. He can also articulate a strategic position in the discussion. An obvious way of achieving this is by stating immediately that he does not take a counter-standpoint on the topic, but is only interested in hearing reasons for the standpoint of the other party, so that he "plays it safe" and no burden of proof can be attached to his position.

Strategic maneuvering with regard to the burden of proof in the confrontation stage can also be fallacious. This is the case when the party who advances a standpoint tries to escape from acquiring a burden of proof. He can, for instance, do so by pretending that there is no real difference of opinion, thus avoiding a critical treatment of his standpoint. Techniques that can be used are phrasing the standpoint 'hermetically' ("The Frenchman is essentially intolerant"), presenting something as a point of departure instead of as a standpoint, presenting the standpoint as self-evident ("It is clear that") or guaranteeing its acceptability in another way ("I assure you that"), and declaring the standpoint sacrosanct and making it immune to criticism. The critical party maneuvers fallaciously when he attempts to saddle the other party with an extra burden of proof. He can do so by attributing a burden of proof to the other party for a standpoint that the other party may be deemed to have but has not expressed and obviously cannot properly defend, exploiting what Gaskins (1992, 21) calls the "risk of non-persuasion." Another technique is making the other party proof that he does not have a personal interest in the standpoint he has advanced ('circumstantial *ad hominem*') or that his standpoint is not inconsistent with a view he has expressed earlier ('*tu quoque*').

21.4.2 Opening Stage

The dialectical objective of the opening stage is to establish an unambiguous point of departure for the discussion. This point of departure consists of intersubjectively accepted procedural and material starting points—the mutual "concessions"—and also includes a division of the discussion roles. The rhetorical aim of each of the parties is to arrive at a point of departure that serves their own interest best. Since it depends on the allocation of discussion roles and the choice of starting points how expedient the division of the burden of proof will be and how easy it is to discharge, both parties' strategic maneuvering will be aimed at establishing the most opportune allocation of discussion roles and the most workable starting points. What the most opportune allocation of discussion roles is and what the most workable starting points are, are interrelated questions: the answer depends to a great extent on the argumentative duties

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[15]As Krabbe (1999) emphasizes, it is "not the question whether one should enter some discussion at all. This is not to deny that one may feel obligated to respond […]."

a party is prepared to assume in view of the starting points the other party is prepared to accept, and, vice versa, on the starting points a party is prepared to accept in view of the argumentative duties the other party is prepared to assume.

With respect to the division of discussion roles the parties' constructive strategic maneuvering will amount to making a rhetorically advantageous choice that allows them to defend or attack exactly those points they see fit to defend or attack. If a party intends to take on the role of protagonist, this would-be protagonist's constructive maneuvering regarding the starting points will be aimed at establishing the strongest possible basis for defending his standpoint. To this end, he may, for instance, attempt to highlight those concessions of the would-be antagonist that suit him best. As Pinto correctly observes "questions of reasonableness of premises are intimately connected with the suitability of the inferences that can be made from them" (2001: xii).[16] A way of achieving this emphasis is to make the other party's commitments, including the contextual commitments that can be attributed to him, transparent in the presentation, making those starting points explicit in the process that would otherwise remain obscure and could lead to superfluous discussion.

Strategic maneuvering on the part of the would-be protagonist becomes fallacious when he declines without a valid reason to take on the role of protagonist of a standpoint that he has advanced ('evading the burden of proof'). His maneuvering is also fallacious when he plays down his burden of proof, weakens it in his final presentation of the standpoint, or even 'shifts' the burden of proof to the other party by acting as if the antagonist in expressing his doubt has acquired a burden of proof for the negation of the standpoint—or is in fact even the only one that has a burden of proof. Conversely, a party that acts as a would-be antagonist maneuvers fallaciously if he ignores a burden of proof for a contradictory standpoint that he has advanced. He can do so by representing a negative standpoint as merely an expression of doubt. He also acts fallaciously if he exaggerates the scope of the protagonist's standpoint, thus attributing a stronger burden of proof to the protagonist than is justified ('straw man'). A protagonist gets an easy chance to act fallaciously as a would-be antagonist when in a mixed dispute there is unclarity concerning the precise criteria for applying such principles as those of presumption (what is the prevailing status quo?) and fairness.

21.4.3 Argumentation Stage

In the argumentation stage, the dialectical objective is to test the tenability of the standpoints that have shaped the difference of opinion in the confrontation stage, starting from the point of departure established in the opening stage. Viewed from a

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[16]In this connection it is noteworthy that in law 'inadmissible evidence' does not automatically mean that a certain 'fact' is not correct but rather that the consequences that follow from this fact for the case at hand may not be drawn. Cf. Rescher (1977).

rhetorical perspective, the parties aim to make the strongest case and to launch the most effective attack. This means that the strategic maneuvering of the protagonist in regard of discharging the burden of proof will consist in bringing forward the argumentation that resolves the difference of opinion as quickly and thoroughly as possible. One way of doing this constructively is by construing an argumentation that reacts or anticipates optimally to the antagonist's opposition, responding first to those real or anticipated objections against his standpoint or the arguments advanced in its defense that Govier (1998) calls "the most telling" objections and that Krabbe (1999) specifies as those serious objections that would utterly refute the protagonist's position. In practice, the protagonist can also maneuver constructively by acknowledging objections other than he himself deems damning and advance multiple argumentation to accommodate these objections by separate lines of arguments, making the abundance of his defense manifest in his presentation.[17] Conversely, by advancing multiple argumentation he can also make clear that, even if a certain argument he himself finds convincing is not accepted as such, there are still other sufficient reasons to accept the standpoint. The constructive maneuvering of the antagonist can amount to creating the opposition that the protagonist finds hardest to deal with. When the dispute is non-mixed, this can be done by asking all the critical questions that are pertinent; when the dispute is mixed, by persistently advancing refuting objections. In the first case, the antagonist can critically question at the same time both the reason that is advanced and the argument scheme that connects this reason to the standpoint at issue, or concentrate on the one he expects the protagonist finds hardest to support, again taking advantage of the protagonist's obligation to produce such support and exploiting the protagonist's risk that providing inconclusive support will count against him.

The protagonist may in various ways maneuver fallaciously. He can, for instance, anticipate doubts or objections that are only of his own invention, address irrelevant objections or address relevant objections only partly, put forward irrelevant argumentation ('*ignoratio elenchi*') or argumentation that is only apparently relevant, and appeal to sources that are only seemingly authoritative ('*argumentum ad verecundiam*'). The antagonist, on his part, maneuvers fallaciously when he— pretending to be a radical critic—keeps repeating critical questions that have already been answered satisfactorily and for which the burden of proof has already been discharged.

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[17]This is, of course, Whately's observation: "It may often be expedient to bring forward more proofs than can be fairly *demanded* of you. It is always desirable, when this is the case, that it should be *known*, and that the strength of the cause should be estimated accordingly" (1846, III, 2, part I/p. 112).

21.4.4   Concluding Stage

The dialectical objective of the parties in the concluding stage is to establish the result of the critical testing procedure and to decide jointly to what extent the burden of proof has been met. Can the protagonist maintain his standpoint in the light of the criticisms advanced by the antagonist? Or can the antagonist maintain his position of doubt even considering the arguments advanced by the protagonist? Viewed rhetorically, each party will attempt to claim victory and their strategic maneuvering will be designed accordingly. Constructive maneuvering by the protagonist may in this stage consist of emphasizing which elements that are part of the burden of proof have been satisfactorily dealt with. The antagonist may maneuver constructively by emphasizing the points where some doubt can be maintained. A fallacious move by the protagonist would be to act as if his standpoint has been adequately defended while ignoring certain recognized shortcomings in his defense. He can also make an unjustified absolute of the success of his defense by claiming that his standpoint is true, instead of only proven tenable in the light of the antagonist's concessions and criticisms. The antagonist, from his part, would make a fallacious move if he acted as if the standpoint of the protagonist had been refuted while ignoring the protagonist's adequate responses. He would also maneuver fallaciously if he claimed that the protagonist's failure to defend his standpoint conclusively automatically proves the opposite standpoint to be correct ('*argumentum ad ignorantiam*'). Although this is not a reasonable move in a critical discussion, in some institutional or practical contexts where a final decision or immediate action is required, it is, due to circumstantial limitations, the only—morally, practically or otherwise—justified way to proceed. From its use in these special contexts, this move may derive its rhetorical force.

How to react when the other party has maneuvered in such a way that a fallacy has been committed with regard to the burden of proof? Just like they have the unconditional right to ask for a specification or elucidation and to provide such clarifications, both parties have in all stages of the discussion the right to accuse the other party of having committed a fallacy. This, however, is a conditional right, which can only be exercised if the accusation is at the same time substantiated. As Walton and Krabbe (1995) observe, "there is a serious burden of proof on the would-be critic who is to go around declaring arguments fallacious." This burden of proof may be difficult to discharge. More often than not such fallacies are, after all, committed in a concealed way, so that they can easily be denied. As van Eemeren and Grootendorst (1992) emphasized, fallacies are often hidden by implicit, vague or ambiguous language use or conveyed indirectly or through conversational implicatures.[18] Also, in actual argumentative practice, the accused party will usually not be inclined to give in easily to fallacy criticism. Unlike in third party evaluation,

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[18]Walton (1996) also identifies other specific techniques to disguise violations of the burden of proof rule: innuendo, say so, attribution, plausible denial of commitment, ambiguity, and other deceptive or confusing techniques.

again, a certain amount of strategic maneuvering may be needed to convince the other party (or other members of the audience) that a certain move is fallacious. It is then required to explain exactly which offense against critical reasonableness has been committed. Committing an outright 'counter-fallacy' is, viewed from our perspective, in any case not an adequate response (cf. Jacobs 2000).

21.5 Conclusion

In the case of argumentation there is always a difference of opinion between people, "out there," in the real world—a difference that is, as it were, "waiting" to be resolved. In this paper, we have explained what a pragma-dialectical approach to argumentation in terms of speech acts, commitments, mutual coordination, and procedural rules amounts to in the analysis of the burden of proof. We have addressed the central questions of why there should be a burden of proof, to what it applies, to whom it is to be assigned, what it involves, under which conditions it is activated, by what means it can be discharged, and when it is met. We have done so in a critical rationalist vein, attuned to furthering the most systematic, perspicuous, economic and thorough process of resolving a difference of opinion by critically testing the tenability of a standpoint.

Because the management of the burden of proof is, just like that of other relevant components of the discourse, subjected to a potential tension between dialectical standards of critical reasonableness and the rhetorical aim of deciding the discourse in one's own favor, a clear view is to be achieved of the parties' strategic maneuvering. Although strategic maneuvering is inherent in argumentative discourse and often perfectly legitimate, there can also be occasional "derailments." We have shown for each stage of the resolution process how strategic maneuvering with regard to the burden of proof can be constructive and sound but also how it can deteriorate and become fallacious.

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Chapter 22
Seizing the Occasion: Parameters for Analysing Ways of Strategic Manoeuvring

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22.1 The Strategic Function of Argumentative Moves

People who are engaged in argumentative discourse are characteristically not only out to conclude their differences of opinion *their way* but also oriented towards reaching this conclusion *in a reasonable way*: they may be regarded committed to norms that are instrumental in maintaining critical standards for being reasonable and to expect others to comply with the same standards. This means in practice that, while being out for the optimal rhetorical result, they may at the same time be presumed to hold at every stage of the resolution process to the dialectical objective of the stage concerned. In their efforts to reconcile the simultaneous pursuit of these dialectical and rhetorical objectives, and to reduce any potential tension between them, they make use of what we have termed *strategic manoeuvring* (van Eemeren and Houtlosser 2002). This strategic manoeuvring takes place by exploiting simultaneously the available topical potential, the opportunities for framing the addressee's perspective and the presentational possibilities. Every move made in argumentative discourse involves strategic manoeuvring and it is dependent on various factors which *strategic function* a certain move can have. Analysing the strategic function of a particular way of manoeuvring therefore requires insight into the parameters that determine the strategic role a particular move may fulfil at the point in the discourse where it is made.

22.2 Parameters Determining the Possibilities for Strategic Manoeuvring

In analysing the strategic function of a particular way of manoeuvring our starting point is that each instance of strategic manoeuvring belongs to *one of four categories*, which are connected with the four stages of a critical discussion (van

Eemeren and Grootendorst 2004): there is strategic manoeuvring that is to be reconstructed as part of the confrontation stage, strategic manoeuvring that is to be reconstructed as part of the opening stage, strategic manoeuvring that is to be reconstructed as part of the argumentation stage, and strategic manoeuvring that is to be reconstructed as part of the concluding stage. Each of these four categories allows for specific ways of strategic manoeuvring.

In analysing the strategic function of the manoeuvring that is carried out, in our view, for each category of strategic manoeuvring, the following parameters must be considered:

1. the *results* that can be achieved;
2. the *routes* that can be taken to achieve these results;
3. the *constraints* of the institutional context;
4. the *mutual commitments* defining the argumentative situation.

Ad 1. Theoretical insight into the various components of the *analytic overview* that ensues from reconstructing a piece of argumentative discourse pragma-dialectically as a critical discussion provides an analytic tool for substantiating the first parameter (van Eemeren and Grootendorst 1992, 93–94). Because each discussion stage has its own distinctive constitutive components, insight into an analytic overview enables us to track down systematically which kinds of results can be aimed for in each category of strategic manoeuvring. The outcomes that can be reached in a particular discussion stage consist of the various options for filling out the various components of the analytic overview applying to the stage concerned. In the confrontation stage, for instance, which aims at defining the difference of opinion, the results can be a non-mixed single, a mixed single, a non-mixed multiple or a mixed multiple difference of opinion, depending on the number of propositions involved in the difference and the positions assumed by the parties (van Eemeren and Grootendorst 1992, 13–25). In the same vein, the results that can be reached in the other stages can be determined. In the argumentation stage, for instance, reconstruction leads to a specific outcome regarding the arguments that have been advanced, the premises that have been left unexpressed, the types of argument schemes that have been applied, the kinds of criticism that have been levelled, and the structure of the argumentation as a whole.

Ad 2. The theoretical notion of a *dialectical profile* provides an analytic tool for substantiating the second parameter (van Eemeren et al. 2007, 17–19). Dialectical profiles represent the sequential patterns of the analytically relevant moves that the parties in a critical discussion can make to achieve an outcome of a particular stage of the discussion. The profile of the "explicitization procedure for unexpressed premises," for instance, defines the procedural ways in which an implicit premise in the argumentation stage can be made explicit (van Eemeren and Grootendorst 1992, 60–72). It represents the possible routes the parties can take in the process that starts

with the "production" of a supposedly incomplete argument and ends with an agreement about the unexpressed premise that is to be attributed to the protagonist. Because, in practice, the route that is actually followed is also determined by the interaction between the parties, it is not fully predictable in which way exactly they will go through the procedure: what next step they can take depends on the earlier steps they have made but also on the steps made by the other party. Nevertheless, the set of alternatives to choose from is finite and indicated in the dialectical profile.

Ad 3. An analytic tool for substantiating the third parameter consists of the empirical notion of communicative *activity types* (van Eemeren and Houtlosser 2005). Activity types are more or less institutionalised entities of verbal interaction that can be distinguished by empirical observation of communicative practices in the various domains of discourse. They manifest themselves in a great many culturally established variants, some of which have a clearly articulated format, such as a legal defence, a political debate and a negotiation. Argumentative discourse, typically but not exclusively, takes place in the context of an activity type, or a similar kind of social background, that is regulated by conventional preconditions instrumental in shaping the communicative practice concerned. Depending on the activity type, and the prevailing conventional preconditions, different constraints apply with regard to the strategic manoeuvring that is allowed. In a Dutch criminal trial, to name just an example, it is a precondition that arguments from analogy are not allowed, so that certain strategic possibilities for delivering proof are closed off and, at the same time, other strategic possibilities for the parties open up, in this case most obviously for the defendant.

Ad 4. The *commitment sets* the arguers have developed at the point in the discussion the analyst is concentrating on constitute an analytic tool for substantiating the fourth parameter (van Eemeren and Grootendorst 2004, 54–55). These commitment sets determine together the argumentative situation the arguers are in at a specific juncture in the dialectical profile of the relevant part of the discussion. At the point where he is expected to provide argumentation, an arguer may, for instance, be in an argumentative situation in which he and his discussion partner are committed to some clearly delineated starting points they have to act in accordance with. This is not to say that the arguers' commitment sets as acquired in the argumentative situation the arguers are in are merely restrictions on their strategic manoeuvring in the continuation of the discussion: the commitment sets that determine the argumentative situation also open up opportunities to use the other party's commitments to the advantage of one's own cause. In a pragma-dialectical view of argumentative discourse such an opportune use of commitments is endorsed by the fact that, in principle, commitments only count as genuine commitments if both parties agree on taking on these commitments so that, ideally, all commitments that are exploited are *shared* commitments.

The parameters just discussed allow for taking account of a finite set of considerations that are pertinent to analysing the function of the strategic manoeuvring that takes place in making a certain argumentative move in a specific case of argumentative discourse. When taken together, they constitute a useful basis for analysing the manoeuvring in each of the four categories of strategic manoeuvring. As a matter of course, the analysis starts from the way in which the strategic manoeuvring manifests itself in the discourse, i.e., in a particular choice that is made from the available topical potential, a particular way in which the opportunities for framing (to) the addressee's perspective are used, and a particular way in which the presentational possibilities are exploited. Although in strategic manoeuvring these three aspects always go together, and are intrinsically connected, in argumentative practice one particular aspect is often more prominently manifested than the other. The strategic manoeuvring may, for instance, come primarily to the fore in the topical choice that is made, say by an emphatic use of an argument from authority (*ex autoritate*), or in the way audience adaptation is realised, say by emphatically adopting the other party's own arguments (*conciliatio*), or in the use of presentational techniques, say by an emphatic repetition of the standpoint (*repetitio*). This is why it is, in our view, in principle recommendable to refer to the way of strategic manoeuvring at issue in a particular case by naming its most conspicuous manifestation in either of the three aspects: manoeuvring by argument from authority, manoeuvring by conciliation, manoeuvring by repetition, etc. Subsequently, the four parameters we discussed can be used to analyse the strategic function the particular way of manoeuvring referred to may have in the case concerned.[1]

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[1]An arguer may, for instance, have decided to advance a negative standpoint in response to a positive standpoint, anticipating that his position is so strong that, in addition to challenging the positive standpoint, he can defend the contradictory standpoint. This way of manoeuvring would primarily amount to making an expedient choice of the 'confrontational' topical potential. And if an arguer has attempted to turn a difference of opinion into a non-difference when he is confronted with a standpoint that he does not want to discuss, this way of manoeuvring would in the first place be characterised as an 'adaptation' to the other party's position. And if in the argumentation stage, to mention one last example, an arguer wants to avoid a commitment to an unexpressed premise in his argumentation and attempt to achieve this by presenting the argumentation as it stands as complete, the presentational aspect of the manoeuvring would spring most to the eye. The soundness conditions for the various ways of strategic manoeuvring might be related in a general way to the three aspects of strategic manoeuvring by stipulating that: (a) each move is chosen in such a way that it enables an analytically relevant continuation at the juncture concerned in the dialectical route that is taken and can lead to one of the outcomes of the discussion stage concerned, (b) each move is in such a way adapted to the other party that it responds to the preceding move in the dialectical route that is taken, and (c) each move is formulated in such a way that it can be interpreted as enabling a relevant continuation and being responsive to the preceding move.

Summarizing, we can say that in analysing the strategic function of a particular case of manoeuvring we have to take into account, first, which results can be achieved by making the argumentative move that is made, so that it can be explained what kind of outcome may be aimed for by this kind of strategic manoeuvring. The spectrum of relevant options open to be filled out in the analytic overview can be of help in this endeavour. Second, we have to take into account which reasonable options are available when making the argumentative move so that it can be explained what route is taken by carrying out this particular way of strategic manoeuvring. The dialectical profile for the moves that are analytically relevant at this juncture in the discussion procedure can be of help in this endeavour. Third, we have to take into account the institutional constraints of the argumentative discourse that is carried out, so that it can be explained what the conventional preconditions are that the strategic manoeuvring must meet in this type of discourse. An understanding of the kind of activity type in which, or social background against which, the strategic manoeuvring takes place can be of help in this endeavour. Fourth, we have to take into account what is the actual state of affairs in the discourse when the strategic manoeuvring takes place, so that it can be explained to what situational demands exactly the manoeuvring must respond. An understanding of the mutual commitment sets defining the argumentative situation can be of help in this endeavour. If these four parameters are duly considered in analysing the strategic function of the manoeuvring that manifests itself in the discourse at the point the analyst is focussing on, it can be explained which strategic function a particular way of manoeuvring, characterized by a certain combination of topical choice, audience orientation and presentational design, may fulfil.

22.3   Strategic Manoeuvring with Unexpressed Premises: A Case in Point

To illustrate how the parameters we have just discussed play a part in characterising the strategic function of the manoeuvring regarding a specific element of the argumentation as represented in the analytic overview, we shall now discuss how strategic manoeuvring can be used for influencing the result of the procedure for making an unexpressed premise explicit. The moves that can be made in this explicitization procedure are represented in the profile below (P = Protagonist, A = Antagonist):

1 P: I hereby advance the following argumentation, consisting of a single
                       and/or complex premise in support of, or against, standpoint Y

2 A: The reasoning on which your argumentation is based is incomplete

3 P: Let us start an inter-subjective   No, the reasoning on which my
              explicitization procedure!   argumentation is based is complete

4 A: The logical minimum is   The logical   OK   Sub-discussion
        the complex premise   minimum is the
        'If X then Y', or 'Either ~X or Y' simple premise 'X'

5 P: OK […]   No: [alternative]   OK […]   No: [alternative]

                                   Sub-discussion   Sub-discussion

6 A: Generalization/   Then generalization/   Generalization/   Then generalization/
        specification yields specification yields   specification yields specification yields
        unexpressed premise Z unexpressed premise Z'   unexpressed premise X unexpress. premise X'

7 P: I accept your   I do not accept your   I accept your   I do not accept your
        attribution   attribution   attribution   attribution

[8 A: Sub-discussion   Sub-discussion]

   As the profile shows, minimally seven rounds of moves are needed to carry out
the explicitization procedure in a systematic way. In the first round the protagonist
advances argumentation (otherwise the explicitization procedure is not called for).
In the second round the antagonist conveys that he considers the protagonist's
argumentation incomplete (otherwise it would not be necessary to start the
explicitization procedure). In the third round the protagonist either agrees with the
antagonist's incompleteness claim and proposes to carry out the explicitization
procedure, or claims that the reasoning on which his argumentation is based is
complete as it stands. In the latter case, the antagonist may in the fourth round either
admit that the protagonist's reasoning is complete or maintain his claim that it is
incomplete and begin a sub-discussion—the proceedings of which we shall not
discuss here. If the protagonist has indeed agreed with the antagonist's claim that
the protagonist's reasoning is incomplete and has proposed to start the expliciti-
zation procedure, then the antagonist must propose an explicitization of the—
simple or complex—premise that would constitute the 'logical minimum' of the
incomplete piece of reasoning. The protagonist may in the fifth round either agree

with the antagonist's explicitization of the logical minimum or propose an alternative logical minimum. If the antagonist does nót agree with this alternative, he may begin a sub-discussion in the sixth round. If he does agree, or if no alternative has been proposed because the protagonist agrees with the antagonist's explicitization of the logical minimum, the antagonist may in this round propose a generalization or specification of the logical minimum and attribute to the protagonist the responsibility for an unexpressed premise formulated on the basis of this generalization or specification. In the seventh round, the protagonist may agree with this attribution; then, the explicitization procedure is successfully completed. If he does not agree, the antagonist has the opportunity to start, in the eighth round, a sub-discussion about the acceptability of the formulation of the unexpressed premise.

In showing how the dialectically relevant moves can be performed as strategic manoeuvres by exploiting the relevant features of argumentative reality, we focus on the first four rounds of this dialectical profile. We shall concentrate on the constraints of the argumentative situation at the particular points the discussion has reached, addressing the influence of the argumentative activity type in which the discussion takes place only (and only slightly) in our exemplary analysis in Sect. 22.4.

Strategic manoeuvring with unexpressed premises already plays a part in the 'production' of the argumentation by the protagonist; this production determines, after all, to a large extent the antagonist's possibilities for interpretation and attribution. Therefore, we begin our discussion with the opportunities for strategic manoeuvring provided by this 'production move.' With regard to leaving certain parts of his reasoning unexpressed, the protagonist has three options: he can leave *no* premise implicit, he can leave a *simple* premise implicit in which a presumed fact or a judgment is expressed or he can leave a *complex* premise implicit in which this presumed fact or judgment is associated with the standpoint at issue. If the parties have committed themselves to both simple and complex premises that could in, some combination or other, constitute a complete argument that is valid according to the protagonist, then it is strategically best for him to advance that complete argument.[2] If the parties have committed themselves in the opening stage to simple premises only, it is in principle most advantageous to the protagonist to advance a simple premise in the argumentation and leave a complex premise implicit. He may then be regarded to consider this complex premise as a 'contextual starting point'. Similar considerations apply to the advantages of leaving a simple premise implicit.

In the second round, the antagonist can state that the reasoning expressed in the protagonist's argumentation is incomplete. This move can be in particular strategically valuable to him when it is not unequivocally clear whether the protagonist's

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[2]This observation applies unless it must be assumed that the antagonist will consider one of the premises (or both premises) as evident, so that mentioning it will frustrate rather than further the protagonist's attempt at convincing, as is explained in classical rhetoric.

argument is indeed incomplete. It depends on the procedural agreements of the parties concerning the logic that is to be used in the "intersubjective inference procedure" whether or not an argument may be considered complete or incomplete (van Eemeren and Grootendorst 2004, 148). If the antagonist envisions that his opportunities for attacking the acceptability of an unexpressed complex premise are better than for testing the logical validity of the argument presented as complete by the protagonist, then it could be advantageous to him to label the argument incomplete and to elicit from the protagonist the request to start the explicitization procedure. If, on the other hand, the antagonist thinks that the argument will turn out to be logically invalid when it is considered to be complete, then it is more advantageous to him to refrain from stating that the argument is incomplete and aim for entering the intersubjective inference procedure. Based on similar strategic considerations—does he envision to have better chances when checking the acceptability of the unexpressed premise than when testing the validity of the supposedly complete argument or the reverse?—the protagonist will in the third round either agree that the reasoning on which his argumentation is based is not complete or claim that his reasoning is complete.

If the protagonist has acknowledged that his reasoning was not complete and requests to start the explicitization procedure, it is, in the first instance, the nature of the argument that was advanced that determines whether the antagonist in carrying out the explicitization procedure must aim for making the complex premise explicit or the simple premise. But even if the nature of the protagonist's argument forces the antagonist to make a specific type of premise explicit, there is still room left to *formulate* that premise in a specific way as the logical minimum. Particularly when a complex premise is left unexpressed, the formulations can vary, because there is no hard and fast rule saying that the unexpressed complex premise must be reconstructed in one particular way. Assuming that the participants have agreed on using propositional logic, the complex premise that makes the argument valid can be formulated as a conditional, a disjunction, etc. A disjunctive formulation of the unexpressed complex premise is, for instance, advantageous to the antagonist if the protagonist has used a negation in the explicit premise or in the standpoint supported by this premise, as in "Hank is ill, because he was not in the office today." If the antagonist formulates the unexpressed premise as a disjunction, as in "Hank is either not in the office or he is not ill," the accusation that a false dilemma was created is as it were incorporated in the formulation of the premise. In this case it will be much more difficult for the protagonist to save his argumentation than if the antagonist had formulated the logical minimum as a conditional, as in "If Hank is not in the office, then he is ill." In the next stage, the protagonist could easily save this last explicitization by means of a slightly weakening generalisation of his statement: "It is usually the case that if Hank is not in the office, he is ill." In the case of a disjunctive formulation, such a 'weakening strategy' cannot so easily be followed.

22.4   The Case of Moosbrugger

A suitable case to illustrate how the opportunities for strategic manoeuvring in the explicitization procedure can be exploited is the argument about the applicability of the legal concept of 'responsibility' in the (fictional) trial against the alleged murderer Moosbrugger described in Robert Musil's novel *Der Mann ohne Eigenschaften* [The Man without Qualities, 1979]. We shall concentrate on the 'production' move at the start and the possible responses to this move.

Moosbrugger, who, "in the course of his life, […] had as often been confined in mental institutions as he had been let go, and had been variously diagnosed as a paralytic, paranoid, epileptic, and manic-depressive psychotic, until at his recent trial, two particularly conscientious forensic psychiatrists had restored his sanity to him" (p. 262), is accused of having murdered a prostitute. In the court room, "there was not a single person […], the doctors included, who was not convinced that Moosbrugger was insane, one way or another" (p. 262). This judgment—which is formulated as 'partly insane' in the course of the trial—is, however, not deemed sufficient to declare Moosbrugger "not responsible for his actions" (p. 262). "It was not a way that corresponded to the conditions of insanity laid down by the law" (p. 262). This is the way in which Musil represents the argumentation:

> [The fact that Moosbrugger is 'partly insane' is not sufficient to declare him not responsible for his actions.]
> For if one is partly insane, one is also, juridical, partly sane, and if one is partly sane one is at least partly responsible for one's actions, and if one is partly responsible one is wholly responsible; for responsibility is, as they say, that state in which the individual has the power to devote himself to a specific purpose of his own free will, independently of any compelling necessity, and one cannot simultaneously possess and lack such self-determination (p. 262).

The defence of the standpoint that Moosbrugger's partial insanity is not sufficient to declare him not responsible for his actions proceeds in two stages. The first stage begins with the condition "if one is partly insane, one is also, juridical, partly sane, and if one is partly sane one is at least partly responsible for one's actions" and ends with the (conditional) claim "if one is partly responsible one is wholly responsible." In the second stage, this last claim is further defended as a sub-standpoint with the help of the argument starting with "for responsibility is …" and ending with the claim "and one cannot simultaneously possess and lack such self-determination." This last claim is left unsupported.

At first sight, the protagonist seems to present his argument in both stages as complete and deductively valid. It seems therefore obvious that the (potential) antagonist, who, according to the dialectical profile of the procedure for making unexpressed premises explicit, has to decide whether he regards the argument as complete or incomplete, should regard the argument as complete and steer towards testing the logical validity of the argument. However, precisely because the argument gives the impression of being complete and deductively valid—which can be taken to be a strategic aspect of the 'production' of the argument—and logical

testing stands a good chance of yielding a favourable result for the protagonist, it may strategically be more advantageous to the antagonist to first try to show that the argument is nót complete and that one or more premises are lacking. On the basis of the following—less attractive but more conspicuous—paraphrase of the second stage of the argument, we shall discuss which premises the antagonist could declare missing, how he could phrase them, and what the strategic advantages are of the various ways of proceeding.

> [If one is partly responsible, one is wholly responsible] for responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability.

This paraphrase makes it easier to note that it is indeed the case that in the argument some premises are missing. At the highest level there is even a complete piece of reasoning missing, which consists of the simple premise "[for] one cannot be partly responsible" and the complex premise "if one cannot be partly responsible, one can, if one is partly responsible, only be wholly responsible." Adding the simple premise is necessary to show the relevance of the argument that follows, which is supposed to demonstrate the practical impossibility of the state of partial responsibility. Adding the complex premise is necessary to get, from the hypothetically imaginable but at the same time practically impossible state of partial responsibility, to the consequence that one can only be wholly responsible. Moreover, it is necessary to add the following complex premise to the argument: "if responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability, then one cannot be partially responsible." Adding this premise is necessary to make it clear that the explicit premises "responsibility for one's actions is the capability of determining one's own doings" and "one cannot simultaneously possess and lack such a capability" can support the simple premise that has been made explicit, "one cannot be partly responsible." These explicitizations lead to the following argument (in which the premises that are made explicit are represented in bold):

> [If one is partly responsible for one's actions, then one is wholly responsible] [because] **one cannot be partly responsible** [and] **if one cannot be partly responsible, then one can, if one is partly responsible, only be wholly responsible**; [one cannot be partly responsible] because responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability [and] **if responsibility for one's actions is the capability of determining one's own doings, and one cannot simultaneously possess and lack such a capability, then one cannot be partly responsible for one's actions**.

A crucial observation applying to this reconstructed piece of reasoning is that it would have been superfluous to make the last (unexpressed) premise explicit if the—apparently tautological—premise that ís explicitly presented (conveying that one cannot simultaneously possess and lack the capability of determining one's own doings) would have been phrased as a disjunction. The disjunctive form would, after all, have expressed clearly that the basis of the reasoning is a dilemma: either one has the capability to determine one's own doings or one does not have

this capability. Because the premise is explicitly expressed in a non-disjunctive form, however, the antagonist is not legitimized to rephrase this premise as a disjunction. Therefore, it is impossible for the antagonist to state that a dilemma has actually been posed. This is too bad, because it also prevents him from observing that it is precisely this dilemma that is strategically exploited in the first stage of the argument. It is already in the first 'logical' step of this stage of the argument ("if one is partly insane, then one is also partly sane") that—almost unnoticeably—Moosbrugger's partial *sanity* is taken as the starting point of the reasoning and used as a premise in the argument, instead of the fact that the poor man is "insane, one way or another"—which is what started the deliberation in the first place.

Although there seems to be little chance that the antagonist can successfully attack the dilemma that is actually there, it is precisely the antagonist's manoeuvre of not considering the protagonist's argument complete and look for missing premises in the reasoning that can help him to expose the dilemma in the second instance. Especially the explicitized premise "if one cannot be partly responsible [for one's actions], then one can, if one is partly responsible, only be wholly responsible" allows him to maintain that the protagonist poses a dilemma. This premise could, after all, just as well have been: "if one cannot be partly responsible [for one's actions], then one can, if one is partly responsible, only be wholly *non*-responsible." In that case the complex premise—in combination with the simple premise "one cannot be partly responsible"—could never have supported the sub-standpoint "If one is partly responsible, one is wholly responsible." Thanks to the *arbitrariness* of the consequent of the explicitized complex premise, the antagonist can attack the argument that was presented as compelling by the protagonist as being nót compelling. Unfortunately for Moosbrugger, in the legal reality of his trial, this will not have damaged the effectiveness of the manoeuvring of the judges, as they were not required to give any further account than the one they already gave.

22.5   Conclusion

What can we now say about the function of the strategic manoeuvring conducted by the protagonist and the (projected) antagonist in the Moosbrugger case? In our analysis we have taken account of the four parameters of (1) the intended result of the explicitization procedure, (2) the ways in which the participants attempt to achieve this result taking account of the limitations and opportunities of (3) the conventional preconditions of the activity type the participants in the Moosbrugger case are in, and (4) observations concerning the actual preconditions of the argumentative situation. Based on the fact that the protagonist presented the argument as complete and valid, his manoeuvring can be characterised as an attempt to preclude the explicitization procedure from coming off the ground. Based on our analysis of how the antagonist could reconstruct a particular missing premise and exploit it to show the arbitrariness of the consequent in the sub-standpoint of the protagonist, his

manoeuvring can be characterised as an attempt to arrive at an explicitization of an unexpressed premise that enables him to show that the protagonist's standpoint involves a non-sequitur, in this case because it is based on a—false—dilemma.

Thus we have shown that in carrying out the procedure for making unexpressed premises explicit, the various possibilities for making strategic manoeuvres to achieve the explicitization that is easiest to defend or to attack are dependent on both the aspired outcome and the argumentative routes that can be followed, and that, in practice, the way in which these possibilities are exploited always depend on the argumentative situation at hand and the broader context of the argumentative activity type. Even if we have not systematically shown how on the basis of these parameters the strategic function of argumentative moves can be established con-clusively, we have at any rate indicated in which way these parameters can play a part in analysing the strategic role particular ways of manoeuvring may play in practice.

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Chapter 23
A Pragmatic View of the Burden of Proof

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23.1 A Dialectical Profile of the Division of the Burden of Proof

In an earlier paper, entitled 'Strategic maneuvering with the burden of proof,' we have explained our dialectical perspective on the division of the burden of proof in a critical discussion (van Eemeren and Houtlosser 2002). We did so by answering a series of interrelated questions from a procedural view of critical reasonableness: Why is there a burden of proof? A burden of proof for what? For whom? What exactly does the burden of proof involve? When is it activated? What means can be used to acquit oneself of the burden of proof? And when is one discharged? Because our responses were given in a critical rationalist vein, they are attuned to resolving a difference of opinion by critically testing the acceptability of a standpoint in the most systematic, thorough, perspicuous, and economic way. In the present paper we aim to complement this approach by offering a pragmatic solution for an important problem that may arise in 'mixed' disputes, where opposite standpoints are put forward regarding the same issue. The problem concerns the *order* in which the opposing standpoints are to be defended.

Making use of an analytic tool provided by Walton and Krabbe (1995), we describe the interactional situation in which our problem arises with the help of a *dialectical profile*. This profile specifies the moves that are admissible when dividing the burden of proof in a mixed dispute in the opening stage of a critical discussion. The profile starts from the situation that a mixed dispute has come into being in the confrontation stage between two parties. The profile includes both possibilities: the one in which the party that has advanced a *positive* standpoint is challenged first to defend this positive standpoint and the one in which the party that has advanced a *negative* standpoint is challenged first to defend this negative standpoint.

[*Result of the confrontation stage*: S1: +/p; S2: ?/(+/p), −/p; S1: ?/(−/p) (speaker 1 advances a positive standpoint with respect to opinion p; speaker 2 doubts S1's

positive standpoint with respect to opinion p, and advances a negative standpoint with respect to opinion p; speaker 1 doubts S2's negative standpoint with respect to opinion p)].[1]

23.1.1   Opening Stage

Opening stage:

1 S2/S1:	Defend +/p! / Defend –p!
2 S1 or S2:	OK No
3 S2 or S1:	Why 'No'?
4 S1/S2:	You defend -/p! / You defend +/p!
5 S2 or S1:	OK No
6 S1 or S2:	Why 'no'?
7 S2 or S1:	Initiates a deliberation about the order of defense
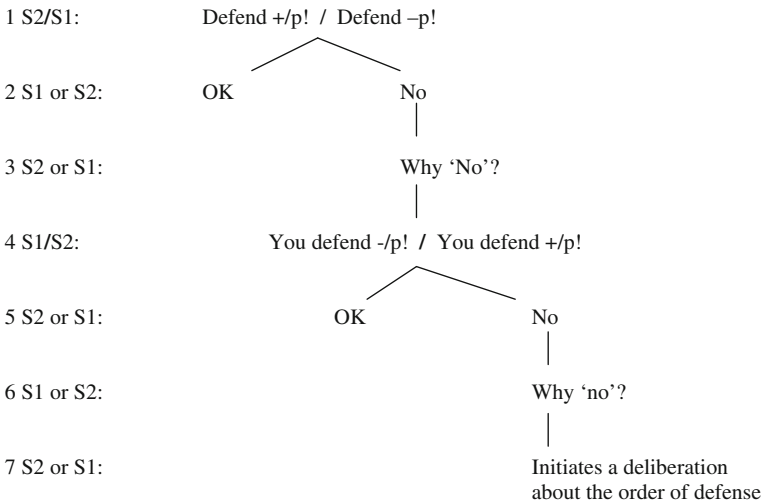
We are here concerned with the interactional situation that comes into being when a party, in response to the other party's challenge (in turn 1), refuses

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[1]The ideal procedure for going through the confrontation stage of a critical discussion makes clear that it needs to be externalized in the analysis that S2's negative standpoint implies doubt about S1's positive standpoint and that S1's positive standpoint in turn implies doubt about S2's negative standpoint. If a critical discussion is to be conducted about the tenability of the positive standpoint advanced by S1, the only move S2 is allowed to make is reacting to this standpoint; this reaction should either be one of acceptance or one of non-acceptance. Advancing the opposite (negative) standpoint by S is not a dialectically relevant move, because it does not further *the present* critical discussion, but initiates a *new* discussion, i.e., a critical discussion about the tenability of S2's negative standpoint. Viewed dialectically, the latter discussion is a new discussion because its result has no bearing on the outcome of the discussion about the tenability of S1's positive standpoint. Consequently, if a positive standpoint is in practice directly opposed by a negative standpoint, the ensuing *mixed* dispute should be decomposed into two *simple* disputes, which need to be separately resolved, i.e., one by one, thus avoiding (the detection of) the occurrence of argumentative moves in which the two discussions get confused, such as *ad ignorantiam*.

(in turn 2) to defend his standpoint. When asked (in turn 3) why he does not want to defend his standpoint, this party can (in turn 4) challenge the other party to defend his opposing standpoint. As the profile specifies, in such a situation the other party has (in turn 5) two possibilities: either he concedes that he should begin defending his own standpoint or he rejects the challenge. If the other party rejects the challenge, the first party may (in turn 6) require an explanation why the other party does not want to defend his standpoint. At this point, the other party may (in turn 7) no longer return the challenge, because he would then be repeating the challenge that he issued in his very first move (turn 1). If the dialogue is to continue, he should therefore initiate a deliberation about the order in which the standpoints at issue are to be defended.

Thus the dialectical profile makes it clear that the problem of establishing the order in which two opposing standpoints are to be defended amounts to a procedural problem concerning who will be the first to assume the burden of proof in a mixed dispute. In the opening stage of a critical discussion, a deliberation may be started over the order in which the defenses should take place, and this deliberation is to be initiated by the party that has started the process of challenging. The dialectical profile also makes it clear why this procedure is so. It is only after the party that has been challenged initially (in turn 1) has returned this challenge (in turn 4), that the order of defense can become pertinent. The order of defense can only be made an issue by the other party in the subsequent turns (turn 5–7).

23.2 Acquiring a Burden of Proof

The dialectical profile clearly specifies how and when the order of defense can become an issue in a mixed dispute, but it does not specify how it can be decided what the order should be. In the various treatments of this burden of proof problem in the scholarly literature on argumentation, various kinds of would-be solutions have been proposed: epistemological, juridical, ethical, etc. In our pragma-dialectical approach we opt for a more general stance. We think that the way in which this problem is to be resolved depends in the first place on the institutional practice or context in which the discussion takes place. The opening stage of a critical discussion is designed precisely to accommodate the kinds of procedures and conventions that are operative in the various institutional practices and contexts. There are practices that are genuinely institutional, such as criminal court procedures and parliamentary debates, and where fixed procedures determine how issues of order should be decided. There are also practices where no fixed procedures exist, but where nevertheless certain conventional rules are operative that are in agreement with the goals of the practice concerned. In a broader perspective, all everyday verbal interaction can be regarded as institutional in the Searlean sense (1969) that performing speech acts is a form of institutional, rule-governed behavior and specific types of speech acts in specific kinds of exchanges are subject to specific kinds of conventions. If no genuine institutional procedures are operative in

the context in which a discussion takes place, these specific kinds of conventions provide a *pragmatic rationale* for deciding on issues such as order of defense. In the remainder of this paper, we intend to explain what this pragmatic rationale consists of and how it can account for a certain decision on the order of defending when two opposite standpoints are advanced.

We start by presenting first two dialogues in which the parties advance opposing standpoint, and the first speaker requires the second speaker to defend his opposite standpoint first. The standpoint that introduces the issue is represented *in italics*. In the first dialogue, this standpoint involves an implicit accusation:

(1) 1   S1: My purple vase!
     2   S2: Yes, what a pity, isn't it?
     3   S1: *You dropped it!*
     4   S2: I did not!
     5   S1: Make me believe you didn't
     6   S2: I beg your pardon?!
     7   S1: Why not?
     8   S2: Well, …

In the second dialogue, the standpoint is an informative assertive:

(2) 1   S1: Jan is leaving for Warsaw tomorrow
     2   S2: When exactly?
     3   S1: *Ten a.m.*
     4   S2: I shouldn't think so…
     5   S1: Why not?
     6   S2: As far as I know, the train departs every odd hour

In a pragma-dialectical reconstruction of these dialogues as a critical discussion, the dispute can in both cases be characterized as *mixed* because the parties take opposite positions in regard of an issue: in dialogue (1), the issue is whether S2 has dropped the vase; in (2), the issue is whether the train leaves at 10 a.m. In both disputes both parties have a standpoint of their own. Consequently, in both cases both parties have an obligation to defend their standpoints.[2] There is a problem, however. Temporarily or definitively (we cannot tell), the party whose standpoint is put forward first shifts the burden of proof to the other party, but this shift seems in case (2) more or less legitimate, but certainly not in case (1).[3] We think that by examining how in ordinary argumentative discourse a burden of proof is acquired and what the pragmatic rationale for attributing such a burden of proof can be, we will be able to explain this difference.

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[2]In a critical discussion, advancing a standpoint implies assuming a conditional obligation to defend the position expressed in that standpoint. When two opposing standpoints are advanced by different parties, both parties are required to defend their position.

[3]In (2) it would indeed have been odd if S2 would in turn 6 have said that S1 should first prove that the train leaves at 10 a.m.

23.3   Relating the Burden of Proof to the Pragmatic Status Quo

Reconstructing what people say and intend to convey in argumentative discourse as a series of moves in a critical discussion, as is the aim in pragma-dialectics, amounts to an explicit analysis of these people's 'dialectical' commitments to certain propositions. Such an analysis can only be achieved if the dialectical commitments of the parties involved in the discussion can be derived from the 'pragmatic' commitments that are inherent in the way in which they have expressed themselves in the discourse, whether explicitly or implicitly. These pragmatic commitments can be traced by making use of insight provided by theories of language use that focus on how mutual obligations are incurred and acquitted in verbal communication and interaction, such as the Searlean speech act theory and the Gricean theory of rational exchanges.

In the first place, Searlean speech act theory and Gricean theory of rational exchanges can be called upon to explain the rationale for attributing certain pragmatic commitments to the participants in argumentative discourse. As Jackson (1995) observes, the Gricean maxims, in particular the Maxim of Quality ("Do not say what you believe to be false or that for which you lack adequate evidence"), support the general presumption that an assertion advanced in the discourse—and in our opinion this also goes for other types of speech acts—is acceptable. According to Jackson, this presumption is cancelled only if the interlocutor (1) has independent reason to doubt that the assertion is indeed acceptable or (2) that the speaker is indeed behaving in a cooperative way, or (3) if the context indicates that the speaker himself deems his assertion less acceptable for the interlocutor (1995, 258). Ullman-Margalit (1983) expresses basically the same idea when she says that from a legal perspective an assertion being 'presumptively acceptable' means that the interlocutor *is entitled to regard it as acceptable*.[4]

In our opinion, the presumption of acceptability has an even more fundamental basis in the Interaction Principle. Van Eemeren and Grootendorst (1991) state this principle as a general prohibition against the performance of any speech acts that are not acceptable to the interlocutor. Unlike the Gricean maxims, the Interaction Principle involves a real requirement. A violation of this principle does not encourage alternative interpretations of what is said. On the contrary, such a violation obstructs the normal course of the interaction, and can even lead to

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[4]In the law, the notion of presumption is applied to situations in which something is an 'impending issue.' What to do, for example, when someone has been absent for more than seven years: Should this person be declared dead or not? For legal purposes, it is then presumed that this person is dead. Ullman-Margalit (1983, 148) emphasizes this feature when she says that "[p]resumption entitles deliberators to make an assumption *that they are otherwise not entitled to make*." Jackson's use of the notion of presumption conforms to the legal use on the condition that the acceptability of a speaker's assertion can be considered an 'impending issue.' What to do when someone has said something: Accept it or not? The presumption is: accept, unless there is something that weighs against it.

sanctions.[5] Anyone who performs a speech act is committed to complying with the requirement involved in the Interaction Principle, and this commitment gives rise to the presumption that the speech act that was performed is indeed acceptable. This presumption is similar to the presumption that motorists who approach a red traffic light will obey the traffic rule and stop their cars.

Until there are clear indications of the opposite, the interlocutor is thus entitled to regard the speech act performed by the speaker or writer as acceptable. If, however, there *are* indications that the speaker or writer *has not fully committed himself* to the requirement involved in the Interaction Principle, the situation is different. When, for instance, a speaker makes it known in advance that he anticipates opposition from his interlocutor, and—following up on this—the interlocutor does indeed express opposition to the speech act concerned, then the presumption shifts to the interlocutor. To regain the presumption of acceptability, the speaker has to adduce evidence that his speech act is acceptable after all. In other words, he has acquired a burden of proof. Only after the speaker has succeeded in acquitting himself of this burden does the presumption shift back to his position. If the interlocutor then intends to maintain his opposition, he, in turn, should acquit himself of the burden of proof for his opposite position. This is the only way in which he can regain the presumption for his opposition (see Rescher 1977).

We think that this analysis can be taken a step further by observing that it is reasonable to let the presumption of acceptability remain with a speaker as long as the speaker's speech act does not go against the prevailing *pragmatic status quo*. This means that his speech act may not be at odds with the set of premises that are mutually shared by the parties involved in the interaction. This set of premises represents the 'pragmatic' status quo because it refers—not to warranted beliefs or the general state of knowledge in a certain field, as in the 'cognitive' or 'epistemic' status quo—but to the list of premises that the particular parties involved in the discourse explicitly or implicitly accept and that define their *interactional relationship* in the *interactional situation at hand*.[6] The pragmatic status quo is challenged as soon as one of the parties involved performs a speech act that is inconsistent with the shared premises, for example because the state of affairs presupposed by its identity or correctness conditions conflicts with one of more of the commonly accepted premises.

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[5]The Gricean maxims, which are Jackson's basis for the presumption of acceptability, are not rules in the same sense. Unlike violating a "real" rule, violating a maxim does not lead to any sanctions but to an interpretation of the speaker's meaning that is different from the literal 'utterance meaning' (assuming the Cooperation Principle still applies). Thus, in a Gricean perspective, the fact that the Maxim of Quality is *not* violated does not warrant the conclusion that what the speaker asserts is presumptively acceptable. Given that none of the other maxims are violated either, and, again, the Cooperation Principle still holds, it is only warranted to conclude that nothing else was meant than was literally said.

[6]What Rescher (1975) and others have called a 'cognitive status quo' (or 'epistemic status quo') is in fact subsumed in our concept of 'pragmatic status quo.' The concept bears some relation to Walton and Krabbe's (dialectical) concept of 'dark-side commitments.'

23.4   Violating the Pragmatic Status Quo

When may a speech act be assumed to be inconsistent with one or more mutually shared premises? We think that Kauffeld's (2002) analysis of the way in which a burden of proof is incurred in every day verbal interaction can be of help in answering this question. In Kauffeld's view, it depends primarily on the nature of the speech acts concerned when people engaged in verbal interaction incur a burden of proof and what the burden of proof involves. This means that the illocutionary point of a speech act and the implications of having made this point in a felicitous way are of decisive importance.

In our view, Kauffeld's account has the merit of complementing concerns with dialectical obligations in ideal situations with a pragmatic concern about the way in which burdens of proof are assumed in everyday verbal interaction. He achieves this complementation by showing how the performance of certain speech acts, i.e., proposing and accusing, can endow the speaker with certain *probative obligations*.[7] We think that Kauffeld's approach can be generalized and applied to all verbal interaction by means of speech acts. In our outline of how we think such a generalization can be realized, we adapt Kauffeld's idea that certain speech acts may have implications that—possibly or presumably—go against the interlocutor's interests.[8] Our adaptation amounts to taking Kauffeld's idea to mean that a speech act may have implications that go against the interlocutor's view of the interactional relationship between the speaker and the interlocutor encompassed in the present *pragmatic status quo*.

According to our adapted account, a proposal would invite an adjustment of what the interlocutor until then took to be the shared expectation of how the interactional relationship between the communicators should be in the future; an accusation invites an adjustment of what the interlocutor so far regarded as the shared view of the relationship between them. In our conception of a pragmatic status quo, this would mean that both a proposal and an accusation have implications that are likely to be inconsistent with the list of mutually shared premises—or at least with what the interlocutor supposed the list to be.

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[7]"[I]n many kinds of illocutionary act, *S* does not, at least not typically, engage a larger obligation to provide, on demand, reason and evidence vindicating the truth and adequacy of her primary utterance. […] But, other things being equal, where *S* makes a proposal or levels an accusation, she cannot responsibly dismiss an addressee's demand for proof" (Kauffeld 2002, italics by the author). For empirical confirmation of this theoretical observation in as far as it concerns 'accusing,' see van Eemeren et al. (2003).

[8]In his analysis of proposing, Kauffeld claims that the major reason for having to justify an act of proposing is that the one who proposes something is supposed to have good reasons for what he proposes and if he aims at having his proposal accepted he should inform the interlocutor of these reasons. In his analysis of accusing, Kauffeld suggests that a major reason for having to justify an act of accusing is that the accused party has a right to deny the accusation and can only do so properly if the accuser has provided reasons for his accusation.

Searle's taxonomy of speech acts may be of help in determining which types of speech acts may have implications that run counter to the interlocutor's view of his current interactional relationship with the speaker. 'Commissives,' for instance, can generally be expected to have implications that agree with the interlocutor's view of the interactional relationship between the speaker and the interlocutor. 'Directives,' on the contrary, can easily have implications that are in disagreement with the interlocutor's view. Prototypical commissives such as promises do not, as a rule, introduce actions that the interlocutor will think inconsistent with agreed-upon desirables, but with prototypical directives such as requests this may quite well be the case. There is at least one class of speech acts in Searle's taxonomy that contains *both* types of speech acts. This is the class consisting of the 'assertives.' Some assertives are designed to provide the interlocutor with information that he did not possess before but that is expected to be consistent with what he already knows, such as 'informing' and 'explaining.' There are also assertives, however, that aim to make the interlocutor accept a view that he did *not* accept before and that can*not* be expected to be consistent with what he already accepts, such as 'claiming' and 'accusing.'[9]

23.5 A Pragmatic View on Deciding the Order of Defense in a Mixed Dispute

Now that we have explained what we mean by a *pragmatic* status quo and how we can determine whether or not a speech act may be considered to violate this status quo, we return to the problem of the order in which two opposing standpoints are to be defended in a mixed difference of opinion.

In the pragma-dialectical view of argumentative confrontation, the speech act that initially introduces the issue can acquire the status of a standpoint in a dispute in two ways: either the person who performed that speech act makes it clear that he anticipates that the interlocutor will not accept this speech act at face value or the interlocutor makes it known that he is not prepared to accept the speech act at face value by performing a counter speech act (see van Eemeren 1987; Houtlosser 2002). In the first case, there is no presumption attached to the initial speech act, because the speaker or writer makes it clear from the start that this speech act may *go against the prevailing pragmatic* status quo between him and the interlocutor. In the second case, the speech act concerned initially *has* a presumptive status, because for all the speaker or writer knows—and also for all we know—this speech act *does not violate the prevailing pragmatic* status quo. This presumptive status is, of course, canceled when the interlocutor opposes this speech act with a counter speech act.

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[9]The declaratives, in particular 'language declaratives' such as definitions and specifications, are likely to be open to the same problem, just as the 'expressives.'

Let us assume for a moment that the interlocutor opposes the speaker's initial speech act with a counter speech act, not only in the second case we discussed but also in the first situation, in which the speaker has made it clear that he anticipates such opposition. The interlocutor's reaction then agrees completely with this anticipation. Both cases can now be regarded as involving the kind of interactional situation of maximal opposition that can pragma-dialectically be reconstructed as a *mixed dispute*: the two parties have assumed contradictory standpoints and each party has a duty to defend its own standpoint. All the same, there is an important difference between the two interactional situations. In the first case, the standpoint that initiated the dispute has no presumptive status from the start, whereas in the second case it has. And the interlocutor's opposition has a presumptive status in the first case, but not in the second. In the second case it is, after all, precisely the interlocutor's opposition that first challenges the pragmatic status quo that is up to then supposed to prevail.

What are the implications for handling the burden of proof of this discrepancy between these two different interactional situations in a mixed dispute? In 'Strategic maneuvering with the burden of proof' (2002), we argued for a conception of the burden of proof as consisting in an obligation for a party in a dispute to defend its standpoint if challenged to do so, but we also argued for the acknowledgement of an additional, procedural obligation that was pointed out by Hamblin (1970): the *burden of initiative*. Besides an obligation to defend a standpoint, a burden of initiative implies an obligation to defend this standpoint *at this particular juncture* of the discussion. Distinguishing the obligation to defend a standpoint from the obligation to defend it at this particular junction of the discussion allows for the existence of an interactional situation in which a certain party has an obligation to defend a standpoint, but is not required to acquit itself of this obligation now. That is, at a particular juncture, a party that has advanced a particular standpoint does not have the burden of initiative.[10]

It is precisely the additional obligation of having the burden of initiative that makes for the difference in the burden of the parties in the two cases we just discussed. In the first case, the speaker has both an obligation to defend his standpoint and an obligation to start the defense. In the second case, he does have an obligation to defend his standpoint, but not an obligation to defend it immediately. He is only required to defend his standpoint after the interlocutor has defended *his* standpoint. Whereas the *order* in which the two standpoints are to be defended coincides in the first case with the order in which they have been put forward, in the second case it does not. The latter of the two dialogues we presented at the beginning of our paper is, not coincidentally, an example of the interactional situation in the second case:

The first speaker's assertion (in turn 3) has acquired the status of a standpoint because of the second speaker's opposition (in turn 4). Nevertheless, the

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[10]This is, in fact, a different way of making Rescher's well-known distinction between an I(nitial)-burden of proof and an E(vidential) burden of proof.

(2)   1   S1: Jan is leaving for Warsaw tomorrow
      2   S2: When exactly?
      3   S1: Ten a.m.
      4   S2: I shouldn't think so …
      5   S1: Why not?
      6   S2: As far as I know, the train leaves nine twenty

presumptive status of the first speaker's assertion is preserved because at the stage in which it was performed there were no indications that he performed a speech act that could be regarded as going against the prevailing pragmatic status quo; consequently, this speech act cannot bestow a burden of initiative on him. First, the interlocutor should justify his opposition. Once he has done so, the first speaker's assertive looses its presumptive status and this speaker is obliged to accept the burden of initiative. Then he cannot escape any longer from defending his assertive against the interlocutor's opposition.

23.6   Conclusion

In this paper we have given substance to our pragmatic view of the burden of proof. Our claim was that a burden of proof is incurred as soon as a speech act goes against a prevailing pragmatic status quo. The concept of a pragmatic status quo can be specified in terms of a list of premises that are explicitly or implicitly accepted by the people who are having a dispute and that define their current interactional relationship. Criteria for determining whether or not a burden of proof is incurred can be established by exploiting the idea that the performance of particular types of speech acts may have implications that go against the interlocutor's view of this interactional relationship. Decisions on the order in which two opposite standpoints must be defended can be justified by giving a truly pragmatic interpretation of the burden of proof concept that differentiates between a conditional obligation to defend a standpoint and a burden of initiative.

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Part VI
Analysis as Reconstruction

Chapter 24
Reconstructing Argumentative Discourse with the Help of Speech Act Conditions

Frans H. van Eemeren and Bart Garssen

24.1 A Pragma-Dialectical Approach to Argumentative Discourse

In order to be able to develop adequate tools for analysing argumentative discourse, a consistent and coherent research programme is needed which encompasses five components. In the pragma-dialectical argumentation theory an approach to the analysis of argumentation is proposed in which these five components are incorporated. In this article we shall explain this approach with regard to the reconstruction of argumentative discourse.

In answering the crucial question as to when it is reasonable to regard an argumentation as acceptable, in the first, philosophical, component of the research programme, we take a *critical-rationalist* stance. In the second, theoretical, component, in moulding this philosophical concept of reasonableness into a particular model, we commit ourselves to a *pragma-dialectical* theory of argumentation. In the third, reconstructive, component, we try to get a better grasp of argumentative discourse by opting for a *resolution-oriented* reconstruction. By systematically exploring the various forms of argumentative reality, in the fourth, empirical, component, we aim for a *convincingness-centred* description of argumentative discourse which clarifies to what extent our resolution-oriented reconstruction is empirically supported. In the fifth, practical, component, we try to integrate the various findings of the previous components in a *reflection-minded practice* which improves argumentative discourse in various contexts and settings.[1]

Since the idea of having a regulated critical discussion is considered as the basic principle of reasonableness in our philosophy of argumentation, the formulation of

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[1]Cf. van Eemeren (1987) and van Eemeren and Grootendorst (1987).

instrumental discussion rules is required.[2] The dialectical aspect of these rules consists in there being two parties which attempt to resolve a difference of opinion in a discussion by means of a methodical exchange of moves, whereas the pragmatic aspect is represented by the description of these moves as speech acts. Putting forward an argument is the most crucial of these moves. However, defining argumentation, just like that, as a speech act, creates in at least three respects a clash with Searle's standard theory.

First, unlike in such speech acts as asserting, requesting, and promising, in argumentation more than one proposition is always involved. Sometimes it looks as if there is only one proposition, but on closer inspection it turns out that in such cases one or more other propositions—which are genuine parts of the argumentation—have been left unstated.[3]

Second, unlike Searle's prototypes, the utterance of an argumentation, as a speech act, always has a dual illocutionary or—as we prefer to call it—*communicative* force: besides functioning as argumentation, it is also an assertion, a question, a form of advice, a proposal, or whatever.

Third, unlike most of the speech acts discussed by Searle, argumentation cannot stand by itself, but is always in a particular way linked to another speech act. This other speech act expresses a standpoint. If this specific relation is absent, referring to the speech act as argumentation is not justified.[4]

In order to solve the problems caused by these three differences, the standard theory of speech acts needs to be modified in such a way that it also becomes applicable to units larger than single speech acts. This can be achieved by making a distinction between communicative forces at the sentence level on the one hand and communicative forces at some 'higher' textual level on the other.[5] It is only at the textual level that the utterance of a speech act can have the communicative force of argumentation. The difference between speech acts at the sentence level and at the textual level can be expressed by referring to *elementary* speech acts in the former case and to *complex* speech acts in the latter.[6]

The complex speech act of argumentation is aimed at convincing another person of the acceptability of a standpoint. But what is meant by that? One possible interpretation would be: attempting to evoke in that person the "feeling" of being convinced. However, perceiving being convinced as an internal mental state threatens the externalization which is aimed for in our approach. This can be avoided by externalizing *convinced* as being prepared to express acceptance of the

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[2]Cf. van Eemeren and Grootendorst (1988).

[3]The unstated parts of an argumentation can be referred to as 'unexpressed premises'. Cf. van Eemeren and Grootendorst (1984, pp. 119–149).

[4]Of course, there can be other candidates: explanation, amplification, elucidation, but not argumentation.

[5]Cf. van Eemeren and Grootendorst, where related views are also discussed (1984, pp. 33–39).

[6]For practical purposes we do not go into the exact relationship between sentences and propositions now. We just equate speech acts consisting of the expression of one proposition with one-sentence speech acts.

standpoint defended by the argumentation. Acceptance can be part of controllable and rule-governed behaviour, which is not the case with being convinced in the internal sense.

Treating the acceptance of a standpoint by another person in this way means that expressing acceptance can be seen as a perlocutionary or—as we prefer to call it—*interactional* effect of the complex speech act of argumentation. In the standard theory of speech acts, interactional effects constitute a category both diffuse and diverse: all kinds of possible consequences of speech acts fall under the general heading of perlocutions (opening a window in response to a complaint, quitting smoking three years after having been told about the dangers of smoking, getting frightened as a result of the loudness of a remark, et cetera).[7] In our opinion, it is necessary to make a distinction between the different kinds of effects upon the listener (or reader) which can be brought about by speech acts. With regard to the acceptance of argumentation one should concentrate on the interactional acceptance effects which are intended by the speaker (1), which require recognition of the complex speech act as argumentation (2), and which depend on rational considerations by the listener (3). Undoubtedly, many other consequences can also occur subsequently, but these are beyond our scope.

These observations confirm that it is necessary to modify the standard theory of speech acts in several respects. In the standard theory both *identify* (or *recognisability*) conditions and *correctness* conditions are formulated, but they are not clearly distinguished as such. Furthermore, it is also necessary to differentiate between the correctness of a speech act from the *speaker's* (or *writer's*) point of view and its correctness from the *listener's* (or *reader's*) point of view. Seen from the first perspective, for example, it is sufficient that speakers who make a proposal believe that their proposition is in the interest of the listener, but seen from the second perspective, for a "happy" proposal, it is also required that the listeners think likewise. Only if this is actually the case, can the proposal be a correct one to them. So the conditions for correctness have to be formulated from both a speaker's perspective and a listener's perspective (and the same applies, by the way, to the identity conditions).

24.2   Distribution of Speech Acts in a Critical Discussion

In order to be able to resolve a difference of opinion by means of argumentation, the language users involved must observe certain rules. As far as their contributions are in accordance with such rules for a reasonable discussion, the discourse can be referred to as a *critical discussion.*

A critical discussion passes through four discussion stages: the "confrontation," "opening," "argumentation," and "concluding" stage.

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[7]Cf. Searle's description of perlocutionary acts (1970, p. 25).

In the *confrontation* stage the difference of opinion is externalized: it becomes clear that there is a standpoint which gives rise to doubt or contradiction, so that a difference of opinion arises.[8]

In the *opening* stage the participants agree on the manner in which the discussion is to be conducted: They have to determine whether there is sufficient common ground to serve as a starting point. Only if there is such a shared point of departure, does it make sense to undertake an attempt to eliminate differences of opinion by means of argumentation.

In the *argumentation* stage—as is obvious from the term—argumentation is advanced and reacted to. By definition, the purpose of putting forward arguments is to overcome possible doubts with respect to the standpoint. And by reacting to the arguments, it can be made clear that this attempt has not yet succeeded in a fully satisfactory way.

Finally, in the *concluding* stage the result of the discussion is established. It is only if both parties agree on this that the difference of opinion can really be regarded as having been resolved.

In *Speech Acts in Argumentative Discussions* van Eemeren and Grootendorst (1984) developed a model that explains which rules apply to the distribution of the speech acts in the various stages in the resolution of a difference of opinion. As an ideal model it reproduces only the aspects which are relevant for this. It provides a set of tools for analysing argumentative discourse and makes it possible to determine to what extent practice corresponds to the ideal. In this respect, the model not only links theory to practice, but also combines normative and descriptive aspects.

The rules of the model specify what types of speech acts the participants in a critical discussion have to perform at the four stages in order to contribute to the resolution of the difference of opinion. The rules prescribe at what stage of the discussion the discussants are entitled, or indeed obliged, to perform a particular speech act.[9]

Starting from Searle's taxonomy of speech acts,[10] it can be said that all kinds of *assertives* can be used to express standpoints and argumentation, and to establish the results of the discussion. The use of *directives* is restricted to challenging somebody to defend his standpoint and requesting them to put forward argumentation in support of it. *Commissives* are used to accept (or not accept) a standpoint or argumentation and to agree upon the division of dialectical roles in the discussion and upon the discussion rules. Finally, *language usage declaratives* such as defining, precizating, amplifying, and explicitizing, can be helpful in avoiding a

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[8]In practice, the difference of opinion can be expressed explicitly, but may also remain implicit, in which case the discussion or discursive text is based on the anticipation of a possible difference of opinion.

[9]The rules are introduced and discussed in van Eemeren and Grootendorst (1984, pp. 51–175). A simplified non-technical version, specially adapted to the analysis of fallacies, is presented in van Eemeren and Grootendorst (1987, 1992).

[10]Cf. Searle (1979, pp. 1–29).

variety of misunderstandings. It should be noted that expressives and other types of declaratives are not listed in the model, because they do not contribute directly to the resolution of a difference of opinion.[11]

24.3   Integration of Searlean and Gricean Insights

The descriptive conditions for performing elementary and complex speech acts in argumentative discourse are closely connected with all kinds of general rules which govern everyday conversation, such as Grice's maxims, and the rules for turn-taking described by conversation-analysts.[12] Our normative rules for critical discussions can be seen as dialectical regulations of the rules that already apply in ordinary discourse.[13] In order to relate the normative rules for the performance of speech acts in a critical discussion with the general rules which govern ordinary discourse, the speech act conditions must be formulated in a way that reveals the similarities between these conditions and conversational rules, say, Grice's maxims.[14]

In order to be able to integrate these two, we first redefine the Gricean Co-operative Principle into the more general and succinctly phrased *Principle of Communication* that language users be *clear*, *honest*, *efficient*, and *to the point.* This Principle of Communication summarizes the general rules which speakers and writers observe and which listeners and readers expect them to observe, when communicating.[15]

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[11]The distribution of the various types of speech acts in the stages of a critical discussion is discussed in van Eemeren and Grootendorst (1984, pp. 95–118). Here they also introduced the notion of language usage declaratives (1984, pp. 109–110).

[12]The conversational maxims are introduced in Grice (1975), the rules for turn-taking are discussed in Levinson (1983) and Edmondson (1981).

[13]Of course this is a simplification, but it draws attention to the fact that proposing normative rules for critical discussion has more ties with reality than some people think. To give an example, one could refer to the similarities between the starting point in the ideal model that the participants in a critical discussion are striving for the resolution of a difference of opinion on the one hand, and the commonly accepted conversational fact that in ordinary conversation there is a preference for agreement among the interlocutors. As empirical research reported in van Eemeren et al. (2009) makes clear, the norms for reasonableness that are expressed in the rules for critical discussion are in fact to a large extent in agreement with those of ordinary arguers.

[14]Cf. van Eemeren and Grootendorst (1992).

[15]In practice, of course, it is not at all uncommon for one of the rules of communication to be broken, but this does not necessarily mean that in such a case the Principle of Communication has been abandoned altogether. If this *is* the case, however, then the person doing so is reneging on a basic convention to which all the members of the community to which he belongs subscribe, and he or she thereby interferes with the communication. Assuming that it is not clear that a speaker is not in full control of his or her actions (he or she may be drunk for example), or cannot be held responsible for them, the speaker will have to account for this action or be faced with sanctions which may vary from an irritated reaction to a complete breaking off of the contact.

Starting from the Principle of Communication we describe, as an alternative to the Gricean maxims of Manner, Quality, Quantity, and Relation, the general rules which govern communication as follows:

1. Perform no *incomprehensible* speech acts,
2. Perform no *insincere* speech acts,
3. Perform no *unnecessary* speech acts,
4. Perform no *pointless* speech acts,
5. Perform no new speech acts that are *not an appropriate sequel or reaction* to preceding speech acts.

The *first* rule implements the communication requirement "Be clear." It corresponds to the identity conditions for the performance of speech acts: the propositional content condition and the essential condition.

In order to be clear, speakers (or writers) must formulate the speech acts they wish to perform in such a way that the listeners (or readers) are able to recognize their communicative force and to establish what propositions are expressed. This does not mean that they must be perfectly explicit, but it does mean that it is not allowed to make it impossible, or almost impossible, for the recipient to arrive at a correct interpretation.

The *second* rule implements the communication requirement "Be honest." It corresponds to a part of the conditions for correctness in the performance of the speech act: the responsibility conditions. It might be useful to note here that van Eemeren and Grootendorst renamed Searle's "sincerity conditions" *responsibility conditions* in order to achieve the externalization they aimed for, and to clarify what kind of commitments a speaker undertakes by performing a certain speech act, irrespective of the mental state he or she is in.

The implication of the honesty requirement is that the speaker may be held responsible for having undertaken the commitments which are associated with the speech act concerned. If speakers perform a directive ("Close the window"), they may be held responsible for wanting the listener to perform the action referred to in the directive, if they perform an assertive ("It is raining"), for believing that the proposition expressed is true, and so on.

The *third* and the *fourth* rules implement the communication requirement "Be efficient." They correspond to another part of the conditions for correctness in the performance of the speech act: the preparatory conditions. The implication of the efficiency requirement is that a correct performance of the speech act must neither be either unnecessary nor pointless. For example, the performance of the complex speech act of argumentation is unnecessary if the speaker assumes that the listener is already convinced of the standpoint being defended (the first preparatory condition). And the performance is pointless if the speaker assumes in advance that the argumentation will under no circumstances lead the listener to an acceptance of the standpoint at issue (the second and third preparatory conditions).

The *fifth* rule implements the communication requirement "Keep to the point." It does not correspond to any speech act condition nor does it refer to the performance of an individual speech act, whether elementary or complex; instead, it is concerned

with the relation between different speech acts. The question here is whether, in the verbal and non-verbal context at hand, the performance of a particular speech act is a relevant addition to the speech acts already performed.

Thus, the relevance requirement "Keep to the point" relates to the sequence of speech acts and the function of a speech act in a particular speech event. As regards sequences of speech acts, it is possible that the communicative roles of speaker and listener do not change, so that the language user who performs one speech act will also perform the next. But it is also possible that these roles *do* change, so that the language user who is the speaker for one speech act is the listener for the next. If the communicative roles remain the same, the next speech act is a sequel to its predecessor; if they change, it is a reaction to it.

To fulfil the requirement "Keep to the point" a sequel of speech acts, or a reaction to a speech act, must be appropriate. Precisely what comprises an appropriate sequel or an appropriate reaction is difficult to define in general terms. However, it is possible to explain what this amounts to. Every speech act seeks to achieve the communicative effect that the listener understands it, and the interactional effect that the listener accepts it. So the performance of a speech act expressing the fact that another speech act has been understood or accepted will be a relevant reaction. The same applies, of course, to the expression of non-understanding or non-acceptance. Giving reasons as to why something is, or is not, accepted is also relevant. Of course, an appropriate reaction is not necessarily a fitting reaction, let alone the reaction that most closely meets the speaker's wishes or expectations.

It is more difficult to tell what comprises an appropriate sequel to a speech act of one's own. Here we must draw on information about the verbal and non-verbal contexts of the speech act. In some contexts the normal pattern of speech acts is fairly rigid, making it reasonably obvious what options are open. As has been shown by conversation analysts, giving reasons for a standpoint is considered to be a perfectly normal "repair" of an offence, whether real or anticipated, to the "preference for agreement" governing ordinary discourse. In the case of argumentative discourse the pragma-dialectical ideal model of a critical discussion can be a useful starting point for determining what is and what is not an appropriate sequel.

van Eemeren and Grootendorst's rules of communication correspond to a large extent to Grice's maxims, but the maxims are now formulated as rules for the performance of speech acts. Their first rule corresponds roughly to Searle's propositional content condition and the essential condition. Their second rule corresponds to his sincerity condition, their third and fourth rules correspond to his preparatory condition, whereas their fifth rule does not have a counterpart in his conditions.

The integration of Gricean maxims with Searlean speech act conditions has some important advantages. Compared to the maxims, these rules are on the one hand more specific as a consequence of their connection with the Searlean conditions; on the other hand they are more general because they are no longer restricted to assertions, as they are with Grice. Furthermore, it has now been shown that the

conditions for different speech acts are in fact specifications of more general rules of communication.

The pragma-dialectical synthesis of Searlean and Gricean insights also reveals the heterogeneous character of the original speech act conditions. Searle does not differentiate between their importance, but as we have said before, in our revised version of their theory van Eemeren and Grootendorst thought it necessary to make a distinction between the propositional content and essential conditions on the one hand, and the sincerity and preparatory conditions on the other. The need for this can be demonstrated by looking at the consequences of a violation of the various conditions. In the case of violation of the first two conditions, no recognizable speech act has been performed, whereas in the case of violation of the second two conditions, though the performance of the speech act is not quite successful, or "happy" in the full sense, a recognizable speech act *is* performed.

This crucial difference can be accounted for by realizing that there is a correspondence between the propositional content condition and the essential condition on the one hand, and Grice's maxim of Manner ("Be perspicuous") and our first rule of communication ("Perform no incomprehensible speech acts") on the other. Violating these two conditions damages the recognizability of a speech act, whereas violating one of the two others affects its correctness because of insincerity, inefficiency, or irrelevance. In order to express this difference terminologically, we refer to the first two as *identity conditions*, and to the second two as *correctness conditions*.[16]

24.4 Normative Reconstruction of Conversational Argument

By integrating Searlean and Gricean insights into the rules of communication, we think an important step has been made towards a comprehensive theory of everyday communication and interaction. These rules can be of use in the analysis of argumentative discourse which requires a normative reconstruction of this discourse. What do we mean by such a normative reconstruction of conversational argument?

In a normative reconstruction a calculated merger of the normative and the descriptive is aimed for which offers us a chance of sensibly joining together the philosophical "ideal" with the practical "real." The reconstruction should reflect both the peculiarities of the reality from which it started and those of the ideal model which served as a framework for analysis.

Linguistic expressions can, as we all know, serve more than one goal at the same time. The argumentative function will not always be the main one of these. Therefore, it is first necessary to establish to what extent the "speech event" as it unfolds in practice, is—wholly or partly—argumentative. Carrying out such an

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[16]Cf. van Eemeren and Grootendorst (1984, p. 41).

analysis makes sense only with respect to (parts of) discourse which can indeed be considered argumentative. Moreover, some (parts of) discourses will be closer to the ideal than others. Depending on the discourse at stake, the reconstruction which is required in the analysis can be more or less radical.

A normative reconstruction has great advantages in terms of surveyability and discernment, especially in more complex discourse. If the reconstruction takes place within the theoretical framework of an ideal model in which all relevant aspects of a critical discussion are incorporated, then it will serve to make the things we are looking for more clearly visible in the analysis. The ideal model must explain which operations are required, what they entail, and when and why they must be carried out.[17]

Our pragma-dialectical ideal model serves as a heuristic tool for a systematic resolution-oriented reconstruction of the various relevant speech acts and stages in an argumentative discourse.[18] A resolution-oriented reconstruction is asked for because, first and foremost, we would like to know which elements in the discourse play a part in the process of resolving the difference of opinion concerned. This means that in our analysis we must try to detect the resolution-relevant speech acts and stages in the discourse and reconstruct their exact role in a critical discussion.[19]

A dialectical analysis of an argumentative discourse provides us with an analytical survey of:

1. the points at issue,
2. the positions that the parties concerned adopt with respect to these points,
3. the explicit and implicit arguments that the parties adduce for their standpoints,
4. the discussion stages
5. the structure of the argumentation which has been put forward,
6. the argument schemes used in the various arguments.

Identifying the points at issue entails determining the propositions with respect to which standpoints are adopted and called into question. Identifying the positions of the parties in the discussion amounts to determining who plays the part of the protagonist and who takes the role of the antagonist. Identifying the arguments

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[17]We call these operations *dialectical transformations*. Cf. van Eemeren (1986, 1987) and van Eemeren and Grootendorst (1992). An approach which is in several respects akin is developed in the many interesting articles of Jackson and Jacobs (1980, 1981, 1982, 1983).

[18]Unlike the resolution-centred reconstruction which takes place in a dialectical analysis, in the audience-centred reconstruction of a rhetorical analysis the transformations are motivated by a rhetorical ideal. However, a consistent apparatus for rhetorical analysis, providing us with all the necessary tools for transformation, is, in spite of the long-standing tradition of this form of analysis, not available.

[19]A normative reconstruction in the dialectical sense represents a specific angle of approach which can be illuminating and is, seen from the dialectical perspective, also the most appropriate. Naturally, other angles of approach are also possible. A psychological analysis, for instance, would undoubtedly be able to produce other interesting results. Things that appear as relevant from one angle remain out of sight when regarded from another. However, one angle of approach need not necessarily preclude another.

often requires recognizing implicit arguments. This can even be more problematical if indirect argumentation is involved. Establishing the structure of the argumentation entails determining how the arguments put forward relate to the standpoint and to one another in their support of the standpoint. Identifying the argument schemes is vital to checking whether the critical questions that are pertinent to the evaluation of the various types of argumentation that are used have been (or can be) answered satisfactorily.[20]

24.5   Dialectical Transformations

The operations which are necessary for a normative reconstruction require the carrying out of four dialectical transformations: deletion, addition, permutation, and substitution.[21]

The dialectical transformation of *deletion* entails a selection of elements from the original discourse that are immediately relevant to the process of resolving the difference of opinion: elements that are irrelevant for this purpose, such as elaborations, clarifications, anecdotes, and side-lines, are omitted. Any repetitions that occur in the text, even if slightly differently worded, are also omitted.

The dialectical transformation of *addition* entails a process of completion which consists of the supplementation of those elements immediately relevant to the resolution of the difference of opinion but left unexpressed in the original discourse: unexpressed premises, unexpressed conclusions and other unexpressed elements in the various stages of discussion. Only elements that are instrumental for achieving the resolution of the difference of opinion are made explicit in the reconstruction.

The dialectical transformation of *permutation* entails the ordering or rearranging of elements in the original text in such a way that the dialectical process of resolving the difference of opinion is made as clear as possible: the various stages in the resolution process must be distinguished, and at the same time the overlap between different stages and the anticipation of steps to come, or a reference back to steps already dealt with, must be readjusted. Those parts of the confrontation stage, for example, which are postponed to the argumentation stage or even the concluding stage must be put in their dialectically "ideal" place.

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[20]All elements of an analytical survey are of direct relevance to the evaluation of the argumentative discourse. If it is unclear what standpoint is being defended, there is no way of telling whether the argumentation that has been advanced is conclusive. And if more than one standpoint is being defended, it must be perfectly clear which language users are acting as the protagonist of which standpoint and exactly who is the source of the various argumentations that have been advanced in the defence of each standpoint. Otherwise, for example, it will be impossible to tell whether the various argumentations for the same standpoint actually constitute a coherent whole. Adequate evaluation of the argumentative discourse is also made more difficult where, as a result of implicitness or indirectness, arguments or unexpressed premises are overlooked or where it is unclear which argument schemes are relied on.

[21]Cf. van Eemeren (1986, 1987).

The dialectical transformation of *substitution* entails an attempt to produce a clear and explicit presentation of elements fulfilling a dialectical function in the text. It also entails a uniform notation for elements which fulfil the same function. For example, some elements may function as arguments, although they are formulated as rhetorical questions. Other elements fulfil an identical, say argumentative, function, but are phrased differently. In the reconstruction the formulations of ordinary language should be replaced by theoretically-defined standard-phrases.

24.6   The Interpretation of Indirect Speech Acts

Speech act theory can be of great help in deciding when it is justified to carry out the four dialectical transformations.[22] We will demonstrate this for the dialectical transformation of substitution. In the analysis we shall concentrate on the normative reconstruction of indirect speech acts in argumentative discourse.

In speech act theory it is a recognized fact that in ordinary discourse the communicative force of a speech act is, as a rule, not expressed explicitly. This does not normally present much of a problem.

Indirectness is a special case of implicitness. In practice, listeners are almost always perfectly well able to establish, on the basis of what the speaker has advanced in a particular context, which indirect speech act has been performed (if this is not the case, there is no point in performing it).

However, unlike language users who communicate person to person, the analyst of an argumentative discourse does not always have sufficient insight into all the contextual factors that may play a part in the interpretation of indirect language use.[23] This may make it difficult for him to say exactly how an indirect speech act can be inferred from the implicit speech act actually performed. In accounting for a certain interpretation, the general rules of communication just discussed may be useful.

With indirect speech acts, the literal interpretation of the implicit speech act performed involves some violation of a rule of communication. This violation may be rectified by interpreting the utterance concerned as an indirect speech act. With the help of the rules of communication, it can also be shown what kind of connection there is between the indirect speech act and the literal utterance. Thus, the rules make it possible both to establish that the literal interpretation of the utterance is not the only or final interpretation, and to infer the correct interpretation from the literal one.

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[22]Elsewhere van Eemeren and Grootendorst have demonstrated this for the dialectical transformation of addition with regard to such implicit elements as unexpressed premises. Cf. van Eemeren and Grootendorst (1982, 1983, 1984, 1992).

[23]For a distinction between four levels of context see van Eemeren (2010, pp. 16–19).

In interpreting indirect language use, the premise is that the speaker wishes to continue to observe the Principle of Communication and hence wishes in principle to adhere to all the rules of communication, so that any violation of these rules must be regarded only as an *apparent* violation which is undone as soon as the correct interpretation is placed on the utterance. In every utterance that is interpreted as an indirect speech act it must be possible to indicate which rule of communication would be broken if the utterance were to be interpreted solely in a literal way. It must also be possible to make it clear that the violation concerned can be remedied by interpreting the utterance as an indirect speech act. The inference of indirect speech acts can always be accounted for by a fixed scheme of analytical steps. The only thing that varies is the exact rule that is violated and the kind of link between the literal utterance and the indirect speech act.

For the interpretation of the utterance "Can you get a move on?" as an indirect speech act, for example, the inference scheme should include the following steps.

1. The speaker has uttered a sentence: "Can you get a move on?"
2. In view of the literal meaning of the utterance, the speaker has thereby per- formed *speech act 1,* with *communicative force 1* and *propositional content 1.* Here the utterance is, literally speaking, a request for information about the physical abilities of the listener.
3. Given the context, *speech act 1* is a violation of a rule of communication. In a situation in which questioner and listener know each other well and know that there is no reason to doubt the listener's physical abilities, a literal interpretation presupposes a violation of rule 3 ("Perform no unnecessary speech acts"). Because the speaker may be assumed to be *au fait* with the listener's physical condition, in this interpretation, he or she would ask a question to which they already know the answer. This means that the speaker's speech act is unnec- essary if this literal interpretation is all there is.
4. Given the context, *speech act 2* observes the rule which seemed to be offended and all the other rules. If the utterance is interpreted as a request to get a move on, this at once undoes the violation of rule 3. Unless some other rule is broken, it may be assumed in this case that the utterance is an indirect request.
5. The connection between *speech act 1, speech act 2* and the context can be drawn by means of one or more of the rules of communication. In this case rule 4 ("Perform no pointless speech acts") enables us to link the literal utterance to the indirect speech act. A preparatory condition for the request necessary to ensure that sufficient haste is made to arrive somewhere on time is that the speaker assumes that the listener is in a position to accede to the request. For example, if the speaker knows in advance that this is not the case, he or she is performing a pointless, speech act and violates rule 4. By asking "Can you get a move on?," the speaker ensures that the indirect request will not be violating rule 4.
6. Therefore: *speech act 2* is a correct interpretation of the utterance. This means in this case that "Can you get a move on?" may be interpreted as an indirect request to move on.

In indirect speech acts, the context can play a role that is to a greater or lesser extent important. In some cases the inference cannot take place without referring to the context, in others it can. As van Eemeren and Grootendorst have explained, in order to interpret an indirect utterance in an "undefined" context more "conventionalization" of the utterance involved is required, whereas in a more "defined" context weaker forms of "conventionalization" suffice. Apart from that, the difference between "propositional" and "communicative" indirectness, which can also occur in combination, should be taken into account. In the more conventionalized request "Can you get a move on?" communicative indirectness is at stake, whereas in "The coast is clear," in a well-defined context meaning "Go ahead," propositional indirectness also plays a part in interpreting the literal statement as an exhortation.[24]

24.7   The Substitution of Indirect Arguments and Standpoints

In argumentative discourse indirectness can occur in various ways. To give just one example:

Let's take a cab. You don't want to be late for the show, do you?

Carrying out a resolution-oriented normative reconstruction, we would indeed say that we have argumentation here. But where is the standpoint and where is the argument? The standpoint is to be found in the first sentence and the argument in the second. However, the first sentence clearly has the communicative force of a proposal, and the second of a question. How can we justify the carrying out of the dialectical transformation of substitution which transforms the first utterance into a standpoint and the second utterance into an argument (reason)? Performing a proposal presupposes that the speaker himself believes it to be a *good* proposal. According to the preparatory conditions for the performance of a proposal, the speaker also wants it to be accepted by the listener, otherwise the proposal would be pointless, and this would constitute a violation of rule 4.

This means that the Communication Principle underlying the communication rules as it is specified by the speech act conditions has to be complemented by an Interaction Principle ("Perform no speech acts which are not correct and which are not acceptable to the listener") which can account for the fact that in performing a speech act, the speaker is not only supposed to believe that it is correct from his or her own point of view, but also that it is acceptable to the listener to whom the

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[24]Cf. van Eemeren and Grootendorst (1992, pp. 56–59).

speech act is addressed. Otherwise, what it means to give a reason in support of a proposal would remain unexplained, as happens in the example.[25]

One way to get the proposal accepted by the listener would be to show that it is in the listener's best interest. By asking rhetorically whether the listener wants to be late for the show, the speaker indirectly provides a possibly conclusive reason for the listener: the speaker surely knows very well that the listener does *not* want to be late (at the same time it is understood that not taking a cab would cause this unwanted effect).[26] By adding the rhetorical question to his proposal, the speaker tries to resolve a potential difference of opinion with the listener in advance.

This explains how the speaker's proposal can be transformed into the standpoint that it is wise to take a cab, and the speaker's rhetorical question into the argumentation that otherwise they will be late for the show (which is undesirable). Although more could be said about this reconstruction, it suffices to show the merits of a speech act perspective in helping to get the transformation of substitution carried out properly.

There is a difference in the degree of conventionalization between the case of the standpoint and the case of the argumentation. A rhetorical question is highly conventionalized, whereas the "indirectness" of the proposal made in the standpoint is not: it is only given a well-defined context that it is possible to detect the "indirectness" and find the correct interpretation accordingly.

24.8   Clues for the Reconstruction of Argumentation in the Macro-context

Over the past decades the pragma-dialectical theory of argumentation has been developed systematically from the abstract level of an ideal model of a critical discussion to the concrete reality of situated argumentative discourse in specific macro-context. The macro-context in which the argumentative discourse takes place provides other clues for the reconstruction of standpoints and argumentation.

Strategic manoeuvring does not take part in an idealized critical discussion but in the multi-varied communicative practices that have developed in the various communicative domains. In the extended pragma-dialectical theory the

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[25]As a rule, every speech act presupposes its own acceptability. The Interaction Principle enables us to explain why speakers, even when the listener does not ask for it, take the effort to establish the acceptability of their speech acts by putting forward direct or indirect arguments. The Interaction Principle reflects in its formulation Sperber and Wilson's Principle of Relevance: "Every act of ostensive communication communicates the presumption of its own optimal relevance" (1986: 158). There are important differences, however. Firstly, the Interaction Principle is more general than the Principle of Relevance—even if relevance is taken in its broadest sense—and, secondly, it is formulated in terms of speech act theory, whereas Sperber and Wilson make it their business to reject speech act theory completely (1986, pp. 243–254).

[26]The sentence in parentheses refers to the unexpressed premise in the argumentation.

institutionally motivated conventionalization of these communicative practices is therefore duly taken into account (van Eemeren 2010, pp. 129–162). Because these practices have been established in specific *communicative activity types*, which are characterized by the way in which they have been conventionalized, these communicative activity types constitute the institutional macro-context in which argumentative discourse is to be examined. The conventionalization of an activity type may be formalized, as is generally the case in the legal domain, but the conventionalization may also be less formal or even informal, as is customary in the political and interpersonal domains.

The *institutional point* of a communicative activity type, which defines its rationale, reflects the institutional exigency in response to which an activity type has come into being and the conventionalization of the communicative activity type is instrumental in realizing the institutional point. The genres of communicative activity used to realize the institutional points of the various communicative activity types vary from "adjudication" and "deliberation" to "disputation" and "communion-seeking." In the strictly conventionalized communicative activity types of the legal domain, for instance, adjudication is used to maintain justice by getting to legal verdicts; in the less strictly conventionalized communicative activity types of the political domain deliberation is used to make the political system operate by debating policy decisions; in the intersubjectively conventionalized communicative activity types of the academic domain disputation is used to bring about intellectual progress by testing scientific claims; and in the informally conventionalized communicative activity types of the interpersonal domain communion-seeking is used to confirm interpersonal relationships by creating a shared background of mutually accepted opinions.

A great many communicative activity types have a specific aim linked to the institutional point. This aim usually comes about in a central illocutionary act. This illocutionary act can be a proposal, a judgement, a claim or other type of assertion, a warning an advice etc. Because the speaker or writer will anticipate possible problems with regards to the felicity conditions that pertain to this central illocutionary act, he or she will provide argumentation in order to show that these conditions are met. Not only is the central illocutionary act easier to identify and reconstruct, the argumentation related to the felicity conditions involved will also be easier to identify and reconstruct.

A case in point is the illocutionary act of advising that is the central speech act in health brochures with an advisory standpoint. Because the institutional conventions of health brochures with an advisory standpoint affect the strategic manoeuvring, knowledge of this activity type can provide decisive information for reconstructing a certain piece of argumentative discourse. In health brochures the potential disagreement arises because by means of the performance of the speech act of advising a particular kind of behaviour is encouraged or discouraged. In principle, the disagreement relates to three types of felicity conditions: correctness conditions

concerning the usefulness of the health advice, correctness conditions concerning the necessity of the health advice, or correctness conditions concerning the responsibility of the writer.

To justify the usefulness of the advice, a writer stereotypically uses pragmatic argumentation to demonstrate the beneficial outcome of following the advice. To justify the presumption that the reader is willing and able to act on the advice, a writer may use, for instance, measuring tools or specific information to make the reader aware of the health risks and the writer may offer practical tips to perform the advised action. The writer may also emphasize the authority of the institution by explicitly stating expertise and status. Finally the responsibility of the writer could be affirmed by arguing that the institution is independent and uses trustworthy sources (van Poppel 2013, pp. 62–63).

Knowledge about the central speech act, and the type of argumentation that may be put forward to meet doubt regarding certain correctness conditions is an important tool for the reconstruction of argumentation in a health brochure: because in health brochures the central speech act is advising and because the most strategic choice of means for sustaining the advice is pragmatic argumentation or, authority argumentation, the analyst may expect these types of argumentation.

24.9 Conclusion

An important advantage of using a speech act approach in reconstructing argumentative discourse is that it enables us to take account of the fact that standpoints and arguments do not always consist of assertive statements. Arguments can be presented by means of all kinds of speech acts and they can pertain to all kinds of speech acts functioning as standpoints.[27]

This is really a big step forward compared to the view which restricts argumentation to assertions which can be considered true or false.[28] A speech act perspective not only shows that this view is inadequate, but it can also systematically account for the diversity in the kinds of speech acts that can function as standpoints and arguments. This is shown in the normative reconstruction of argumentative discourse. In this way, a pragma-dialectical analysis provides a clearer insight into what is going on in argumentative discourse when it is seen from a resolution-oriented perspective.

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[27]Cf. van Eemeren (1986).

[28]As a matter of fact, one of Austin's reasons for developing a theory of speech acts refers to the simplistic dichotomy between truth-functional statements and non-truth-functional statements made by logical positivists. According to Austin, performative utterances are both non-truth-functional and non-metaphysical.

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Chapter 25
Analyzing Argumentative Discourse

Frans H. van Eemeren and Rob Grootendorst

In this chapter, we explain some of the basics of the pragma-dialectical approach to argumentation which was introduced in van Eemeren and Grootendorst (1984). First, we make a comparison between dialectical analysis and rhetorical analysis, which is probably more familiar to most readers. Then, we sketch an ideal model of a critical discussion that can serve as a point of departure for dialectically analyzing argumentative discourse. In this model, we distinguish the various stages through which the resolution of a difference of opinion should pass and mention the types of speech acts that can play a constructive role in each of these stages. Finally, we show what kind of pragma-dialectical transformations are to be carried out in a reconstruction of argumentative discourse which starts from this ideal model and leads to an analytic overview of the aspects of the discourse that are crucial for its evaluation.

25.1 Rhetorical Stages in Persuading an Audience

According to the rhetorical tradition, what constitutes good and successful discourse depends on the text genre. Traditionally, three genres are distinguished: forensic, deliberative and epideictic. A forensic discourse (*genus iudiciale*) relates to judicial situations in which speeches are made in favor of a particular judgment. The point at issue is whether a past act is to be regarded as lawful or unlawful, just or unjust. A deliberative discourse (*genus deliberativum*) relates to political situations in which—as in a council of citizens—speeches are made for or against the desirability of a particular political measure. An epideictic discourse (*genus demonstrativum*) relates to festive or ceremonial occasions at which a person or thing is praised or condemned.

Although each of these three genres makes particular demands on the discourse, there is also a common characteristic—to persuade an audience. Hence, the general requirement that must be fulfilled is that means of persuasion must be employed which are adapted to the audience.

In order for the discourse to be effective, a judge in a court of law must be approached differently from an audience that wants only to hear something praised

or condemned. A parliamentary committee requires yet another approach. Different means of persuasion must be employed in different genres. These may vary from supplying factual information, presenting evidence from witnesses or citing statutory requirements to playing on the emotions of the audience or stressing one's own reliability.

Any discourse which is to be rhetorically effective must contain four components: the *exordium*, the *narratio*, the *argumentatio*, and the *peroratio*. The *exordium* is an introduction with which the speaker or writer tries to gain the audience's sympathies and to interest them in the subject. In the *narratio*, the speaker or writer goes on to set out the subject or the course of events about which he or she wishes to speak or write. This is the preparation for the *argumentatio*, which is itself often divided into a part in which evidence is adduced for the speaker's own point of view (*confirmatio*) and a part in which the speaker tries to refute the opposite point of view (*refutatio*). The *peroratio* consists of a recapitulation and a conclusion. Sometimes the *argumentatio* is opened or closed by a digression (*digressio*). All these components can be seen in the following speech:

Exordium	Hello! If you've got children you'll know me or my wife, Judy. She's sitting over there. For some time now, we've been engaged in a campaign for a safe crossing point for the little ones. You may have heard of it even if you don't have children
Narratio	Our efforts are now supported by another group. This time the initiative doesn't come from only Judy and me but from a whole club of people—parents known as the action group, "Dyer Street Play Street." We want Dyer Street to be a play street and we need your help for it
Digressio	Together, we should be able to do it. "Unity is strength," they say, and it's true. In the Smith Street area, they realized what was needed more quickly than we did and now they've got a full-scale play park complete with monkey bars and other equipment. Even there, they say "if only we'd done it earlier."
Argumentatio-refutatio	"Why is it so important that Dyer Street should be a play street?" you may ask. "The kids can go into the park on the corner of Swan Street, can't they?" I would say to you: "Just go and take a look!" It's one great pool of mud. And it's full of dog dirt. We can't let our kids play there!
Confirmatio	Dyer Street is perfect for a play street. It's too narrow for traffic anyway. Although the kids can't play there now at all, if there should be a fire, nothing can get through because of all the parked cars. And the stink! Imagine living there! Where are you supposed to go if there *is* a fire? If Dyer Street could be turned into a play street, we parents would not have to sit and worry all the time. We would not need to wonder where the children had wandered. They can romp around as much as they like; they won't have to keep looking out for cars or bikes. We'll be able to put out nice plant boxes to prevent access by car

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Peroratio	Friends, it's obvious. Closing off Dyer Street is in the best interests of the whole neighborhood. It ought to have been done long ago. So support our campaign, "Dyer Street Play Street." If we succeed, you'll never be troubled again. The people of Swan Street and Green Street will be able to take a chair out in the summer and sit in the road together, with a barbecue perhaps, in Dyer Street, while the kids are happily playing. Can you imagine it? Wouldn't that be great?

25.2 Dialectical Stages in Resolving a Dispute

A rhetorical approach to argumentative discourse concentrates on how people try to persuade their audience. A dialectical approach to argumentative discourse, whose roots are by no means less classical, concentrates on how people deal with disputes. For those who are not primarily interested in effective persuasion but in reasonable discussion of differences of opinion, this approach is more appropriate. Because the dialectical approach is not so widely known as the rhetorical, we would like to explain its main characteristics. We do so by outlining our own conception.

First of all, in our view, settling a dispute is not identical to resolving it. The main point in settling a dispute is that the difference of opinion is brought to an end. This can be achieved in a civilized or in a less civilized manner. Going for the jugular, fighting it out, or getting one's own way by intimidation or blackmail are some uncivilized tactics. Settling a dispute by more civilized means might include relying on the arbitration of an unbiased third party—umpire, referee, ombudsman or judge—who may give a considered judgment or, perhaps, may toss a coin to see who gets his or her way.

A dispute is only resolved if the parties reach an agreement on whether or not the disputed opinion—the standpoint at issue—is acceptable. This means that either one party retracts the doubts because he or she has been convinced by the other party's argumentation, or the other party withdraws the standpoint after realizing that the argumentation cannot stand up to the criticisms levelled at it. Argumentation and the critical reactions to it play a crucial role in a critical discussion aimed at resolving a dispute. That is why the notion of a critical discussion is pivotal to our dialectical approach to argumentative discourse.

In a critical discussion, the parties involved try to resolve their difference of opinion by reaching agreement about the acceptability or unacceptability of the standpoint at issue. They do so by finding out whether or not this standpoint is defensible against doubt or criticism. In order for a difference of opinion to be adequately discussed, the resolution process must pass through four stages. These stages correspond to different phases in a critical discussion.

In the first phase, the confrontation stage, a standpoint meets doubt or contradiction so that a difference of opinion arises.

In the second phase, the opening stage, the parties determine whether they have sufficient common ground (shared background knowledge, values, rules) for a fruitful discussion. Only if there is such a starting point does it make any sense to attempt to eliminate the difference of opinion by means of argumentation. If this is the case, one party makes it clear that he or she is prepared to defend the standpoint at issue, thus taking on the role of protagonist; the other party is prepared to respond critically to the standpoint and the defense, thus taking on the role of antagonist. The role of antagonist can easily coincide with the role of protagonist of another—contrary—standpoint, but to doubt a standpoint is not necessarily to adopt a standpoint of one's own.

In the third phase, the argumentation stage, the protagonist offers arguments for the purpose of overcoming doubts about the standpoint and the antagonist puts forward reactions to those arguments. If the antagonist is not yet wholly convinced of all or part of the argumentation of the protagonist, new argumentation is elicited from the protagonist, and so on. As a consequence, the protagonist's argumentation can vary from very simple to extremely complex, so that the argumentation structure of one argumentative discourse may be much more complicated than that of the next. Because of its crucial role in the resolution process, the argumentation stage is sometimes thought to be the whole critical discussion. In order to resolve the difference, however, the other stages are equally indispensable.

In the fourth phase, the concluding stage, the result of the attempt to resolve the difference of opinion is determined. Only if both parties agree on the outcome of their discussion can the dispute really be regarded as resolved. If the protagonist has withdrawn the standpoint, the dispute has been resolved in favor of the antagonist. If the antagonist has retracted the doubt, it has been resolved in favor of the protagonist.

After the concluding stage has been completed, the discussion of the standpoint at issue is, of course, over. This does not mean that the same discussants will not embark upon a new discussion. This new discussion may relate to quite a different dispute, but it may also relate to a more or less drastically altered version of the same dispute. The discussants' roles may switch or they may be the same. In any event, the discussants then start again from the beginning.

25.3 Dialectical Versus Rhetorical Stages

As the Dyer Street Play Street example shows, argumentation not only plays a part in a dialectical but also in a rhetorical perspective. In fact, the argumentation stage in the dialectical, and the *argumentatio* in the rhetorical roughly overlap. The other stages show some similarities as well. However, there are also important differences. For one, from the rhetorical perspective the speakers (or writers) can use any means of persuasion that will have the desired effect on the audience; their freedom is not limited by any sort of rules. The rhetorical objective is to win the audience over to the standpoint, whereas the dialectical objective is to resolve the dispute. More importantly, the listener (or reader) in a rhetorical perspective merely plays a passive role and does not act as antagonist. When a one-sided argumentative

discourse is analyzed dialectically, it is treated as if it were part of a critical discussion. Although the role of antagonist has, in this case, not actually been fulfilled by another person, possible doubts about the standpoint or the arguments will have to be taken into consideration by the speaker (or writer).

Not only should "genuine" argumentative elements in an article or speech be included, but also elements belonging to the confrontation, opening and concluding stages. The writer or speaker must first make it clear that a difference of opinion exists or may develop (confrontation stage). The speaker or writer will then have to clarify the intent to attempt to resolve this difference of opinion by overcoming the doubts of the readers or listeners, thus assuming the role of protagonist (opening stage). And finally, the speaker or listener will have to indicate to what extent the difference of opinion has been resolved in favor of the standpoint (concluding stage).

This is how the dialectical and the rhetorical stages relate:

Dialectic	Rhetoric
(A) *Confrontation state* The speaker or writer establishes that a dispute exists or is about to develop	(I) *Exordium* The speaker or writer attempts to gain the sympathy of the audience for the subject to be treated
(B) *Opening stage* The speaker or writer makes an attempt to resolve the dispute by defending the standpoint against antagonism and promises to do so according to certain rules	(II) *Narratio* The speaker or writer gives an account of the matter, in preparation for the *argumentatio Digressio*
(C) *Argumentation stage* The protagonist advances argumentation to defend the disputed standpoint against doubt (or possible doubt) and other forms of antagonism relating to that standpoint or to parts or all of the argumentation in defense of it	Part of the *narratio* or transition to the *argumentatio* (or possibly termination of the *argumentatio*) in which the speaker or writer gives a digression if the standpoint is problematical (III) *Argumentatio* The speaker or writer attempts to increase the credibility of the defended standpoint with the audience by advancing argumentation in which the proposition to which the standpoint refers is justified (*confirmatio*) and the opposite standpoint refuted (*refutatio*)
(D) *Concluding stage* The protagonist makes it clear to what extent the dispute has been resolved in his or her favor	(IV) *Peroratio* The speaker or writer recapitulates standpoints and facts

25.4   An Ideal Model of a Critical Discussion and Argumentative Reality

The overview of the dialectical stages that can be distinguished in a critical discussion represents an ideal model which does not provide a true-to-life description of argumentative reality. Needless to say, argumentative discourse rarely, if ever, corresponds exactly to the ideal model. The ideal model indicates which speech acts

contribute to the resolution of the dispute at what stages. Speech acts that do not contribute to this in a direct way—such as jokes, anecdotes and other asides—are not included in the model, although they may be among the psychological prerequisites for resolving the dispute because they help create the right atmosphere.

The ideal model fulfills a heuristic as well as a critical function. In its heuristic function, it is a tool for dealing with the interpretation problems that arise when it is not clear what kind of speech act has been performed. The ideal model gives us something to go by. In its critical function, the model provides a yardstick which enables us to establish the extent to which the actual discourse deviates from the course that would be most conducive to the resolution of the dispute.

In some institutionalized contexts, the presentation of the argumentative discourse is to a greater or lesser extent laid down in a particular formal or informal procedure. This may already create certain expectations regarding the structural organization of the discourse. When dealing with the discourse in a court of law, this effect is obvious, but many other institutions have similarly defined conventions. Knowledge of the conventions pertaining to legal proceedings, scientific and scholarly dissertations, political debates, policy documents and so on, can thus be useful supplements to the guidance provided by the ideal model.

However, not all argumentative discourse takes place in an institutionalized context in which a fixed procedure exists. Therefore, it is often unclear exactly what expectations are justified. Sometimes some light can be shed by indications from the verbal and nonverbal context. Furthermore, knowledge of the text genre involved can furnish some insight into the kind of speech acts that can and cannot be expected to occur. In one text genre, one sequence of speech acts may appear more natural than another, so we can sometimes make a reasoned guess as to the function of a particular speech act. Particular expectations may also be justified by referring to general and specific background knowledge.

In conjunction with the ideal model, these different kinds of expectations together build a framework for the interpretation of argumentative discourse that fulfills a heuristic function by suggesting that the discourse proceed in a particular manner and that certain types of speech acts may occur. Unless there is clear evidence to the contrary, it would be wise to make use of this framework in which the ideal model of a critical discussion plays a central part.

25.5   Classification of Speech Acts

In order to make the ideal dialectical model of a critical discussion pragmatically meaningful, the model must specify which speech acts at the various stages can contribute to the resolution of a dispute. A classification of the types of speech acts that can actually be performed serves here as a preliminary model.

The first type consists of the speech acts known as *assertives*. These are speech acts through which the speaker or writer states an opinion. The performance of an assertive is an attempt to bring the words into accordance with the world. The

speaker or writer has made a commitment in a particular way to the acceptability of a proposition; if asked to do so by the listener or reader, he or she is obliged to provide arguments for its acceptability.

The prototype of an assertive is an assertion by which the speaker or writer guarantees the truth of the proposition being expressed: "I assert that Chamberlain and Roosevelt have never met." However, there are also assertives where the chief concern is not the truth but the speaker or writer's opinion concerning the event or state of affairs that is being expressed in the proposition. Assertives relate not only to the truth of propositions but also to acceptability in a wider sense: "No exceptions can be made to the freedom of expression," "Baudelaire is the best French poet." Other examples of assertives are stating, supposing, emphasizing, denying and conceding.

The second type of speech act comprises *directives*. These are speech acts through which the speaker or writer tries to get the listener or reader to do something or to refrain from doing something. A directive is an attempt to bring the world into accordance with the words by making the listener or reader do what is stated.

The prototype of a directive is an order, which requires a special position of the speaker or writer vis-à-vis the listener or reader. The utterance "Come to my room" can only be an order if the speaker is in a position of authority over the listener, otherwise it is a request or an invitation. A question is a special form of request; it is a request for a verbal act—the answer. Other examples of directives are forbidding, recommending, begging and challenging.

The third type of speech act consists of *commissives*. These are speech acts through which the speaker or writer makes a commitment vis-à-vis the listener or reader to do something or to refrain from doing something. A commissive, like a directive, is an attempt to bring the world into accordance with the words; unlike a directive, the speaker or writer is the person who is supposed to act in a commissive —not the listener or reader.

The prototype of a commissive is a promise by which the speaker or writer explicitly undertakes to do or not to do something: "I promise you I won't tell your father," "You can count on it—you'll have the money by the weekend" and "I'll be no more trouble to you." The speaker or writer can also make a commitment to something about which the listener or reader may be less enthusiastic: "I swear I'll make you pay for this," "I assure you that if you walk out of here now you will never set foot in this house again." Other commissives include accepting, rejecting, undertaking and agreeing.

The fourth type of speech act consists of *expressives*. These are speech acts through which speakers or writers express their feelings about something by thanking someone, revealing disappointment, etc. An expressive is neither an attempt to bring the world into accordance with the words nor an attempt to bring the words into accordance with the world. Rather, it is assumed that this accordance already exists; we congratulate someone on an appointment only when we believe that the person has actually been appointed.

No single speech act can be regarded as the prototypical expressive. An expression of joy might be "I'm glad to see you're well again." Hope is expressed by "I wish I could find such a nice girlfriend." Irritation resounds in "I'm fed up with you hanging about all day" and conventional cordiality in "Welcome to Amsterdam." Other expressives include commiserating, apologizing, regretting and greeting.

The fifth type of speech act consists of *declaratives*. These are speech acts through which a particular state of affairs is called into being by the speaker or writer. That is to say, the mere performance of the speech act creates a reality; the employer who addresses an employee with the words "You're fired," is not just describing a state of affairs but is actually making the words a reality.

Declaratives are performed in institutionalized contexts such as court proceedings, meetings and religious ceremonies. In all these contexts, it is clearly delineated who is authorized to perform a particular declarative and when. Consider the declaratives "I hereby open the meeting," "I hereby declare you husband and wife," and "I give notice to quit effective May 1st." Declaratives are frequently performed on occasions of great ceremony and solemnity, although appointing someone treasurer of The Darts Club also qualifies as performing a declarative too.

There is an important exception to the rule that declaratives are performed in a specific institutionalized context; this is the subtype of declaratives known as *usage declaratives*. Usage declaratives, as the term indicates, refer to linguistic usage. They are speech acts whose purpose is to facilitate or to increase the listener's or reader's comprehension of other speech acts, such as definitions, clarifications, amplifications and explications. The speaker or writer uses these speech acts to indicate exactly how a speech act that may be unclear to the listener or reader is to be interpreted.

25.6 Distribution of Speech Acts in a Critical Discussion

25.6.1 Assertives

In principle, all assertives can occur in a critical discussion. They can express the standpoint that is at issue, be part of the argumentation in defense of that standpoint, and be used to establish the conclusion. In establishing the conclusion, the standpoint can be upheld, and thus repeated, but it can also be retracted, so that the standpoint is negated. Someone who upholds his or her position might do so by clearly stating, "I uphold my standpoint." This speaker is committed to the same proposition in exactly the same way as in the assertive with which the standpoint was originally expressed. A speaker might retract a standpoint which is no longer supported by saying "I retract my standpoint." The speaker would no longer be committed to the proposition expressed in the assertive which first advanced the standpoint. The original commitment could also be terminated by statements, such as "I do not assert that . . ." or "I no longer assert that. . . ."

Although an assertion is the prototypical assertive, the advancing of a standpoint or of argumentation can also be accomplished by the performance of assertives such as stating, claiming, assuring, guaranteeing, supposing and opining. Our belief in a proposition expressed in a standpoint or argumentation can be very strong, as in the case of a firm assertion or statement, but it may also be fairly weak, as in a supposition.

25.6.2   Directives

Not all directives can occur in a critical discussion; their role must consist of either challenging the party that has advanced a standpoint to defend that standpoint or requesting argumentation to support it. A critical discussion does not contain directives such as orders and prohibitions. The party who advanced the standpoint cannot be challenged to do anything other than to provide argumentation for the standpoint—a challenge to a fight, for example, is out.

25.6.3   Commissives

Commissives fulfill the following roles in a critical discussion: (1) accepting or not accepting a standpoint, (2) accepting or not accepting argumentation, (3) accepting the challenge to defend a standpoint, (4) deciding to start a discussion, (5) agreeing to take on the role of protagonist or antagonist, (6) agreeing on the rules of discussion, and, if relevant, (7) deciding to begin a new discussion. Some of the required commissives can only be performed in cooperation with the other party (for example 6).

25.6.4   Expressives

Expressives play no part in a critical discussion. The purpose of an expressive is to express a feeling and by using this type of speech act, the speaker creates no commitments which are directly relevant to the resolution of a dispute. This does not mean that expressives cannot affect the course of the resolution process. If we wish someone luck with a shortsighted standpoint, or sigh that we are unhappy with the discussion, we are expressing our emotions. Although this may have some significance, it distracts attention from the resolution of the dispute.

25.6.5 Declaratives

With the exception of the usage declaratives, declaratives make no real contribution to the resolution of a dispute. They depend on the authority of the speaker or writer in a certain institutional context. At best, they can lead to a settlement and not to a resolution of a dispute. This is why, ideally, there are no declaratives in a critical discussion.

Usage declaratives, such as definitions and clarifications, which require no special institutional relationship, enhance the understanding of speech acts and can thus fulfill a useful role in a critical discussion. Usage declaratives can prevent unnecessary "verbal" disputes from arising or can prevent real disputes from terminating in spurious resolutions. They can occur at any stage of the discussion (and they can be requested at any stage). At the confrontation stage, they can unmask a counterfeit dispute; at the opening stage, they can clarify uncertainty regarding the rules of discussion; at the argumentation stage, they can prevent effects of premature acceptance or non-acceptance, and so on (Table 25.1).

Table 25.1 The Distribution of Speech Acts in a Critical Discussion

Stage	Role of speech act in resolution
	Assertives
I	Expressing a standpoint
III	Advancing argumentation
IV	Upholding or retracting of standpoint
IV	Establishing the result
	Commissives
I	Acceptance or non-acceptance, upholding of non-acceptance of standpoint
II	Acceptance of challenge to defend standpoint
II	Decision to start discussion; agreement on discussion rules
III	Acceptance or non-acceptance of argumentation
IV	Acceptance or non-acceptance, upholding of non-acceptance of standpoint
	Directives
II	Challenge to defend standpoint
III	Request for argumentation
I–IV	Request for a usage declarative
	Usage Declaratives
I–IV	Definition, precision, amplification etc

25.7   A Pragma-Dialectical Analysis of Argumentative Discourse

When analyzing argumentative discourse, one is interpreting the discourse from a specific perspective; the interpretation takes place in terms of a theoretical framework which concentrates on certain aspects of the discourse. When analyzing argumentative discourse pragma-dialectically, the discourse is interpreted as a critical discussion consisting of speech acts aimed at resolving a difference of opinion.

What is pragma-dialectical about such an analysis? The dialectical aspect consists of the assumption that two parties attempt to resolve a difference of opinion by means of a systematic exchange of moves in a discussion. The pragmatic aspect is represented by a description of the moves in the discussion as speech acts.

It is interesting to ponder the question of when the discourse is an argumentative discussion and when it is not. We need some kind of criterion which will enable us to treat equally discourse which is explicitly presented as (part of) an argumentative discussion and discourse which is not explicitly presented as such but which, nevertheless, functions as (part of) an argumentative discussion. The most suitable criterion is whether or not the speech act of argumentation has been performed; all spoken and written discourse in which this is the case should be treated as (part of) an argumentative discussion. The use of this criterion can be justified by pointing out that, in any case, the purpose of the speech act of argumentation is to remove someone's doubt about a standpoint.

Such doubt about a standpoint may be purely imaginary, as when a speaker or writer envisions how a standpoint might be received by a skeptical listener or reader. In that case, the speaker or writer anticipates any possible doubt. We refer to this as an implicit discussion.

In ordinary discourse, much more will generally remain implicit. For example, a speaker or writer does not often state explicitly the purpose of a contribution, and new stages in the discussion are hardly ever announced explicitly. For this reason, in fact, it is easy to overlook that an indispensable stage for the resolution of the dispute has been omitted. One stage that is quite often partly or wholly absent in any clear form is the opening stage. Rules for reaching a resolution are often not explicitly mentioned, undoubtedly due partially to the fact that they are considered to be self-evident. However, this assumption of self evidence may also be a device to make it appear as if both parties have already agreed on the rules when in fact, they have not.

In practice, some of the agreements regarding the rules of discussion are often made in advance of the discussion itself. If so, the opening stage can be omitted. The rules may have been established in the distant past: the discussants may, for example, have become acquainted with the regulations during school. The same prior agreement may pertain to certain other speech acts in the opening stage. For example, someone who is defending a standpoint by advancing argumentation

immediately after having expressed that standpoint, need not state explicitly that he or she accepts the challenge to defend it.

It is often not quite clear who is to be convinced of the acceptability of the protagonist's standpoint. For instance, the protagonist might address someone who has challenged the standpoint other than the true antagonist. In the case of a political debate, the target group may consist not only of the audience in parliament but also of the television viewers who will vote for the person speaking. In a letter to the editor, the reaction expressed might be toward other readers rather than the writer of the original article. There may thus be two antagonists: the official antagonist and the listeners or readers.

A similar complication may arise out of the fact that many spoken and written texts are not straight reproductions of discussions but reports. The person reporting is not intent upon resolving a dispute by convincing someone else. For example, most newspaper items containing speeches and elements of discussions are intended solely as information for the reader. Particularly where no explicit conclusion is drawn and no explicit thesis formulated, it is sometimes difficult to distinguish reports from argumentative discourse.

Here is a fairly typical example of a newspaper report in which a dispute is fought out with an opponent who is not clearly identified.

Low Incomes for Elderly

Should a new debate spring up in the coming weeks about who is actually receiving a so-called "genuine minimum" income, the Local Authorities' Association has demonstrated that many elderly people are included. The Association has surveyed those applying for the Christmas bonus. The survey covered 114 districts and found 506,000 people applying for the bonus. Most of them were either elderly or members of ethnic minorities. The Association believes that information aimed specifically at particular sections of the community would have resulted in more applications from the elderly and foreigners. The survey showed that precisely those groups have the most difficulty finding out about and applying for the bonus.

It is not quite clear who is the antagonist here, the reader, perhaps. On the other hand, it is fairly easy to identify the dialectical stages that have to be passed through in the resolution of the dispute. The first sentence signals the confrontation stage: the dispute (or possible dispute) is introduced. As quite commonly happens, the opening stage is less clear-cut, but in the first sentence we are told that the Local Authorities' Association will act as protagonist with respect to the proposition that the elderly are among those receiving a "genuine minimum" income. The argumentation stage contains the results of the Association's survey and is located further in the future ("Should a new debate spring up in the coming weeks . . ."). The concluding stage is left unilaterally to the Association ("has demonstrated").

Even in this short text, which is far removed from the ideal model, we can still recognize a train of argument that is part of a critical discussion between the protagonist and the antagonist of a particular standpoint, despite the implicit discussions and other complications. As long as we do not allow ourselves to be

confused by such elements, we should be able to identify, using the ideal model as a guidelines, the elements of a critical discussion in most other spoken and written discourse.

25.8   Transformations in a Pragma-Dialectical Analysis

To be able to analyze argumentative discourse systematically—which is a prerequisite for an adequate evaluation—we must first establish whether part or all of the discourse can be reconstructed as a critical discussion. To clarify what this normative reconstruction entails, let us look at an example:

1 Frans:	Now that I've got you for a moment—have you got around to thinking about your birthday yet? Are you having people in or not?
Rob:	I was thinking of having a party, actually. Not a bad idea it seems to me. What do you think? Why don't we get straight down to it and work out who I'm going to invite—I mean, am I going to ask Francisca or not?
5 Frans:	Francisca? Of course you'll ask her. You must!
Rob:	Actually, I don't think I ought to.
	(Enter Tjark. He joins Frans and Rob.)
10 Tjark:	What's new?
Rob:	What do you mean, new? Hey, have some coffee.
Frans:	Hi, Tjark. Dropped in at the right moment again, didn't you?
Tjark:	This coffee is much too strong again. What were you talking about?
15 Rob:	Whether I ought to ask Francisca to my party.
Tjark:	'Course you must. Every time.
Frans:	You keep out of this Tjark. Let Rob decide that for himself in peace. I'd just like to know, Rob, exactly why you object to Francisca coming.
20 Tjark:	She can come as far as I'm concerned!
Frans:	I'm sure your wife would like to hear that. But I just happen to be talking to Rob, if you don't mind: what's the objection to her coming? It's your birthday, so you decide.
25 Rob:	But you're the one who's so frightfully keen to invite her. I think *you* should start by telling us why it's so important that she should come.
Frans:	I've told you, it's your birthday, so it's up to *you* to say why she isn't welcome.
Rob:	That's all very well, but I have the strong impression that *you've* got some reason of your own. So you've got to say why, too.
30 Tjark:	Are you two managing to work things out? Just invite her, will you? Stop going on about it all the time. Anybody seen Michel, by the way?
Rob:	No, Michel's dropped out—the creep.
35 Frans:	Do you want it to be another one of those awful drags? . . . Francisca is the nicest woman I've met in a long time.

Rob: And you wanted me to stay away, did you? I can't ask Francisca,
            Michel would come too!
Frans: Okay then: exit Francisca.
40 Tjark: Figured it out, have we?
Frans: Just give me a beer.
Rob: Okay, so what are we doing? Asking her?
Frans: No, no, I said you were right, didn't I? Have it your own way. Don't
            bother.

   In this example, we happen to be dealing with an ordinary conversation.
However, the points illustrated are basically the same in more formal discussions,
editorial comments, policy documents, or scholarly polemics. In all these cases, we
are dealing with discourse in which an attempt is undertaken to resolve a difference
of opinion. In the conversation above, there is a difference of opinion between Rob
on the one hand and Frans and Tjark on the other; this difference of opinion relates
to whether or not Francisca should be invited to Rob's birthday party (7, 8, 16).
   In a normative reconstruction of this conversation as a critical discussion, it is
treated as an argumentative discussion solely aimed at resolving the difference of
opinion concerning whether or not Francisca is to be invited. Language use can
serve diverse goals and the resolution of a difference of opinion is naturally only
one of them. There may be more than one goal at the same time, and resolving a
dispute will not always be the chief of these. One form of usage, accordingly, will
be closer to the ideal of a critical discussion than another, so that in one case a more
comprehensive reconstruction may be necessary than in another.
   A normative reconstruction in the pragma-dialectical sense does not mean that
every discourse is automatically regarded in toto as a critical discussion. Rather, we
look to see what happens if the analysis is carried out as if it were a critical
discussion. How far we are justified in choosing this approach depends on various
factors in the "speech event." In the example we have chosen here, at least,
applying this analytical starting point presents no major problems.
   Naturally, other approaches besides a pragma-dialectical one are also possible.
A Freudian psychological analysis would undoubtedly be able to produce inter-
esting results. Again, the same sort of restriction would apply: things that appear
relevant from one angle remain out of sight when viewed from another. However,
one approach need not necessarily preclude another. The same conversation can
very well be examined and analyzed from different angles at the same time,
although it is a good idea to keep the different perspectives separate.
   In a pragma-dialectical analysis, a normative reconstruction entails a number of
specific operations which amount to the performance of a number of
pragma-dialectical transformations. The various transformations can be explained
by reference to the example.
   The first transformation that is needed entails selection from the descriptive
representation of the text. Elements that are relevant for the process of resolution are
recorded in the analysis; elements that are irrelevant for this purpose are omitted.

This transformation, in other words, amounts to the removal of information that is not required for the chosen goal. For this reason, it is known as deletion.

The first thing to be done in a normative reconstruction of the discourse in the example is to leave out the passage in which greetings are exchanged and something is said about coffee (10–13). There is no connection between this passage and the resolution of the difference of opinion. The same applies to the passage in which Frans asks for a beer (41). The text does contain other passages suitable for deletion in a normative reconstruction, but these obvious cases are sufficient to give a general idea of the purpose of this transformation.

The second transformation entails a process of completion. This is partly a matter of making implicit elements explicit and partly of supplying unexpressed steps. Supplying missing elements might include assuming that someone who advances a contrary standpoint is thereby also indicating doubt about the original standpoint. Another example is the explicit statement of a premise that has been left unexpressed in the discourse. In such cases something is added that is not explicitly present. Thus, this transformation is supplementary by nature; accordingly, it is called addition.

In the example, there is an implicit premise in "Michel would come too!" (38). Here, the additional transformation means that these words are allotted the communicative function of a premise. The same applies to Frans's implicit argumentation in "Do you want it to be another one of those awful drags? . . . Francisca is the nicest woman I've met in a long time" (35–36).

Rob advances his standpoint explicitly: "Actually I don't think I ought to" (8). The indicator "I don't think" makes it clear here that we are dealing with a standpoint. Rob's standpoint is contrary to Frans's (7). Here, the addition transformation means that doubt concerning Frans's standpoint is added to Rob's standpoint. On the basis of his contrary standpoint, Rob may be assumed to have doubts about Frans's standpoint.

In Frans's argumentation for his standpoint that Francisca ought to be invited (35–36), it is assumed that a nice woman is capable of ensuring that a party is not boring, but it is also presupposed that parties ought not to be boring and that an earlier party or parties *was* or *were* boring. Here the addition transformation means that these unexpressed premises in the argumentation are supplied.

The third transformation entails an attempt to produce a clear and uniform notation of elements fulfilling the same pragma-dialectical function. Ambiguities and vaguenesses in the discourse are replaced by unambiguous and clear standard formulations. Different formulations of the same standpoint or premise, for example, are reduced to a single (standard) formulation. The transformation of translating the literal wording into the language of pragma-dialectical theory amounts to replacing the pretheoretical formulations of colloquial speech with theoretical standard formulations, and is called substitution.

In the example, Frans and Tjark adopt a positive standpoint with respect to the proposition that Francisca must be invited, but the wording in which they cast their standpoints varies from "Of course you'll ask her. You must!" (7) and "'Course you must. Every time" (16) to "She can come as far as I'm concerned!" (20). The

standard formulation of this standpoint in a normative reconstruction might look like this: "Our standpoint is that Francisca must be invited to Rob's birthday party."

Frans's pro-argumentation for this standpoint is presented indirectly in the form of a rhetorical question: "Do you want it to be another one of those awful drags?" (35–36). The same applies to the contra-argumentation put forward by Rob: "And you wanted me to stay away, did you?" (37). Here again, to improve the clarity of the analysis it would be necessary to carry out a substitution transformation by replacing the indirect argumentation with a direct standard formulation (which is rather more difficult here, as it happens, than with Frans's and Tjark's indirect standpoints).

The fourth transformation entails ordering or rearrangement. In contrast to a strictly descriptive record, a normative reconstruction need not necessarily follow the order of events in time or in presentation. In a pragma-dialectical analysis, we are concerned with clearly indicating the elements that are directly relevant to the resolution of the difference of opinion, in the order that is most suitable for the analysis. Sometimes, this means that the actual chronology can be retained, sometimes it calls for some rearrangement. The result of the rearrangement depends directly on the ideal model of a critical discussion that is taken as the starting point for the analysis. The transformation of ordering or rearranging the relevant elements is called permutation.

In the example, the confrontation stage is spread throughout various places in the text. To begin with, look at lines 7 and 8:

Frans: Francisca? Of course you'll ask her. You must!
Rob: Actually I don't think I ought to.

Here, both Frans and Rob advance standpoints: Frans a positive one and Rob a negative one. By advancing a contrary standpoint, Rob also signals that he has doubts about Frans' standpoint, while conversely Frans may be assumed to have doubts about Rob's standpoint.

The second place of confrontation is lines 16–19:

Tjark: 'Course you must. Every time.
Frans: You keep out of this, Tjark…. I'd just like to know, Rob, exactly why you object to Francisca coming.

Here, Tjark proves to have the same (positive) standpoint as Frans, i.e., the standpoint with which Rob disagrees. Frans invites Rob to advance arguments for his (negative) standpoint and, thereby, again shows that he does not accept that standpoint but continues to doubt it.

The third place of confrontation is in line 22:

Frans: …   what's the objection to her coming?

Here, Frans tries again to lure Rob into the open by asking for arguments in favor of his standpoint. Thus, he still has doubts about the acceptability of Rob's (negative) standpoint that Francisca ought not to be invited.

One of the elements of the opening stage is the willingness of the parties concerned to take upon themselves the role that is appropriate to the position they adopt in the difference of opinion. If you have yourself advanced a point of view you must also, in principle, be prepared to defend it against doubt or criticism, i.e., to play the part of protagonist of the standpoint. If you refuse, the discussion grinds to a halt at the opening stage.

In the example, the opening stage actually occurs at various places. First of all, in lines 22–26:

Frans: …   It's your birthday, so you decide.
Rob: …   I think *you* should start by telling us why it's so important that she
              should come.

Here, Frans makes no bones about reminding Rob of his responsibility as the protagonist of the standpoint that Francisca ought not to be invited. In other words, he thinks Rob ought to take his duties as protagonist seriously. Rob then reminds Frans of his duty as the protagonist of the opposite point of view. Moreover, he believes that Frans should be the first to perform *his* duty as a protagonist by beginning with his argumentation.

The second part of the opening stage is in lines 27–28:

Frans: I've told you, it's *your* birthday, so it's up to *you* to say why she isn't
           welcome.

This is merely a repetition of the same remark that Frans has already made in lines 22–23.

The third part of the opening stage is in lines 29–30:

Rob: That's all very well, but I have the strong impression that *you've* got some
          reason of your own. So you've got to say why, too.

Here, Rob reminds Frans of his responsibility as protagonist of the (positive) standpoint that Francisca ought to be invited. All these three passages must be regarded as minor skirmishes in which the parties jockey for position in the allocation of roles and the order in which they will play them. As such, all three belong to the opening stage of the discussion.

The argumentation stage is represented in lines 35–36:

Frans: Do you want it to be another one of those awful drags? … Francisca is the
           nicest woman I've met for a long time.
Rob: And you wanted me to stay away, did you? We can't ask Francisca:
           Michel would come too!

Here, Frans advances an (indirect) argument for his (positive) standpoint that Francisca ought to be invited; inviting her will ensure that the party is not boring and a failure. Also indirect is Rob's argumentation for his (negative) standpoint that Francisca ought not to be invited; inviting her will mean that Michel will come too, and that, it seems, is undesirable. Although the argumentation of both protagonists

is not explicitly presented as such and, although it is argumentation in an indirect form in which there are also a number of unexpressed premises, it nevertheless requires no effort whatever to recognize the argumentation stage of the discussion in the passages quoted.

The concluding stage is present in lines 39 and 43–44:

Frans: Okay then: exit Francisca.…
         No, no, I said you were right, didn't I? You have it your own way. Don't bother.

In these passages Frans leaves no doubt that he is abandoning his own (positive) standpoint and is going along with Rob's (negative) standpoint that Francisca ought not to be invited. The difference of opinion has thus been terminated in Rob's favor.

This identification of the various stages of a critical discussion in the example shows once again that we really are dealing with analytical distinctions. True, the concluding stage, as might have been expected, actually does come at the end of the conversation and it is preceded—as it ought to be—by the argumentation stage; but the confrontation and opening stages have become rather mixed up. Thus, for a normative reconstruction it is necessary to apply the permutation transformation, just as the other transformations, at various points. In this example, it was necessary only to a limited degree. Incidentally, the repetitions that occur at some stages— even if they are slightly differently worded—demonstrate the use and necessity of the deletion and substitution transformations. The implicitness and indirectness demonstrate the use and necessity of the additional transformation, especially if we look at the premises that are left unexpressed at the argumentation stage.

25.9 An Analytic Overview

Once a normative reconstruction of the argumentative discourse has been carried out, it is possible to give an analytic overview of those aspects of the discourse that are crucial for the resolution of the dispute. Here we must remember to attend to the following points:

1. determining the points at issue,
2. recognizing the different positions that the parties concerned adopt with respect to these points,
3. identifying the explicit and implicit arguments that the parties adduce for their standpoints, and
4. analyzing the structure of the argumentation of each of the parties.

Identifying the points at issue entails determining the propositions with respect to which standpoints are adopted and called into question

Identifying the positions of the parties in the discussion amounts to determining who plays the part of the protagonist of which standpoint and who takes the role of the antagonist.

In identifying the arguments that are being advanced in an argumentative discourse in favor of a standpoint, the first difficulty is often that the arguments are not explicitly presented as such. Recognizing the implicit or even indirect argumentation as argumentation is a matter of interpretation. Sometimes there will be verbal indicators to help here (such as "since" or "so"), but in other cases either the textual or the broader context will have to provide the answers.

Analyzing the structure of argumentation entails determining how the arguments put forward relate to one another in their support for the standpoint. In the simplest case, of course, a standpoint is defended by no more than one argument. Generally, however, the argumentation structure will be more complex because the speaker or writer believes that more than one single argumentation is needed to defend the standpoint. The nature of the complexity depends on the precise relationship between the component arguments.

An analytic overview of an argumentative discourse shows to which differences of opinion the text refers, the distribution of dialectical roles, the explicit, implicit, indirect and unexpressed premises which make up the argumentation, and the argumentation structure. Applied to the example, this produces the following result.

The difference of opinion relating to the question of whether or not Francisca ought to be invited to Rob's birthday party is mixed; Frans and Tjark adopt a positive standpoint, Rob a negative one. Frans and Tjark play the part of the protagonist of their own standpoint and the antagonist of Rob's standpoint. Rob by himself is the protagonist of his own standpoint and the antagonist of Frans' and Tjark's standpoint.

The argumentation for both standpoints is implicit and indirect. Furthermore, in both cases there are one or more unexpressed premises and the argumentation is compounded subordinately. After the implicit argumentation has been made explicit, the indirectness resolved and the unexpressed premises expressed, it is possible to look at the structure of Frans' (35–36) and Rob's argumentation (37–38). (The unexpressed premises are shown in parentheses.)

Frans:

Francisca should be invited to Rob's birthday party		
Francisca's presence guarantees that the party won't be an awful drag	&	(Birthday parties must not be a drag)
Francisca is the nicest woman I've met in a long time	&	(Nice women prevent a party from being a drag)

Rob:

Francisca should not be invited to my birthday party		
If Francisca comes, I will stay away	&	(You must be at your own birthday party)
If Francisca comes, Michel will come too	&	(Rob wishes to avoid seeing Michel)

The points that are included in an analytic overview are of direct relevance to the evaluation of the argumentative discourse. If it is unclear what standpoint is being defended, there is no way of telling whether the argumentation that has been advanced is conclusive. And if more than one standpoint is being defended in a discussion, it must be perfectly clear which language users are— singly or jointly— acting as the protagonist of which standpoint and who is the source of the various argumentations that have been advanced to defend each one. Otherwise, for example, it will be impossible to tell whether the various argumentations for the same standpoint actually constitute a coherent whole.

An adequate evaluation of the argumentative discourse is also made more difficult where implicitness or indirectness mean that arguments are overlooked or unexpressed premises fail to be noticed. A failure to have a clear picture of the structure of the argumentation can also be detrimental to its evaluation.

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Chapter 26
Analysis and Evaluation of Argumentative Discourse

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26.1 Introduction

Although Renkema's *Introduction to Discourse Studies* (2004, Chap. 12) provides a useful introduction to the study of argumentation, this brief account does not provide a full characterization of the field. Among the dominant approaches to argumentative discourse a general distinction can be made between dialectical approaches, which view argumentation from a critical perspective as aimed at establishing the tenability of the standpoints at issue, and rhetorical approaches valuing its practical effectiveness. A prominent example of a dialectical theory that is missing in Renkema's overview is 'formal dialectics' initiated by Hamblin (1970); an influential rhetorical theory that should certainly be added is the 'new rhetoric' developed by Perelman and Olbrechts-Tyteca (1958/1969). In addition, a recent innovation that must be considered is the integration of rhetorical insights in a dialectical approach proposed in 'pragma-dialectics' (van Eemeren and Houtlosser 2002).

Because a full-fledged theory of argumentation should deal not only with the factors determining the effectiveness of argumentation in practice but also with the critical standards argumentative discourse should comply with to be reasonable, the study of argumentative discourse is part of a special branch of pragmatics that we refer to as 'normative pragmatics' (van Eemeren 1990). In Sect. 26.2, we introduce a major research challenge by explaining what the normative pragmatic theory of argumentative discourse entails that is developed in pragma-dialectics. In Sect. 26.3, we quote some examples of challenging argumentative texts. In Sect. 26.4, we sketch our research method by explaining how including rhetorical insights in the pragma-dialectical framework creates a more refined tool for

reconstructing argumentative discourse. In Sect. 26.5, we introduce recent pragma-dialectical research by showing how both the analysis and the evaluation of argumentative discourse benefit from integrating dialectical and rhetorical insights. As an illustration, Sect. 26.6 discusses a research proposal directed at the use of authority argumentation in a medical context. Section 26.7 highlights the practical relevance of this type of research.

26.2   The Research Challenge

In pragma-dialectics argumentation is viewed from a communicative perspective as a complex speech act aimed at resolving a difference of opinion by critically testing the acceptability of the standpoint at issue. Because argumentation is not just an empirical phenomenon but should also be judged for its quality, argumentation research has a normative dimension as well as a descriptive dimension. Pragma-dialecticians make it their business to connect these two dimensions systematically with the help of a comprehensive research program that combines well-considered normativity with explanatory description. The name *pragma-dialectics* expresses this methodical combination of empirical research of actual communication (pragmatics) and critical regimentation (dialectics).[1]

In combining pragmatic and dialectic insight, pragma-dialecticians rely on four meta-theoretical principles, which serve as their methodological starting points: 'functionalization,' 'socialization,' 'externalization,' and 'dialectification.' Functionalization is achieved by making use of the fact that argumentative discourse occurs through—and in response to—speech act performances. Identifying the complex speech act of argumentation and the other speech acts involved in resolving a difference of opinion makes it possible to specify the relevant 'identity conditions' and 'correctness conditions' of these speech acts.[2] In this way, for instance, a specification can be given of what is 'at stake' in advancing a certain 'standpoint,' so that it becomes clear how the argumentative discourse is organized around this context of disagreement. Socialization is achieved by identifying who exactly take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. By extending the speech act perspective

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[1]The dialectical conception of reasonableness is inspired by critical rationalists and analytic philosophers, such as Popper, Albert, and Naess, and by formal dialecticians and logicians, such as Hamblin, Lorenzen, Lorenz, Barth and Krabbe. The pragmatic conception of argumentative discourse as consisting of making regulated communicative moves is rooted in Austin and Searle's ordinary language philosophy, Grice's theory of rationality in discourse, and other studies of communication by discourse and conversation analysts.

[2]For a definition of argumentation as a complex speech act, see van Eemeren and Grootendorst (1984, 39–46, 1992, 30–33). For the distinction between identity conditions and correctness conditions, see van Eemeren and Grootendorst (1992, 30–31).

to the level of interaction, it can be shown in which ways positions and argumentation in support of positions are developed. Externalization is achieved by identifying the specific commitments that are created by the speech acts performed in a context of argumentative interaction. Rather than being treated as internal states of mind, in a speech act perspective notions such as 'disagreement' and 'acceptance' can be defined in terms of discursive activities. 'Acceptance,' for instance, can be externalized as giving a preferred response to an arguable act. Finally, dialectification is achieved by regimenting the exchange of speech acts aimed at resolving a difference of opinion on the merits in an ideal model of critical discussion.

In a critical discussion, the protagonist and the antagonist of a particular standpoint try to establish whether, given the point of departure of the parties, this standpoint is tenable in the light of critical responses. To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion cannot deal only with inference relations between premises (or 'concessions') and conclusions (or 'standpoints') but should cover all speech acts that play a part in examining the acceptability of standpoints. In pragma-dialectics, the concept of a critical discussion is given shape in a model that specifies all stages the resolution process has to pass, from confrontation and opening to argumentation and conclusion, and all speech acts instrumental in these stages. Because in actual argumentative discourse a great many speech acts are performed implicitly or indirectly, in practice, a great variety of speech acts may fulfill a constructive role in the resolution process.

In pragma-dialectics, the critical norms of reasonableness authorizing the performance of speech acts in the various stages of a critical discussion are accounted for in a set of dialectical rules. In a critical discussion, the protagonists and the antagonists of the standpoints at issue not only go through all stages of the resolution process, but they must also observe in every stage all the rules that are instrumental in resolving a difference of opinion (van Eemeren and Grootendorst 1984, 2004). The rules of the pragma-dialectical procedure for critical discussion state all the norms that are pertinent to resolving a difference of opinion on the merits and cover the entire argumentative discourse. Each of the rules constitutes a distinct standard or norm for critical discussion and any move constituting an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore be regarded as fallacious (in this particular sense). Thus, the use of the term *fallacy* is systematically connected with the rules for critical discussion and fallacies may range from preventing each other from expressing any position one wishes to assume in the confrontation stage to unduly generalizing the result of the discussion in the concluding stage.

As a matter of course, the way in which ordinary argumentative discourse is conducted will usually differ a lot from the way in which it is portrayed in the ideal model of a critical discussion. The research challenge pragma-dialecticians are confronted with therefore is to connect their theoretical insights in the analysis and evaluation of argumentative discourse with the predicaments of argumentative reality.

26.3   Examples

Argumentation is used in all spheres of life and argumentative discourse can be encountered in an enormous variety of contexts. In the analysis and evaluation of argumentative discourse the context in which the argumentation takes place should be duly taken into account. If we concentrate, for example, on the analysis and evaluation of medical advertisements in the United States in which products such as pain relievers, sleeping pills and vitamins are recommended, an important requirement is that the Federal Trade Commission prescribes that such advertisements must be truthful and non-deceptive. In the following examples of advertisements for sleeping pills it may even not be immediately clear that they are argumentative.

Example 1 **Amazing Insomnia Relief**:

Fall asleep fast with Amazing Insomnia Relief guaranteed!
Amazing Insomnia Relief™ has ended insomnia and provided an amazing night sleep for thousands of people in the United States, in Canada, United Kingdom, Australia, India, and many countries around the world! The question is…

<div align="center">Are <u>YOU</u> next?</div>

   Here precise and verifiable claims are avoided. Nevertheless an analysis should make clear that implicitly the standpoint is put forward that Amazing Insomnia Relief cures insomnia and that this standpoint is defended by referring to the number of people in several countries who benefited from this drug. Our next example contains similar problems.

Example 2 **Tylenol Simply Sleep**

If you're losing sleep, you're not alone. One in three adults experiences occasional sleeplessness. Simply Sleep is the non-habit forming sleep medicine with nothing more than what helps you sleep. It's for those nights when you simply want to sleep. While everyone has different sleep needs, the National Sleep Foundation recommends that most people get 8 h of sleep per night. And it's not just the number of hours that count—it's also the quality of the sleep. It's important to get an uninterrupted, restful night's sleep.
You're probably not getting the sleep you need if you:

Feel groggy and lethargic in the morning
Feel drowsy during the day
Need more than 30 min to fall asleep
Wake up frequently during the night and have trouble getting back to sleep

   Our argumentation research should enable us to answer questions like: what are the standpoints that are put forward in these advertisements, how exactly are they defended, and in what way does the context in which they are presented play a role in the analysis and evaluation of such pieces of argumentative discourse?

26.4   Research Method

Recently, van Eemeren and Houtlosser ([2002](#)) have explained that for making an analysis of argumentative discourse that is as refined as is required for a fair evaluation insight from rhetoric should be included in the theoretical framework for analysis and evaluation. In their view, the existing separation between dialectic and rhetoric can be remedied by realizing that, in principle, the two theoretical perspectives are not incompatible, but complementary. In analyzing argumentative discourse the arguers' rhetorical attempts to have things their way may be considered incorporated in their efforts to realize their dialectical aspiration of resolving a difference of opinion in accordance with the standards pertaining to a critical discussion. Viewed pragma-dialectically, in every stage of the resolution process the parties are not only out for the optimal rhetorical result at the stage they are going through, but may at the same time also be presumed to hold to the dialectical objective of that discussion stage. Thus the dialectical aim of each of the four stages of the resolution process may be taken to have its rhetorical analogue. To reconcile the simultaneous pursuit of these two different aims, the arguers make use of *strategic maneuvering* aimed at diminishing the potential tension between the two endeavors.

In pragma-dialectics, an analytic distinction is made between three basic aspects of strategic maneuvering. First, there is making an expedient selection from the 'topical potential', i.e., choosing from the options that are open in a certain discussion stage: in the confrontation stage, for instance, the standpoint will be chosen that seems most suitable to the arguer; in the opening stage, the premises that can be helpful starting points of the discussion; in the argumentation stage, the reasons that seem most appropriate for defending the standpoint; in the concluding stage, the best possible outcome. Second, there is framing one's contribution in accordance with 'audience demand', i.e., adapting one's moves in each of the four stages to the specific expectations and preferences of the listeners or readers. Third, there is using the most effective 'presentational devices', i.e., exploiting the various stylistic means of conveying a message.

In practice, argumentative discourse takes place in argumentative 'activity types' that are to a greater or lesser degree institutionalized, so that certain practices have become conventionalized. Unlike theoretical ideal models based on analytic considerations,[3] such as the pragma-dialectical model of a critical discussion, activity types—and the speech events associated with them—are empirical entities that can be identified by careful observation and understanding of argumentative practice. In the various activity types the conventional preconditions for argumentative discourse may differ to some extent and these differences have an impact on the possibilities for strategic maneuvering.[4]

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[3]Such models aim to provide the most pertinent representation of the constitutive parts of a problem-valid procedure for carrying out a particular kind of discursive task.

[4]Apart from posing constraints on the strategic maneuvering they may also open up special opportunities.

Activity types can be defined argumentatively by characterizing them, and the specific preconditions for argumentative discourse they create, in terms of critical discussion. In activity types that belong to a context of adjudication, for instance, the initial situation is a dispute that is to be decided by a third party, whereas in mediation the third party has no jurisdiction to decide the disagreement. In the activity types of adjudication, the starting points are largely explicit codified rules and explicitly established concessions whereas in those of mediation there are implicitly enforced regulative rules and hardly any explicitly recognized concessions, and in those of negotiation there are changeable sets of explicit concessions. While argumentation in adjudication is based on evidence and the interpretation of legal rules, in negotiation it is incorporated in exchanges of offers and counteroffers. The outcome in adjudication is not a resolution of the difference by a decision of the parties, but a settlement of the dispute by a sustained decision of the third party, and in negotiation the activities end in either a mutually accepted agreement or a return to the initial situation.

Although the realization of rhetorical aims can go well together with the pursuit of dialectical objectives, this does not mean that in strategic maneuvering there is always a perfect balance between the two. If parties allow their commitment to a critical exchange of argumentative moves to be overruled by their persuasive aims, so that their moves are no longer in agreement with the critical norms of the pragma-dialectical rules, their strategic maneuvering gets 'derailed.' The criteria for determining whether a rule for critical discussion has been violated may vary according to activity type—in a law case, for instance, the criteria for appealing to an authority are different from those in political debate.

In the type of strategic maneuvering that consists of defending a standpoint by advancing an 'argument from authority'—a variant of 'symptomatic argumentation'—the transition of acceptance is brought about by introducing in the premise an external source that has a certain kind of knowledge or expertise and then referring to this source when drawing a conclusion dependent on such knowledge or expertise. Using arguments from authority is potentially a sound type of strategic maneuvering, but in argumentative practice it can also derail. An appeal to authority may not be justified in a particular case because one or more of the 'critical questions' that need to be asked to check if the criteria applying to the activity type concerned have been fulfilled cannot be answered satisfactorily so that the argument violates the *Argument Scheme Rule* and must be considered an *argumentum ad verecundiam*.[5] In different activity types different criteria may apply for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule.

There are various kinds of authority argumentation and some of them are typical of specific activity types. In adjudication, for instance, both eyewitness reports and

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[5]To mark the important distinction between non-fallacious and fallacious strategic maneuvering as clearly as possible, we use the traditional names of the fallacies, such as *argumentum ad verecundiam*, exclusively for the fallacious cases.

expert opinions are used to sustain certain claims and in some political activity types it is common to refer to scientific authorities (e.g. environmental studies). The procedures for critically testing the validity of these appeals to authority are different in each case: with regard to an eyewitness a critical question is whether this person is in any way related to any of the parties (i.e. is this witness unbiased), but in the case of the expert opinion of a scientist this question is not relevant. The evaluation of authority argumentation is an intersubjective matter, but what the intersubjective evaluation procedure involves must be specified according to the activity type and the kind of authority at hand.

Generally, carrying out a pragma-dialectical analysis of argumentative discourse amounts to interpreting the discourse systematically from the theoretical perspective of a critical discussion.[6] Such an analysis is pragmatic in viewing the discourse as essentially an exchange of speech acts in context and dialectical in viewing this exchange as a methodical attempt to resolve a difference of opinion on the merits. By pointing out which speech acts are relevant in the various stages of the resolution process the model of a critical discussion has the heuristic function of indicating which speech acts need to be considered in the analysis.

For obvious reasons, argumentative reality seldom resembles the ideal of a critical discussion. According to the model, for example, in the confrontation stage antagonists of a standpoint must state their doubts clearly and unambiguously, but in practice doing so can be "face-threatening" for both parties so that they will have to operate circumspectly.[7] In order to be able to give a sound evaluation, a reconstruction of the discourse is needed that results in an *analytic overview* of all those, and only those, elements that are potentially relevant to the resolution of a difference of opinion. The analytic overview recapitulates the difference of opinion at issue in the confrontation stage and the positions of the participants; it identifies the procedural and substantive premises presented in the opening stage that serve as the starting point of the discussion; it surveys the arguments and criticisms that are —explicitly or implicitly—advanced in the argumentation stage, the argument schemes that are used, and the argumentation structures that are developed; and it determines the outcome that is reached in the concluding stage. The concepts referred to in the analytic overview, such as 'type of difference of opinion,' 'unexpressed premise,' 'argument scheme,' and 'argumentation structure,' are all defined from the pragma-dialectical perspective of a critical discussion.[8]

The reconstruction that takes place in the analysis amounts to making explicit all elements that remain implicit in the actual discourse but are relevant to the resolution process ('addition'), reformulating in an unequivocal way those speech acts whose function would otherwise be opaque ('substitution'), rearranging in a more

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[6]In practice, the first question always is whether, and to what extent, the oral or written discourse that is to be analyzed may be regarded argumentative.

[7]Expressing doubt may also go against the 'preference for agreement' that governs normal conversation. See van Eemeren et al. (1993, Chap. 3).

[8]These terms and concepts are explained in van Eemeren et al. (2002). See also van Eemeren and Grootendorst (1992) and van Eemeren (2001).

insightful way speech acts whose order does not reflect their function in the resolution process ('permutation'), and leaving out of consideration all speech acts that do not play a part in the resolution process ('deletion') (van Eemeren and Grootendorst 2004, Chap. 5).[9] In *Reconstructing Argumentative Discourse*, van Eemeren et al. (1993) emphasize that it is crucial that the transformations carried out in the analysis are indeed justified. They must be faithful to the commitments that may be ascribed to the participants on the basis of their contributions to the discourse. In order not to "over-interpret" what seems implicit in the discourse, the analyst must be sensitive to the rules of language use,[10] the details of the presentation, and the contextual constraints inherent in the speech event concerned. To go beyond a naïve reading of the discourse, empirical insight concerning the way in which oral and written discourse are conducted, including the way in which strategic maneuvering develops, is to be used to augment the analyst's intuitions with the help of the results of empirical research, both qualitative and quantitative.[11] Only then, the reconstruction can lead to an analytic overview that is a sound basis for carrying out an evaluation in which any fallacies occurring in the discourse can be fairly displayed.

26.5   Recent Research

In recent research the theoretical tools developed in the integrated pragma-dialectical approach are used for the analysis and evaluation of argumentative discourse in specific argumentative activity types in the legal, the political, and the medical sphere. An example is the following brief analysis of an 'advertorial' that appeared in a great many American magazines at the time when in the United States public attitudes toward smoking had started to shift dramatically. Part of a call for Congressional hearings to consider further restrictions on the advertising of cigarettes was the argument that tobacco companies were advertising to children to replace the growing number of adult smokers who were quitting or dying. Among R.J. Reynolds Tobacco Company's responses was the following advertorial:

Some surprising advice to young people from R.J. Reynolds Tobacco.

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[9]These reconstruction transformations are carried out in a cyclic process, proceeding in as many stages as necessary to achieve an adequate analytic overview.

[10]An integration of the Searlean speech act conditions and the Gricean conversational maxims in a set of 'rules of language use' is proposed in van Eemeren and Grootendorst (1992, 49–55; 2004, Chap. 4).

[11]See van Eemeren et al. (1993, 50–59).

Don't smoke.
For one thing, smoking has always been an adult custom. And even for adults,
smoking has become very controversial.
So even though we're a tobacco company, we don't think it's a good idea for young
people to smoke.
Now, we know that giving this kind of advice to young people can sometimes
backfire.
But if you take up smoking just to prove you're an adult, you're really proving just
the opposite.
Because deciding to smoke or not to smoke is something you should do when you
don't have anything to prove.
Think it over.
After all, you may not be old enough to smoke. But you're old enough to think.

Although an advertorial is an activity type that is, in spite of having the form of an editorial, an advertisement with a commercial rationale, it is not supposed to contain assertions that are not true, and any argumentation that is used may be seen as a serious attempt to defend a standpoint. It is against the background of these institutional constraints that we are going to analyze the case made by R.J. Reynolds Tobacco Company. For the sake of brevity, we shall focus only on the strategic maneuvering with topical selection in the argumentation stage.[12]

After the announcement preceding the text has created the 'surprising' perspective desired by Reynolds, the text begins with the pronouncement 'Don't smoke.' This pronouncement initiates the confrontation stage by expressing—by way of a rather paternalistic advice—the normative standpoint that Reynolds, viewed dialectically, is expected to defend in the text. A reconstruction of the structure of the argumentation put forward by Reynolds in defense of their standpoint looks like this:

1 Young people should not smoke

1.1a Smoking has always   _____   1.1b Even for adults smoking has
been an adult custom   become controversial
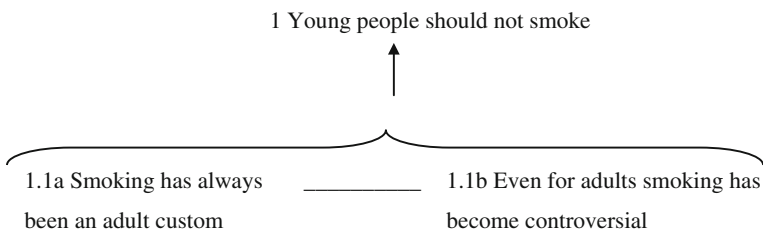
What observations can be made concerning the topical choice made in this strategic maneuvering in favor of the standpoint that young people should not smoke? Paradoxically, it is already clear from the start that the arguments that are

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[12]This analysis is based on van Eemeren and Houtlosser (2000); see also van Eemeren et al. (1997).

advanced will not appeal to young people. It is more than doubtful—to say the least
—whether convention and age will be decisive reasons for young people to decide
not to smoke. It is more likely that to the average young person the conventional
presupposition that smoking is the privilege of adults will be an occasion to go
against that. And that smoking has become 'controversial' will make it only more
interesting to the young. An even more striking property of Reynolds's topical
choice is that they leave conspicuously unmentioned the readily available argu-
ments, which are both more obvious and much stronger, that smoking can become
an addiction and causes cancer. The reason for not mentioning these arguments will
be clear: if the firm would commit itself to them, this would leave Reynolds with an
awkward dialectical inconsistency. The health argument would strongly undermine
he credibility of the standpoint that adults should be allowed to smoke. This
standpoint may not be expressed in the text but, as a tobacco company, Reynolds is,
of course, committed to it.

The arguments advanced for the standpoint that young people should not smoke
seem—in a perverse way—selected for their *incapacity* to contribute to the defense
of the official standpoint that young people should not smoke. By advancing
arguments that so evidently do *not* support the disputed standpoint satisfactorily,
Reynolds evokes the *topos* 'If there are only *bad reasons* for not doing something,
then there are *no good reasons* for not doing it.' The reasoning toward the desired
conclusion suggested to the young readers can be reconstructed in the following
way (unexpressed steps are put in parentheses):

(1)   (There are no good reasons for young people not to smoke)
(1.1a–b)   Smoking has always been an adult custom and even for adults smoking
has become controversial
(1.1a–b′)   (These are the only reasons why young people should not smoke)
(1.1a–b″)   (They are bad reasons)
(1.1a–b‴)   (If there are only bad reasons for refraining from doing something, then
there are no good reasons for not doing it)

It is evident that Reynolds intends to convey standpoint (1)—that there are no
good reasons for young people not to smoke—through implication without com-
mitting themselves to this standpoint. It can be left to the young readers to draw this
conclusion for themselves.

After having thus 'argued' why young people should not smoke, viewed ana-
lytically, Reynolds returns to the opening stage of the discussion to acknowledge a
concession: 'We know that giving this kind of advice to young people can some-
times backfire.' On the face of it, this acknowledgement is followed by a move
aimed at preventing the dreaded effect from occurring: 'But if you take up smoking
just to prove you're an adult, you're really proving just the opposite.' On closer
inspection, however, a different effect must be aimed for, because it is obvious that
this warning will not be very effective. Although Reynolds may suggest that young
people who take up smoking only do so to prove that they are adults, strictly
speaking, they say that those who take up smoking *only to prove that they are
adults* prove exactly the opposite. In other words, there is no problem when you

take up smoking *for some other reason*—let us say because you happen to like smoking. In that case, you *do not* prove that you are not an adult. The addition of 'just' even allows for taking up smoking to prove that you are an adult as long as you *also have other reasons* for smoking.

In this analysis we concentrated on topical selection in strategic maneuvering rather than audience adaptation and stylistic devices. Taking these other aspects into account can further strengthen the analysis. Take, as a case in point, the presentational choice of the word 'controversial' when Reynolds stated that smoking was controversial even for adults, thus suggesting that the matter is still *undecided* and that there is something to be said *both* for the positive and the negative view of smoking, so that smoking might, after all, be acceptable. In this and other ways, R. J. Reynolds Tobacco Company's text is pervaded with efforts to get young people to reject rather than accept Reynolds's case.

We have made plausible that the strategy Reynolds followed here is, in fact, aimed at being *counter-productive*. Thus, our analysis of the advertorial not only shows that a pragma-dialectical analysis and evaluation become stronger and more pertinent when rhetorical insight is incorporated, but also that a rhetorical analysis of argumentative discourse is more meaningful when it takes place in a dialectical framework that defines the range of reasonableness and sets limits to the strategic maneuvering that is allowed.[13]

26.6   Research Proposal

In medical advertisements published in the United States, usually the claim is defended that the health product that is advertised (pain relievers, vitamins etc.) is effective. While the ultimate goal is to get the reader to buy the product, the advertisers are constrained in their methods of persuasion by the advertising code imposed by the Federal Trade Commission. In arguing to convince the readers of the effectiveness of the product they will have to take these constraints into account. A type of argumentation that can often be found in this activity type is the argument from authority. In such arguments a trustworthy person or agency (often a medical doctor or someone who has experience in using the product) is claimed to guarantee the effectiveness of the product, so that it becomes clear that it is worth buying. The proposed research is aimed at finding out (1) when the strategic maneuvering by means of arguments from authority in these medical advertisements can be considered reasonable and when fallacious, and (2) to what extent the readers of these advertisements are able to identify these arguments and to evaluate their reasonableness. For this purpose, a corpus will be used of American medical advertisements.

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[13]Assimakis Tseronis, Dima Mohammed, Corina Andone, Yvon Tonnard, Bilal Amjarso, Marcin Lewinski, Constanza Ihnen, Roosmaryn Pilgram, and Lotte van Poppel are currently carrying out PhD projects in which further pragma-theoretical theoretical instruments are developed to deal with other medical and political argumentative activity types.

26.7 Practical Relevance

The partial analysis of the Reynolds advertorial we have given in Sect. 26.5 is exemplary for how pragma-dialecticians go about when dealing with argumentative discourse. Of course, a well-balanced evaluation of the discourse is possible only after the analysis has been completed. All the same, the analysis we provided already enables us to observe that Reynolds, because they advance arguments that are from the outset unlikely to convince, violates in a special way the *Relevance Rule* for critical discussion stating that standpoints may not be defended by non-argumentation or argumentation that is not relevant tot the standpoint (van Eemeren and Grootendorst 2004, 194), so that they are guilty of committing a strategic variant of the relevance fallacy of *ignoratio elenchi* (van Eemeren and Grootendorst 1992, 2005). Thus, the pragma-dialectical method of analysis and evaluation opens up the possibility for a critical treatment of the strategic maneuvering taking place in the various kinds of activity types in which argumentative discourse plays a part. In this way, pragma-dialectics proves at the same time its scholarly and its practical significance.

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Chapter 27
The Pragma-Dialectical Method of Analysis and Evaluation

Frans H. van Eemeren

27.1 Purpose of My Presentation

The purpose of this presentation is to explain to you what the pragma-dialectical method of analysis and evaluation involves. Due to the limited amount of time available for doing this, I have to restrict myself, of course, to some of the main points.[1] It seems best to me to concentrate on those parts of our method of analysis and evaluation that are most characteristic of the pragma-dialectical approach. For the sake of convenience, I will assume that the theoretical starting points of the pragma-dialectical approach to argumentative discourse are already familiar to everyone.[2] This means that I am neither going to elaborate on our pragmatic treatment of argumentation as a specific specimen of ordinary communication and interaction nor on our dialectical treatment of argumentative discourse as subjected to normative rules for critical discussion.[3] I will confine my introduction to some crucial aspects of our method of analysis as reconstructing argumentative discourse as being aimed at resolving differences of opinion on the merits. Besides, I will outline our method of evaluation as checking its adequacy for fulfilling the airm of resolving a difference of opinion on the merits. We will selectively illustrate our points by means of observations concerning the analysis and evaluation of an argumentative text.

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[1]For a more elaborate exposition of the pragma-dialectical method of analysis and evaluation, see van Eemeren and Grootendorst (1992), van Eemeren et al. (1993), van Eemeren (2010, pp. 8–22) and van Eemeren et al. (2002).

[2]For the theoretical starting points of the prama-dialectical approach, see van Eemeren and Grootendorst (1984, 2004) and van Eemeren (2010).

[3]Although there is a certain overlap between the linguistic study of pragmatics and classical and modern rhetoric, I keep distinguishing between the two because they start from different theoretical perspectives and complement each other in various ways. Due to its dialectical dimension, the pragma-dialectical theory of argumentation can be characterized as 'normative pragmatics'.

27.2   Reconstructing an Analytic Overview and Identifying Fallacious Moves

A pragma-dialectical analysis of argumentative discourse amounts to a systematic reconstruction of the discourse from the theoretical perspective of a critical discussion which is empirically justified by textual, contextual, inferential and factual information regarding the argumentative discussion or text that is analyzed (van Eemeren 2010, pp. 16–19). Such an analysis is pragmatic in viewing argumentative discourse as an exchange of speech acts taking place in the context of an actual communicative and interactional environment. It is dialectical in viewing this exchange of speech acts as a methodical attempt to resolve a difference of opinion on the merits by means of a critical discussion. The model of a critical discussion has a heuristic and analytic function in the reconstruction process by pointing out which speech acts are relevant in the various stages of the resolution process and providing a conceptual and terminological framework for the compilation and denotation of the relevant speech acts.[4]

For many reasons, argumentative reality is as a rule not fully in agreement with the ideal model of a critical discussion—and may, at times, even seem to deviate completely from this model. According to the model, for example, antagonists doubting the acceptability of a standpoint must state their doubts clearly and unambiguously in the confrontation stage of the discussion, but in practice doing so can be "face-threatening" to both parties so that antagonists often prefer to operate more circumspectly.[5] In order to go beyond a naïve reading of the discourse and to be able to give a sound evaluation, a reconstruction of the discourse is needed that results in an *analytic overview* of all those, and only those, elements that are relevant to the resolution of a difference of opinion, irrespective of whether they are explicitly, implicitly or only indirectly represented in the discourse. Because the process of resolving a difference of opinion is not limited to the argumentation stage of a critical discussion, such an analytic overview cannot be restricted to that stage, but has to cover all stages. It needs to recapitulate the difference of opinion at issue and the positions of the participants; to identify the procedural and substantive premises serving as the starting points of the discussion; to survey the arguments and criticisms advanced by the parties, the types of arguments used, and the patterns of argumentation developed; and to determine the outcome of the discussion. The concepts employed to characterize the various components of the analytic overview, such as 'type of difference of opinion,' 'unexpressed premise,' 'argument

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[4]The model of a critical discussion enables the analyst to identify elements necessary for resolving a difference of opinion on the merits in the discourse and to clarify the role they play in the resolution process.

[5]Expressing doubt also goes against the 'preference for agreement' that governs normal conversation. See Heritage (1984, pp. 265–280), Levinson (1983, pp. 332–336), and van Eemeren et al. (1993, Chap. 3).

scheme,' and 'argumentation structure,' are in pragma-dialectics all defined from the perspective of a critical discussion.[6]

The reconstruction that takes place in a pragma-dialectical analysis amounts to making explicit all elements which have remained implicit in the actual discourse but are relevant to the resolution process ('addition'), reformulating in an unequivocal way those speech acts whose function would otherwise be opaque ('substitution'), rearranging in a more insightful way speech acts whose order in the discourse does not reflect their function in the resolution process ('permutation'), and leaving out of consideration all speech acts that do not play a part in the resolution process ('deletion') (van Eemeren and Grootendorst 2004, Chap. 5).[7] The reconstruction must be faithful to the commitments that may be ascribed to the discussants on the basis of their contributions to the discourse. As Grootendorst, Jackson, Jacobs and I have emphasized in *Reconstructing Argumentative Discourse* (van Eemeren et al. 1993), it is therefore crucial that the transformations carried out in the reconstruction are indeed justified by pragmatic insight and empirical data.[8] In order not to "over-interpret" what seems implicit in the discourse, the analyst must be sensitive to the meaning of the details of the presentation when considered in view of the 'rules of language use' as they apply to the communication and interaction taking place in the context concerned.[9] This means that not only the presentational form of the argumentative moves needs to be taken into account, but also the linguistic 'micro' context, the situational 'meso' context, the institutional 'macro' context and perhaps even the interdiscursive 'intertextual' context in which these moves are made. In addition, logical inferences pointing to certain presuppositions or implications of what is said in the discourse, and pragmatic inferences pointing to certain 'implicatures' need to be utilized, just as the availability of certain general or specific background information favoring the one interpretation rather than the other.[10]

The analytic overview constitutes the basis for the pragma-dialectical evaluation of argumentative discourse. In this evaluation, the critical norms of reasonableness authorizing the performance of speech acts in the various stages of the resolution

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[6]These terms and concepts are explained in van Eemeren and Grootendorst (1992) and van Eemeren et al. (2002). For a comparison with similar notions from other theoretical approaches, see van Eemeren (2001).

[7]These reconstruction transformations are carried out in a cyclic process, proceeding in as many rounds as is necessary in a particular case to achieve an adequate analytic overview.

[8]The text, the context or certain background information may provide explicit or implicit clues for the analysis of the discourse and its justification. The combined sources that can be relied upon are decisive for the quality of the account.

[9]For our account of the 'rules of language use,' which integrates the Searlean speech act conditions and the Gricean conversational maxims, see van Eemeren and Grootendorst (1992, pp. 49–55; 2004, pp. 75–80).

[10]The analytic overview resulting from the reconstruction needs to satisfy to the greatest possible extent the requirements of economy, efficacy, coherence, realism and well-foundedness. For a more detailed discussion of these requirements and the various sources that can be utilized in accounting for a reconstruction, see van Eemeren (2010, pp. 16–19).

process as they are incorporated in the dialectical rules for critical discussion play a major role. In a critical discussion, the protagonist and the antagonist must observe all these rules in all stages because they are instrumental in resolving a difference of opinion on the merits (van Eemeren and Grootendorst 1984, 2004). Each of the rules constitutes a distinct standard for critical discussion and any move constituting an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore be regarded as fallacious (in this particular sense). How harmful the violation is in practice, may depend on the kind of communicative activity type in which the violation takes place and the possibilities for repair that are available in the communicative and interactional situation at hand.[11] A fallacious appeal to authority in which someone is wrongly presented as an expert may be more harmful, for instance, in a scholarly review than in an informal chat, and the effect of a fallacious personal attack may be reparable, for instance, when it is made in a direct confrontation whereas it may be beyond repair when made in a book publication.

27.3 KLM Apologizes for Destroying Squirrels

Let me at this point introduce the argumentative text that I am going to use to illustrate my approach. It is entitled 'KLM apologies for destroying squirrels.'[12]

In April 1999 the Dutch airline company KLM was in the news because it had finished off 440 North-American banded ground squirrels after it had been ordered to do so by the national agency for the inspection of cattle and meat. The required exportation and health documents were lacking, and the squirrels were not adequately packaged. The animals were put through a chopper alive. The squirrels came from Beijing and were on their way to Athens. The sender in Beijing did not want to take the squirrels back and no country outside Europe volunteered to receive the animals. The chopper in which the squirrels came to their end was a kind of shredder that is also used in the bio industry to cut up cocks. Cocks, however, are substantially smaller than squirrels, and with cocks one can therefore make sure that the head goes first. With the ground squirrels, whose size equals that of three hands, this was not feasible. In the press release below, KLM accounts for having destroyed the squirrels.

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[11]For the harmfulness of fallacies and the possibilities of 'rerailment,' see van Eemeren (2010, pp. 252–262).

[12]This text was used earlier as an illustration in van Eemeren and Garssen (2009).

Press Release

(I)   KLM sincerely apologizes for having been forced to have 440 squirrels destroyed, last Monday in the KLM Cargo animals' hotel. KLM has acted in a way that is formally justified, but admits that an ethical assessment mistake was made. KLM fully endorses the criticisms that have been voiced by the public and the various organisations.

(II)   The airline company has decided to start a thorough investigation into what exactly happened at the reception of the package in Beijing. The events in the KLM Cargo animals' hotel will also be investigated.

(III) Pending this investigation and in view of the emotions that these events have aroused, the Board of KLM has deemed it desirable that the employee concerned will stay home for the period of this investigation.

(IV) On Sunday, April 11, 1999, KLM has received orders from the Department of Agriculture, Environmental Management and Fishing (AEMF) to destroy the animals. KLM is of the opinion that this order, in this form and without feasible alternatives, was unethical.

(V)   The Board of KLM holds, however, that the KLM employee concerned has acted formally correct in this matter by promptly following the directives of the Department of AEMF, but also acknowledges at the same time that this employee has made an assessment mistake.

(VI) KLM once more emphasises that the company regrets the course of events and offers its sincere apologies to all animal lovers and all those whose feelings have been hurt by the events.

(VII) KLM has informed the Animal Protection Society, the AAP Foundation, the Worldwide Fund for Nature (WWF), the Cites Netherlands Foundation, the Foundation for the Shelter of Squirrels in De Meern, the European Association of Zoos and Aquaria, and the Dutch Association of Zoos of the above and has invited these organisations to come to a consultation on how to avoid deplorable situations of this kind at a short term.

I would like to explain the pragma-dialectical method of analysis and evaluation by going through the various components of the analytic overview and discussing first some reconstruction problems involved in dealing with each of these components and illustrating next what the reconstruction amounts to in the case of the KLM text.

27.4   The Discussion Stages of the Resolution Process

Because in communicative practice verbal discourse may serve various purposes, the question that needs to be answered first is whether it is useful and feasible to analyze the discourse from an argumentative perspective. If a psychological or literary analysis seems more appropriate, it is no use reconstructing the discourse in

terms of a critical discussion.[13] An argumentative analysis is in order if the discussion or text is wholly or partly argumentative, i.e. aimed at convincing others by means of argumentation of the acceptability of a standpoint. The clearest sign that this is indeed the case is, of course, the presence of explicit argumentation, but discussions or texts which are only implicitly argumentative also warrant a resolution-oriented argumentative analysis in which the ideal model of a critical analysis is the point of reference.

The reconstruction that takes part in a pragma-dialectical analysis starts from the idea that the resolution of a difference of opinion by means of argumentation requires going through the four different discussion stages distinguished analytically in the ideal model of a critical discussion. Because in argumentative practice these stages are, as a rule, not fully and explicitly represented in the discourse, let alone in the required order, all elements belonging to each of the four discussion stages which are implicitly or indirectly represented in the discourse need to be identified in the reconstruction process and, together with the explicit elements, represented in the analytic overview in the way that indicates their argumentative role most clearly.[14] In a pragma-dialectical analysis we do so by reconstructing the discourse as much as possible in terms of a critical discussion and its four discussion stages.

In the confrontation stage the parties establish that they have a difference of opinion. In argumentative practice it is usually clear which party has a standpoint, but it is not always so clear what exactly this standpoint involves. Sometimes the parties come to realize only in the course of the discussion that they have failed to identify clearly what exactly they disagree on, so that they have to returns, as it were, to the confrontation stage, and reconstruct the speech acts concerned as belonging to that stage. It is also not always immediately clear either which people precisely have to be convinced of the acceptability of the arguer's standpoint. There may even be more antagonists. In an election debate, for instance, the arguer addresses as a rule over the head of the official antagonist his potential voters, so that the potential voters are in fact his 'primary audience' and the official antagonist is only his 'secondary audience.'

Unless these matters are formally regulated in the opening stage, the division of the discussion roles of protagonist and antagonist and the procedural and material starting points are more often than not supposed to be understood, so that, rightly or wrongly, they are taken for granted rather than explicitly mentioned in the discourse. Mentioning all starting points explicitly would be impossible anyway. Usually starting points are only expressed when and where this seems necessary for the proper continuation of the discourse. In principle, the argumentation stage is in argumentative discourse always represented, albeit that as a rule parts of the

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[13]Depending on one's purposes, different kinds of analyses may in some cases usefully complement each other.

[14]The discourse may also contain a great many elements that help to make the communication go more smoothly—such as expressions of courtesy, jokes, and anecdotes. If they do not play a role in the actual resolution process, they are not included in the analytic overview.

argumentation remain unexpressed and objections and other criticisms remain implicit. The concluding stage is often (and in most cases deliberately) left implicit for the most part, which suggests that the conclusion is clear.

An argumentative text or speech in which a standpoint is defended by means of a monologue, as in KLM's press release, can be viewed as an implicit discussion in which only one of the parties participates actively. Because argumentation always aims at convincing potential critics, whether they are actually present or not, their views need to be taken into account, even if only implicitly.[15] This may, for instance, become apparent when the protagonist refers to potential objections of a real or imagined antagonist. A complication of analyzing an implicit discussion is that usually the discussion stages will be harder to recognize. Nevertheless, the party putting forward his case cannot just present his argumentation, but needs to cover the other discussion stages as well.[16] He will have to make clear what his standpoint is and indicate that a difference of opinion exists or is about to come into being (*confrontation stage*). He can do so, for instance, by referring to well-known objections to his standpoint. Confusingly, who the (potential) antagonist is to whom the text or speech is addressed remains sometimes unspecified. The protagonist will also have to make it clear that he is prepared to abide by the rules for having a reasonable discussion in resolving the difference, perhaps even mentioning some of these rules and some conceded starting points in the process (*opening stage*). Then, of course, the protagonist will have to present his argumentation, taking the views of the presumed antagonist into account in the organisation of his argumentation (*argumentation stage*). Finally, he will have to point out to what extent the difference of opinion has been resolved by his argumentation (*concluding stage*).

KLM's press release, which resembles an 'advertorial,' is definitely an argumentative text, because it provides argumentation for certain standpoints. It is also an implicit discussion, because it responds to criticism and anticipates other criticism. In this argumentative discussion, the *confrontation stage* starts with KLM's claim that the company has acted in a way that is formally justified (paragraph I). It continues with KLM's assertion that the Department of Agriculture, Environmental Management and Fishing (AEMF) is to be blamed for giving an unethical order (paragraph IV). Based on the fact that KLM elaborates on its actions to ensure that all will go well in the future, we can say that the company extends the confrontation stage by claiming implicitly that KLM has acted appropriately after the destruction of the squirrels had taken place. In addition, KLM implicitly ascribes the counter-claim to their accusers that KLM is to be blamed for what went wrong with the squirrels. This may also be viewed as a part of the confrontation stage, because it is this claim that motivates KLM's press release.

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[15]If it was assumed that everyone already agreed with the standpoint, there would be no point in taking the trouble to make a case in its support.

[16]In order to reconstruct the discourse in terms of a critical discussion the analyst assumes that the party puting forward a case covers all stages and that the analyst tries to reconstruct the discourse as such.

In the *opening stage*, KLM acknowledges that it was wrong that 440 squirrels had to be finished off (paragraph I, IV), that they fully endorse the criticism of this action by the public and various organisations (paragraph I, VI), that they were ordered by AEMF to have 440 squirrels destroyed (paragraph I, IV), and that they regret what happened and apologize emphatically for it to all animal lovers and other interested parties (paragraph I, VI).

In the *argumentation stage*, KLM argues that the company has acted formally correct in destroying the squirrels because it received an order from AEMF to do so (paragraph IV) and their employee promptly followed AEMF's directives (paragraph V). KLM argues also that AEMF is to be blamed for giving an unethical order because the order had not the correct form and no feasible alternatives were offered (paragraph IV), that KLM has acted appropriately after the squirrels had been destructed because they started a thorough investigation into what happened at the reception of the package in Beijing and in the KLM Cargo animals' hotel (paragraph II), made the employee who carried out the orders stay at home pending the investigation (paragraph III), and made sure that deplorable situations like this one will not happen again in the future because they informed all interested parties and have started consultations with them (paragraph VII).

The *concluding stage* is not explicitly represented in the text, but it is suggested that the conclusion is clear.

In the following reproduction of KLM's press release the parts of the text belonging to the confrontation stage which are explicitly represented in the text are indicated **in bold**, the parts belonging to the opening stage are put *in italics*, and those belonging to the argumentation stage are underlined:

(I) *KLM sincerely apologizes for having been forced to have 440 squirrels destroyed, last Monday in the KLM Cargo animals' hotel.* **KLM has acted in a way that is formally justified**, but *admits that **an ethical assessment mistake was made**. KLM fully endorses the criticisms that have been voiced by the public and the various organisations.*

(II) The airline company has decided to start a thorough investigation into what exactly happened at the reception of the package in Beijing. The events in the KLM Cargo animals' hotel will also be investigated.

(III) Pending this investigation and in view of the emotions that these events have aroused, the Board of KLM has deemed it desirable that the employee concerned will stay home for the period of this investigation.

(IV) *On Sunday, April 11, 1999,* KLM has received orders from the Department of Agriculture, Environmental Management and Fishing (*AEMF*) to destroy the animals. **KLM is of the opinion that this order**, in this form and without feasible alternatives, **was unethical**.

(V) **The Board of KLM holds**, however, **that the KLM employee concerned has acted formally correct in this matter** by promptly following the directives of the Department of AEMF, *but also acknowledges at the same time that this employee has made an assessment mistake.*

(VI) *KLM once more emphasises that the company regrets the course of events
      and offers its sincere apologies to all animal lovers and all those whose
      feelings have been hurt by the events.*

(VII) <u>KLM has informed the Animal Protection Society, the AAP Foundation, the
       Worldwide Fund for Nature (WWF), the Cites Netherlands Foundation, the
       Foundation for the Shelter of Squirrels in De Meern, the European
       Association of Zoos and Aquaria, and the Dutch Association of Zoos of the
       above and has invited these organisations to come to a consultation on how
       to avoid deplorable situations of this kind at a short term.</u>

27.5   The Difference of Opinion

A difference of opinion always involves a party that puts forward a standpoint and a
party that expresses doubt about it—or goes a step further and rejects it. The
difference of opinion may be explicit, so that both the standpoint and the doubt or
rejection are expressed literally, but it may also remain implicit. In the latter case
usually only one party expresses their views while the other party's views, doubts
or criticisms are anticipated in the discourse.

   The elementary form of a difference of opinion is a *single non-mixed* difference
of opinion, in which a standpoint meets with doubt. Since the standpoint can be
positive or negative, this elementary form has two variants. A complication for the
analysis is that an expression of doubt and a cautiously formulated negative
standpoint are sometimes hard to distinguish. When a positive standpoint is con-
fronted by a negative standpoint (or the other way around), the difference of opinion
is *mixed*. In a mixed difference, opposing standpoints are adopted with respect to
the same proposition. If the difference involves only one proposition, as is the case
in a difference of opinion which has the elementary form, the difference of opinion
is called *single*. If there are more propositions at issue, the difference is *multiple*.
A multiple difference of opinion arises when two or more issues are brought up at
the same time. Next to single non-mixed, as in the elementary form, differences of
opinion can be single mixed, multiple non-mixed and multiple mixed.

   It is important to realize that differences of opinion can not only be about
descriptive standpoints ("The Hague is the capital of the Netherlands"), which in
principle involve a claim to truth, but also about *evaluative* standpoints ("A single
man is a great film"), which involve a judgment, or about *prescriptive* standpoints
("You should vote for her"),[17] which involve an action or policy proposal. In
practice, argumentative discourse centers more often than not around evaluative or
prescriptive standpoints since claims to truth are preferably decided by proof.[18]
Another important observation is that, next to the *main* difference of opinion at the

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[17]Prescriptive standpoint are also knows as *inciting* standpoints or *practical* standpoints.

[18]Alternatively, proof can be viewed as a special form of argumentation.

center of the argumentative discourse, during the discussion a number of *subordinate* differences of opinion may arise which are hierarchically related to the main difference. It is important to note too that, instead of being stated explicitly at the outset, the main difference of opinion may come to light only later, perhaps even gradually, in the course of the discussion. In addition, in argumentative practice the standpoint that is discussed is later often repeated in a somewhat different phrasing, so that it may look as if a new standpoint has been adopted and a new discussion has started. It is not always easy to tell whether this is indeed the case.

In their press release, KLM advances two standpoints explicitly: (1) KLM has acted in a way that is formally justified, (2) AEMF is to be blamed for giving an unethical order. KLM also puts forward a standpoint implicitly, (3) KLM has acted appropriately after the destruction of the squirrels had taken place. Implicitly they also ascribe a standpoint to their accusers, (4) KLM is to be blamed for what went wrong with the squirrels. (1), (2) and (3) are supposed to meet with doubt from the undefined audience to which the press release is addressed, so that there is a multiple nonmixed difference of opinion between KLM and them. The difference of opinion KLM, in addition, implies to have with their accusers concerning (4) is single mixed.

27.6   The Point of Departure of the Discussion

Next to the procedural and material starting points that have been explicitly or implicitly introduced in the discussion, the point of departure of the discussion also encompasses those starting points that are considered to be understood. Among the latter a distinction can be made between starting points supposedly shared by all people and starting points only shared by people familiar with a particular communicative activity type due to education and 'secondary socialization.' A problem in compiling the starting points constituting the point of departure of a discussion is how to make sure that all relevant starting points are included that have not been presented in the discussion. Since the introduction of the starting points is in argumentative practice often scattered over the discourse, another problem is how to keep track of the extension of the procedural and material starting points during the discussion.

In the case of KLM's press release, not much background knowledge is needed about the communicative activity type of a press release (or an advertorial) to list the relevant starting points, because these starting points, in particular the material ones, are mentioned more or less explicitly in the text. I have summarized them in my reconstruction of the opening stage of the discussion. Nevertheless background knowledge of the kind of communicative practice involved can often be a helpful heuristic tool in tracing starting points in the discourse which can be exploited in the argumentation stage. This applies even more strongly in the case of those hybrid communicative activity types whose effectiveness hinges on a measured

combination of different genres of communication, such as apologizing and image protection in KLM's advertorial-like press release.[19]

27.7   The Expressed and Unexpressed Premises of the Argumentation

In ordinary argumentative discourse premises are often left unexpressed which are indispensable components of the argumentation. From a pragmatic point of view this does not automatically mean that in such cases the discourse is defective. Generally, these unexpressed premises can be easily reconstructed. In some cases, however, it is not so clear exactly which unexpressed premise is to be added because there are various possibilities.

In a pragma-dialectical analysis, the reconstruction of unexpressed premises takes place at both the logical level of the formal validity of the reasoning involved and the pragmatic level of the compliance of the argumentation with the rules of communication.[20] At the logical level the 'logical minimum' is reconstructed of the premise that is to be added to the reasoning underlying the argumentation. For an adequate reconstruction of the unexpressed premise, however, it is in principle not enough to add a premise which renders the argument valid, because this reconstruction might be not be pragmatically appropriate. If the added premise is less informative than the communicative situation in which the argumentation occurs allows, the reconstruction is not in agreement with the rules of communication. At the pragmatic level the analysis is directed at reconstructing the added premise which constitutes the 'pragmatic optimum' which makes the complex speech act performed in advancing argumentation fully agree with the rules of communication.

In the analysis of unexpressed premises the logical reconstruction is primarily a heuristic tool instrumental in realizing the pragmatic reconstruction. In simple cases, in reconstructing the logical minimum relying on first order propositional and predicate logic will suffice.[21] It is easiest to define the logical minimum then as the "if… then…" sentence resulting from taking the explicit premise of the argument as the antecedent and the conclusion as the consequent. However, since in this reconstruction the logical minimum only states explicitly that it is permitted to infer the given conclusion from the given premise because the argument resulting from the addition has the valid form of *modus ponens*, adding the logical minimum provides no new information. If the logical minimum were without any further ado identified as the unexpressed premise, in adding this formal commitment explicitly

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[19]For this specific combination, which is rather common in advertorials, see Benoit (1995).

[20]For the pragma-dialectical reconstruction of unexpressed premises, see van Eemeren and Grootendorst (1992, pp. 60–72) and van Eemeren et al. (2002, pp. 49–59).

[21]For dealing with more complicated cases, in some cases using other types of deductive logic or non-deductive logic may be more appropriate.

a violation of the 'efficiency' rule of communication would be unnecessarily ascribed to the arguer. From the fact that he advances this argumentation to defend his standpoint it is already clear that he assumes that this conclusion follows from this premise.

Viewed from a pragmatic perspective, considering the logical minimum as the unexpressed premise results in a reconstruction which involves a superfluous addition. In the analysis a serious attempt is therefore to be made to remedy the violation of the efficiency rule by taking all available textual, contextual, inferential, and background information into account and reconstruct, starting from the logical minimum, the pragmatic optimum that is fully in agreement with the rules of communication.[22] In principle, this pragmatic reconstruction boils down to a rephrasing of the logical minimum which results in the identification of an added premise which is as clear ('clarity rule'), succinct ('efficiency rule') and to the point ('relevancy rule') as is possible without ascribing any commitments to the arguer that cannot be accounted for ('responsibility rule'). In "Peter is a real academic, therefore, he is curious," for instance, starting from the logical minimum "If Peter is a real academic, then he is curious," these communicative requirements can be met by reconstructing "Real academics are curious" as the pragmatic optimum that constitutes the unexpressed premise.

In "pragmatizing" the logical minimum resulting from the logical reconstruction, the dialectical logical dimension and the pragmatic communicative dimension of argumentative discourse are methodically brought together. The communicative context in which the argumentation develops and the epistemic background of available information against which it takes place are the decisive factors in bringing about the pragmatization. They determine whether a generalization or specification of the logical minimum as the pragmatic optimum is justified. In some cases, they will allow the analyst to ascribe more specific or further reaching commitments to the arguer than envisaged in the logical minimum. The arguer may, for example, have said something earlier in the exchange which warrants a more specific reconstruction of the pragmatic optimum or the available information may warrant a more general reconstruction of the pragmatic optimum.[23]

In argumentative practice, the defense of a standpoint depends in some cases on the way in which unexpressed premises implicit in the argumentation are supported by other arguments, so that it is vital to reconstruct these unexpressed premises in the analysis. Although in the KLM press release unexpressed premises are important, they do not lead to such a further development of the argumentation into

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[22]For the sources of information that can be relied on in reconstructing the pragmatic optimum, see van Eemeren (2010, pp. 16–19).

[23]The context and other available information do not always provide enough clarity for the analyst to decide about a reconstruction of the pragmatic optimum which goes further than the logical minimum. In some cases it is difficult to find more informative candidates than the logical minimum to which the speaker may be held committed. Although in contextualized argumentative discourse this is not often the case, the analyst may then be forced to consider the logical minimum as the pragmatic optimum.

subarguments. However, as I have indicated, there are two unexpressed standpoints which seem to play a crucial role in this argumentative text. First, there is the unexpressed standpoint that KLM has acted appropriately after the destruction of the squirrels had taken place, which is implied by KLM's argumentation about the actions of the company after the squirrels were finished off. Second, there is the unexpressed standpoint that KLM is to be blamed for what went wrong with the squirrels, which KLM implicitly ascribes to the accusers when presenting their argumentation and which motivates KLM's defense.

27.8   The Argument Schemes that Are Employed

The reconstruction carried out in a pragma-dialectical analysis should also result in the identification of the argument schemes that are employed, because they play an important role in the evaluation. In the pragma-dialectical view, argument schemes are conventionalized ways of representing the relation between what is stated in the argument and what is stated in the standpoint.[24] The three main categories of argument schemes we distinguish characterize three different types of argumentation: symptomaticity schemes pertaining to argumentation involving a relation of concomitance, similarity schemes pertaining to argumentation involving a relation of analogy, and instrumentality schemes pertaining to argumentation involving a relation of causality. Each of these three categories of argument schemes includes a great many subcategories. The schemes and the subschemes are pointers to different dialectical routes to justify a standpoint, because each of them invokes a particular method of testing in the dialectical evaluation procedure, in which certain sets of 'critical questions' are distinguished as pertinent reactions.

When identifying argument schemes in the reconstruction of argumentative discourse, in some cases the occurrence of certain verbal expressions can be pointers to a specific type of argument scheme. This goes, for instance, for "it is typical of" in the case of symptomatic argumentation, "is similar to" in the case of analogy argumentation, and "leads to" in the case of causal argumentation.[25] In a great many cases, however, such helpful pointers are lacking and the analyst has to identify first the (often unexpressed) 'major' premise before he can define the *topos* that designates the argument scheme that is employed. In identifying in implicit argumentation the argument scheme that is employed it may be necessary to take due account of the context in which the argument occurs. Depending on the context, the argument scheme at work in "Bart will persevere: he is a stayer," for instance, may need to be reconstructed as symptomatic ("It is characteristic of stayers that

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[24]The pragma-dialectical view of argument schemes is explained in van Eemeren and Grootendorst (1992, pp. 96–102).

[25]For an elaborate treatment of such argumentative indicators, see van Eemeren and Kruiger (1987) and van Eemeren et al. (2007).

they persevere"), as causal ("It is a result of being a stayer that one is able to persevere"), or even as analogous ("Just as he finishes his track as a stayer, he will persevere in completing this task").

To save time for points that are more salient in this particular case, I will not really go into the analysis of all argument schemes employed in KLM's press release. As an illustration it should suffice to observe that KLM presents the fact that it started a thorough investigation into what happened in Beijing at the reception of the package as a token that the company has acted appropriately after the destruction of the squirrels had taken place (standpoint 3), so that the argument scheme that is used here can be characterised as symptomatic, and that in this text the same characterisation applies to the argumentation in support of virtually all other standpoints. In view of the vitality for the argumentation stage of KLM's symptomatic argumentation in support of their claim that AEMF is to be blamed for giving an unethical order, a crucial point in the final evaluation of KLM's press release will certainly be to check to what extent the critical questions going with this argument scheme can be answered satisfactorily.

27.9 The Argumentation Structure

The simplest argumentation occurring in argumentative discourse consists of just one single argument, which more often than not is not marked as an argument, so that it does not clearly stand out. In single argumentation the premise that connects the expressed premise with the standpoint is usually left unexpressed. Especially when the unexpressed premise becomes an issue in the discussion, it may be necessary for an adequate evaluation to make it explicit.

Depending on the kind of objections or other criticisms that are to be addressed or are anticipated by the protagonist of a standpoint, the structure of the argumentation may become more complex, because in order to deal with criticism against an argument, the protagonist has to come up with further arguments. The complex argumentation resulting from this can always be broken down into a constellation of single arguments. This is exactly what happens when in the analysis of the argumentation structure the pattern of the defense is reconstructed that can be found in the argumentation.[26]

Multiple argumentation, the first pattern of defense distinguished in pragma-dialectics, consists of alternative defenses of the same standpoint, put forward one after another. Each defense is presented as if it were a sufficient defense of the standpoint, so that, in principle, each defense could stand alone. One

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[26]For a more elaborated treatment of the problems involved in reconstructing the structure of argumentation, see van Eemeren and Grootendorst (1992, Chap. 7). The patterns of defense distinguished in pragma-dialectics resemble those distinguished by informal logicians and other argumentation theorists. For a comparison between the various approaches, see Snoeck Henkemans (1997, pp. 25–70).

reason for advancing multiple argumentation can be that the protagonist anticipates that not every one of his defenses will be successful with everyone. Such anticipation often occurs when the arguer is addressing a heterogeneous audience, consisting of people who are likely to respond differently to the various defenses.

In *coordinative argumentation*, the second pattern of defense, the arguments put forward are not a series of alternative defenses, but constitute together the defense of the standpoint. In the case of 'cumulative' coordinative argumentation each argument by itself may be too weak to support the standpoint conclusively, but by strengthening each other they should be sufficient together. In the case of 'complementary' coordinative argumentation one argument reinforces another by preventing possible objections to it from being raised. In argumentative discourse cumulative and complementary coordinative argumentation can be found side by side and in principle the difference between the two does not affect the evaluation.[27]

In *subordinative argumentation*, the third pattern of defense, arguments are advanced in support of other arguments because the protagonist assumes that the arguments need further defense. This process of offering support for support may go on until the protagonist thinks his defense will be accepted as conclusive. In argumentative practice subordinative argumentation can be combined with multiple and (cumulative and complementary) coordinative argumentation, so that complicated patterns of defense come into being and the argumentation structure may become quite complex.[28]

Usually the protagonist does not indicate explicitly how the argumentation is structured. However, there are certain words and expressions that may serve as pointers. Among the indicators of multiple argumentation are "needless to say that" and "apart from that," those of coordinative argumentation include "as well as (the fact that)" and "not only… but also," and subordinative argumentation may be preceded by indicators such as "for because" and "because because." There are also certain expressions which round off a complex argument, such as "taking all this into consideration" and "ergo," which are used with coordinative or subordinative argumentation rather than with single or multiple argumentation.[29] In practice, however, the reconstruction of the argumentation structure can hardly ever be solely based on textual indicators but must also take account of relevant contextual and background information. In some cases, it may even be necessary to identify certain unexpressed premises by specifying the pragmatic optimum because this

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[27]The difference between cumulative and complementary interdependency was noted by Pinto and Blair (1989, pp. 221–225) and discussed from a pragma-dialectical perspective by Snoeck Henkemans (1997, pp. 95–99).

[28]In pragma-dialectics, schematic overviews are used to present the results of the reconstruction of the argumentation structure in a clear and concise way. For the most important conventions, see van Eemeren et al. (2002, pp. 68–72).

[29]For these indicators of the structure of argumentation, see van Eemeren and Grootendorst (1992, pp. 73–85) and van Eemeren et al. (2007).

specification may have consequences for the way in which the structure of the argumentation is to be reconstructed.[30]

The argumentation structure of the argumentation put forward by KLM in support of their three standpoints is as follows:

1   KLM acted in a way that is formally justified

　　1.1a   KLM received orders from AEMF to act in this way
　　1.1b   KLM's employee followed AEMF's directives

2   AEMF is to be blamed for giving an ethically wrong order

　　2.1   AEMF's order did not have the correct form
　　2.2   AEMF did not offer any feasible alternatives

(3)   (KLM acted appropriately after the destruction of the squirrels)

　　(3.)1a   KLM started a thorough investigation into what happened at the reception of the package in Beijing
　　(3.)1b   KLM started a thorough investigation into what happened in the KLM Cargo animals' hotel
　　(3.)1c   KLM let the employee who carried out the orders stay at home for the period of the investigation

　　　　(3.)1c.1   The investigation is still to be carried out
　　　　(3.)1c.2   The emotions concerning the destruction make the employee's staying at home necessary

　　(3.)1d   KLM made sure that such disasters will not happen again in the future

　　　　(3.)1d.1   KLM informed all interested parties and has started consultations with them

The structure of the argumentation of the accusers in support of the standpoint that KLM implicitly ascribes to them is as follows:

(4)   (KLM is to be blamed for what went wrong with the squirrels)

　　(4.)1   KLM acknowledges that their employee has made an ethical assessment mistake

According to this analysis, KLM advances coordinative argumentation (1.1a–1.1b) in support of their standpoint 1, multiple argumentation (2.1 and 2.2) in support of their standpoint 2, and coordinative argumentation ((3.)1a–(3.)1d) in support of their implicit standpoint (3). KLM supports some parts of the latter coordinative argumentation ((3.)1c and (3.)1d) in turn by means of subordinative argumentation ((3.)1c.1, (3.)1c.2, and (3.)1d.1, respectively). The accusers offer single argumentation ((4.)1) in support of the standpoint (4) which KLM implicitly ascribes to them.

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[30]For the consequences of specifying the pragmatic optimum for the reconstruction of the argumentation structure, see van Eemeren and Grootendorst (1992, pp. 85–89).

27.10   The Strategic Maneuvering Taking Place in the Discourse

When engaging in argumentative discourse the arguers are not just out to maintain reasonableness in trying to resolve a difference of opinion, but also, and perhaps even in the first place, to conduct the argumentative discourse in a way that is effective in resolving the difference in their favor. This observation has led pragma-dialecticians to include insights from rhetoric methodically in their dialectical framework of analysis and evaluation.[31] Departing from the idea that the arguers' rhetorical attempts to be effective are always systematically incorporated in their dialectical efforts to resolve their differences of opinion in a reasonable way, we took as our starting point that every argumentative move has a dialectical and a rhetorical dimension. Because the parties aim at every stage of the process of resolving a difference of opinion for the optimal rhetorical result that can be achieved while complying with their dialectical obligations inherent in that discussion stage, their dialectical aims have in all discussion stages a rhetorical analogue. To reconcile the simultaneous pursuit of these different aims, and to diminish any potential tension between the two, the arguers have to *maneuver strategically*.[32]

In reconstructing strategic maneuvering we make an analytic distinction between three aspects of the maneuvering: (1) the selection made from the available 'topical potential,' i.e., from the options open at a certain point in the discussion regarding the argumentative moves that can be made; (2) the adaptation to 'audience demand,' i.e., to the (estimated) frame of reference of the audience; (3) the choice that is made of the 'presentational devices,' i.e., the stylistic and other means chosen to convey the message. Taking all three aspects of strategic maneuvering into account leads to a more refined reconstruction of argumentative discourse, which can be more thoroughly justified because the functional design of the discourse constitutes an extra consideration in motivating analytic decisions. It also leads to a more nuanced and more precisely justified assessment, because the assessment of the discourse is based on contextually differentiated criteria for implementing the pragma-dialectical standards of reasonableness.[33]

The criteria for checking whether argumentative moves comply with the standards of reasonableness expressed in the rules for critical discussion are partly determined by the specific requirements the discourse has to fulfill in the institutional context in which it takes place. Therefore, these criteria may vary from the

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[31]For the extension of the pragma-dialectical theory with a rhetorical dimension, see van Eemeren and Houtlosser (2002) and van Eemeren (2010).

[32]In the study of argumentation there is still a conceptual and communicative gap between the protagonists of a dialectical approach and the protagonists of a rhetorical approach because dialecticians and rhetoricians still largely ignore the results of each others' theorizing. For the pragma-dialectical effort to overcome this division, see van Eemeren (2010).

[33]For an overview of the pragma-dialectical approach to strategic manoeuvring, see van Eemeren (2010).

one communicative activity type to the other.[34] The various communicative activity types have come into being to serve specific institutional needs in the various communicative domains and the ensuing conventionalization creates specific pre-conditions for the strategic maneuvering. As a consequence, what counts as a derailment of strategic maneuvering into fallaciousness may vary depending on the communicative activity type.[35]

A partial reconstruction of KLM's strategic maneuvering in its press release can illustrate that taking account of strategic maneuvering can have consequences for the analysis of argumentative discourse. In the confrontation stage, KLM portrays their accusers as claiming that KLM has made an assessment mistake rather than that the company is to blame for the killing of 440 squirrels. KLM seems to admit right away having made an assessment mistake. The destruction of the squirrels is undeniable and ostentatiously denying their responsibility would not be good for KLM's image. By stating that their conduct was formally correct and implying that they did the right things after the destruction had taken place, KLM implicitly puts the blame on others: on AEMF.

In the opening stage, KLM pushes to the background the act of finishing of the squirrels, which is detrimental to their position, wrapping it up in expressions of regret. Facts that are positive for the position of the company KLM mentions explicitly: they had received an order from higher up to finish off the animals and they sent the employee who decided to carry out this order home. Mentioning the latter fact is not only relevant because it provides an argument for why KLM acted appropriately after the incident, but also because it suggests that there is something wrong with this employee. This interpretation is plausible if we take into consideration that KLM takes the blame in fact only partly, and only in the way least harmful to them, by shifting the blame to one of their employees. Apparently KLM is out to establish the idea that the company as a whole is not to blame.

In the argumentation stage, KLM uses the technique of dissociation to make sure that the company is not blamed as a whole when only their employee is guilty: what is true of a part is in this case not true of the whole. To justify the claim that from a formal perspective both KLM and the employee acted in a correct way, the press release indicates that both of them did precisely what higher up had told them to do. This argumentation looks strong, because this is exactly what acting in a formally

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[34]The analysis of a case of strategic maneuvering may be different depending on the communicative activity type in which it takes place. In the constructive context of a problem-solving discussion, for instance, the various arguments put forward by different participants in favor of the same standpoint can in principle be reconstructed together as coordinative or multiple argumentation for the standpoint, whereas in a political debate in parliament these arguments cannot be reconstructed in this way if the arguers represent different political parties, because in this macro-context their contributions to the discussion cannot be added together just like that. This is because, next to the role of face protection and the like, the 'secondary' institutional preconditions applying to the two activity types are different. For 'secondary institutional preconditions,' see van Eemeren (2010, p. 152, n. 48).

[35]For the treatment of fallacies as derailments of strategic manoeuvring, see van Eemeren (2010, pp. 187–262).

right means: doing what the authorities require you to do. By means of this argumentation KLM suggests, again, that the real guilt does not lie with them but with others: with AEMF.

These observations concerning KLM's strategic maneuvering in the press release lead to a revised reconstruction of the standpoints at issue. The standpoint KLM implicitly ascribes to the accusers remains the same:

(1) (KLM is to be blamed for what went wrong with the squirrels)

On closer inspection, KLM proves to have two main standpoints, both remaining implicit:

(2) (KLM is not to be blamed)
(3) (AEMF is to be blamed for what went wrong with the squirrels)

Thus KLM employs in its press release a strategy of denying its own responsibility as a company and blaming others. The associated claims are, of course, not explicitly stated but only suggested. Our reconstruction of KLM's strategic maneuvering provides an analysis of the strategic maneuvering that is consistent and does justice to the coherence of the text. It shows that including a reconstruction of the strategic maneuvering in the analysis leads to a more insightful account for the argumentative moves that are made in the discourse.

The argumentation structure of the accusers' argumentation in support of the standpoint that KLM implicitly ascribes to them remains as follows:

(1) (KLM is to be blamed for what went wrong with the squirrels)

   (1).1   KLM acknowledges that their employee has made an ethical assessment mistake

The revised argumentation structure of the argumentation put forward by KLM in advance of their standpoints is as follows:

(2) (AEMF is to be blamed for killing off 440 squirrels)

   (2).1a   AEMF gave the order for killing of the squirrels
   (2).1b   This order was ethically wrong

(3) (KLM is not to be blamed)

  ((3).1)   (KLM has acted responsibly)

     ((3).1).1a   AEMF is to be blamed for giving an ethically wrong order

        ((3).1).1a.1   AEMF's order did not have the correct form
        ((3).1).1a.2   AEMF did not offer any feasible alternatives

     ((3).1).1b   KLM has acted in a way that is formally justified

((3).1).1b.1a   KLM received an order from AEMF to act in this way

((3).1).1b.1b   KLM's employee followed AEMF's directives

((3).1).1c   (KLM has acted appropriately after the destruction of the squirrels)

((3).1).1c.1a   KLM has started a thorough investigation into what happened at the reception of the package in Beijing

((3).1).1c.1b   KLM has started a thorough investigation into what happened in the KLM Cargo animals' hotel

((3).1).1c.1c   KLM let the employee who carried out the orders stay at home for the period of the investigation

(((3).1).1.c).1c.1   The investigation is still to be carried out

(((3).1).1.c).1c.2   The emotions concerning the destruction make the employee's staying at home necessary

((3).1).1c.1d   KLM has made sure that such disasters will not happen again in the future

(((3).1).1c).1d.1   KLM has informed all interested parties and has started consultations with them

27.11   The Evaluation of the Argumentative Discourse

The analytic overview resulting from the reconstruction of the discourse constitutes the basis for its evaluation. In a pragma-dialectical evaluation, it is assessed to what extent the argumentative discussion or text contributes to resolving the difference of opinion at issue on the merits. The assessment includes in the first place checking whether in every discussion stage all argumentative moves that are made comply with the rules for critical discussion according to the general soundness criteria applying to that kind of move and the specific soundness criteria prevailing in the communicative activity type concerned. Each move which does not comply with the rules can be designated as a specific type of fallacy.

Related to the coherence of the discourse, the assessment includes in the second place checking whether there are any logical or pragmatic inconsistencies. Logical inconsistencies occur when assertive speech acts contradict each other because they cannot both be true. Pragmatic inconsistencies occur when common sense or one's sense of reality prevents accepting both speech acts at the same time because of

inconsistencies regarding the fulfillment of identity and correctness conditions of the speech acts concerned ("I will pick you up in my car", "I cannot drive").

Specifically related to the argumentation stage, the assessment includes in the third place checking each individual argument that is advanced for the acceptability of its premises, the logical validity of its reasoning patterns, the appropriateness of the argument schemes and their potential for dealing satisfactorily with the critical questions going with the scheme which are relevant in the communicative activity type concerned. In addition, it needs to be determined what the consequences of these assessments are for the judgment of the multiple, coordinative or subordinative argumentation of which these arguments are part. In the case of multiple argumentation unacceptability of one of its constitutive parts may harm its effectiveness for certain parts of the audience, but it does not invalidate the remaining argumentation, whereas in the case of coordinative argumentation the unacceptability of one of its constitutive parts at the very least weakens the argumentation as a whole. In the case of subordinative argumentation the argumentation is left with a missing link.

For the purpose of illustration we will not give a complete assessment of KLM's argumentative text, but limit ourselves to the points which have become clear through the reconstruction of the strategic maneuvering. It is striking that in KLM's press release some vital elements remain implicit, so that only after the reconstruction has been completed it becomes clear what the main standpoints are that the company is out to defend. Due to the nature of the standpoints and substandpoints that remain implicit, it is not appropriate to express them explicitly in the communicative activity type concerned. Expressing substandpoints such as ((3.)1) (KLM has acted responsibly) and ((3.)1.1c) (KLM acted appropriately after the destruction of the squirrels) would boil down to uninvited self-praise. Expressing the standpoint (3) (KLM is not to be blamed) would also go against KLM's pretended attitude of being apologetic—KLM starts the release by apologizing—and regretful.

The pragmatic inconsistency in KLM's position of apologizing and being at the same time not guilty is hidden from view by the lack of clarity of their presentation. This presentation is in fact so strikingly misleading that it violates the pragma-dialectical Language Use Rule—one of the rules for critical discussion. Contrary to what the first paragraph of the press release seems to suggest ("KLM sincerely apologizes," "admits that an ethical assessment mistake was made"), it transpires that it is not KLM that has made an assessment mistake, but its employee. With hindsight this explains the use of passive phrasings such as "having been forced" in paragraph I (who "forces" KLM?) and the awkward formulations "that an ethical assessment mistake was made" (by whom?) and "KLM fully endorses the criticism" instead of "KLM accepts the criticism." In other words, although KLM acts initially as if they take the blame, they subsequently pass the buck to others: AEMF and the employee. The unclear and even misleading formulations help to cover up the pragmatic inconsistency in KLM's position, which shifts from an apologetic quasi-admission in paragraph I to what effectively amounts to a retraction of this admission in paragraph IV and V. Initially it is not clear who

exactly is responsible for the "ethical assessment mistake" mentioned in paragraph I. Later we learn that it is not so much having the squirrels destroyed that is unethical as ordering to do so, and that it is not KLM that has made an assessment mistake but its employee.

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Chapter 28
Making the Best of Argumentative Discourse

Frans H. van Eemeren and Rob Grootendorst

28.1 Pragma-Dialectical Analysis of Argumentative Discourse

Pragma-dialectical analysis aims at a rational reconstruction of the 'deep structure' of argumentative discourse by revealing those aspects of the discourse that are relevant to the resolution of a difference of opinion. For this endeavour a methodical integration of normative and descriptive insights is required that enables the analyst to interpret the empirical data adequately in the light of the chosen perspective. In this paper, we shall discuss some of the theoretical starting-points of pragma-dialectical analysis as a systematic enterprise of normative reconstruction.[1]

Argumentative discourse is placed in the perspective of an ideal model for rational and reasonable dispute-resolution by way of critical discussion (van Eemeren and Grootendorst 1984). According to this model, analytically, four different stages are distinguished in the interactional structure of argumentative discourse. Each of these stages represents a specific and goal-related procedural aspect of the resolution process and has a distinct function in promoting the dialectical development. The model specifies for each of the four stages what kinds of speech act can, at a particular stage, contribute to the resolution of a difference of opinion. A pragma-dialectical analysis of argumentative discourse is a resolution-oriented reconstruction of the discourse based on this model.[2]

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[1]This paper is based on our work with Sally Jackson and Scott Jacobs at the Netherlands Institute for Advanced Study (NIAS) in 1989–1990. The complete results of this work will appear in *Reconstructing Argumentative Discourse*, which the four of us wrote together (to be published).

[2]Whether it makes any sense at all to carry out a resolution-oriented reconstruction depends on whether certain 'higher order conditions' for critical discussion have been fulfilled. van Eemeren and Grootendorst (1988) make a distinction between second order conditions concerning the discussion attitude of the parties and third order conditions concerning the circumstances in which the resolution process takes place.

With this model serving as a heuristic tool, the reconstruction aims at achieving analytic overview of those elements in the discourse that are relevant to resolving a dispute by way of critical discussion: the differences of opinion that are involved in the discourse, the distribution of dialectical roles between the parties, the explicit, implicit, indirect and unexpressed premises which make up the argumentation, and the way the argumentation is structured. Thus by analyzing the discourse in a way that takes into account all explicit and implicit elements which may play a part in the dialectical process, one can make the best of argumentative discourse.[3]

In order to analyze argumentative discourse pragma-dialectically, it must be determined which elements in the discourse can be reconstructed as part of a critical discussion and through which pragma-dialectical transformations.[4] This gives rise to several questions. When may one reconstruct certain elements of the discourse as part of a critical discussion? How far may one go? What type of transformation is called for in any specific case? And how can carrying out this transformation be justified? These questions can be combined in the more general question of the justifications for pragma-dialectical analysis.

Since pragma-dialectical analysis involves a *marriage de raison* between normative insight underlying the ideal model and descriptive insight obtained from Studying argumentative reality, a combination of two different perspectives is required when justifying the reconstruction. On the one hand, what is considered to be relevant in the reconstruction is determined by the normative perspective of the resolution-oriented ideal model for critical discussion; the model provides selection criteria that are different from those prevailing in other sorts of reconstruction such as Freudian analysis. On the other hand, the reconstruction is also determined by the descriptive perspective of the empirical evidence provided by argumentative reality; the implementation of pragma-dialectical transformations does not solely depend on the preconceptions of the analyst but should be accountable by referring to certain —explicit or implicit—clues in the discourse.

Reconstructing argumentative discourse as critical discussion means highlighting everything involved in the discourse that may be relevant to the resolution of a dispute while leaving aside everything that is irrelevant. According to the ideal model, not all speech acts are equally relevant at every stage of the discussion: their relevance is linked to the specific (sub) goal that is aimed for at a particular stage in the resolution process. In pragma-dialectical analysis, the interpretation of the discourse is, as it were, programmed by putting the text fragment to be analyzed into the perspective of resolving differences of opinion, and then checking whether the speech acts performed are relevant within this framework.

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[3]In such an analysis, argumentative discourse is treated as a discussion aimed at resolving a dispute. In practice, the discourse can, of course, also serve other goals, requiring other types of analysis. There may just as well be more than one goal at the same time, so that pragma-dialectical analysis not only reveals only part of what is at stake but also becomes more complex. cf. van Eemeren et al. (to be published).

[4]For a discussion of the pragma-dialectical tools for reconstructing argumentative discourse see van Eemeren and Grootendorst (1990a).

As the reconstruction should not only reflect the peculiarities of the ideal model which served as the framework for analysis but also those of the reality from which the analysis started, those parts of the discourse that do not fit in with the ideal model may not automatically be reconstructed as parts of critical discussion. Pragma-dialectical transformations should always be motivated by a theoretical explanation of why the discourse, as it on the surface seems to be, is, in fact, conveying the ascribed meaning. As we have written extensively about the normative perspective on reconstruction in earlier publications, we shall now first concentrate on the descriptive perspective.[5]

28.2 Interpreting Argumentative Discourse

With regard to the empirical justification of pragma-dialectical transformations, two sorts of problems present themselves to the analyst. First, reconstruction can be theoretically required although no apparent clue for reconstruction can be found in the discourse and potential clues for reconstruction can be found in the discourse where theoretically no reconstruction is required. Second, in practice, a specific feature of the discourse may sometimes all by itself serve as a clue for reconstruction whereas in other cases it may only be a clue in combination with the preceding discourse or the subsequent discourse or even the discourse as a whole.

Fortunately, in quite a few cases argumentative discourse takes place in a more or less institutionalized context where the pattern of the discourse is to a greater or lesser extent laid down in a particular formal or informal procedure, so that certain expectations are justified regarding the intended structural organization of the discourse. When dealing with the discourse in a court of law, for instance, it is obvious that such expectations are in order, but there are plenty of other institutions that have similarly well-defined conventions where specific expectations are equally justified. Knowledge of the conventions prevailing in legal proceedings, scientific and scholarly dissertations, political debates, policy documents and so on, can thus be a useful supplement to the guidance provided by the ideal model.

If argumentative discourse does not take place in an institutionalized context with a fixed procedure, it may be unclear exactly what expectations are justified. Some light can be shed by certain verbal and non-verbal indicators. They can furnish some insight into the kind of speech acts that can and cannot be expected to occur in the speech event involved. Particular expectations may also be justified by general or specific background knowledge—which may, as it were, help to create a context. In conjunction with the ideal model, all these different kinds of expectation together build up a more or less elaborate framework for the analysis of

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[5]See for the normative perspective on reconstruction, for instance, van Eemeren (1987) and van Eemeren and Grootendorst (1990a).

argumentative discourse by suggesting that the discourse proceed in a particular manner and that certain types of speech act may occur.

Although argumentative discourse can get fairly complicated, there is a lot of evidence that suggests that more often than not ordinary language users seem quite capable of interpreting it adequately. We shall not delve too deeply into this now but restrict ourselves to illustrating our point with the help of some examples.

Our first example is taken from an obituary for Greta Garbo in a Dutch newspaper. Expressing his admiration for the late movie star, the journalist made a remarkable statement: 'I think it is amazing', he says, 'that though Greta Garbo was considered a great beauty, she never got married'. Although no explicit argument was made, it is evident from the pile of letters that were sent to the editor in response to this remark that many readers difficulty in interpreting the discourse as argumentative and in criticizing its unexpressed assumptions.

Our other examples are taken from advertisements used in a Dutch campaign for the prevention of AIDS. The effect of the arguments put forward in these adverts is dependent upon the audience's ability to identify the unexpressed premises and acknowledge their absurdity.

In one such advert, a picture is shown of a young man or girl introduced in the accompanying text as follows: 'This is Peter. He doesn't need condoms, because he only makes love with nice girls … Pleasant dreams Peter … Think about it. Play safe.' Another version is: 'This is Annie. She doesn't need to have safe sex; this time she's really in love. Pleasant dreams Annie …'. Another one: 'Meet Frank and Peter. They don't need condoms, they've already known each other for three weeks. Pleasant dreams Frank and Peter …'. And finally: 'This is Robert. He doesn't need safe sex, because he never comes to Amsterdam. Pleasant dreams Robert …'.

Apart from the verbal and non-verbal context, knowledge of the speech event of advertising and background knowledge about the aims of the AIDS campaign and the relation between AIDS, decency, real love, familiarity and Amsterdam will be helpful in interpreting these examples and their crucial unexpressed premises. Obviously, the advertisers trust that ordinary language users will be capable of recognizing the unexpressed premises they need to know to understand the message conveyed in the advertisement.

28.3   Analysis Versus Interpretation

Although there seems to be no reason for presuming that ordinary language users are unversed in interpreting argumentative discourse, there is also no reason for presuming that their framework for interpreting argumentative discourse and the pragma-dialectical analyst's framework for analyzing it should be exactly the same. In order to avoid equating the two too easily, the perspective of analysis and the perspective of interpretation must be clearly distinguished.

Traditionally, following Pike (1967), the term 'emic' is used when referring to an approach in which an attempt is made to describe, from an internal perspective,

the actual interpretation procedures that the language users themselves in fact apply; an approach in which the discourse is methodically analyzed from an external perspective is termed 'etic'.[6] In an etic approach, starting from objective verbal and non-verbal cues, decisions are made systematically and verifiably about the way in which the discourse is to be analyzed. Approaches to discourse in which an emic perspective is chosen we shall call 'interpretive' and all approaches in which an etic perspective is chosen, 'analytic'.[7]

In our pragma-dialectical reconstruction aimed at identifying what is relevant to the resolution of a dispute, we ourselves opt for an analytic approach which includes interpretive insight. In this way, we avoid the danger of relying solely on the analyst's own intuition and the danger of making an epistemological leap from empirical regularities to the rules used by language users. The analyst is, after all, neither an omniscient participant in the speech event he analyzes nor does he, in order to get an adequate analysis, need to know how the language users actually mentally proceed when they interpret a discourse. Of course, it may be helpful for him to know which clues the conversationalists have for interpreting the discourse but he need not necessarily have to know exactly which cognitive processes play a part in interpreting these clues.

28.3.1 A Posteriori and a Priori

To achieve the kind of integrating approach that will enable us to consistently determine which combination of insight from the interpretive and analytic approaches can be used for establishing what is relevant for a pragama-dialectical reconstruction, a further distinction must be made between—what we call theorizing a posteriori and a priori. The approach we call a posteriori is inductive: theoretical insight in argumentative discourse is exclusively gained by way of empirical observation. The a priori approach starts with postulating certain premisses concerning the way discourse is conducted.[8]

Among the protagonists of an a posteriori interpretive approach to discourse are the 'ethnographers of speaking' who try to describe the typical features and

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[6]For a discussion of the emic/etic distinction and the various approaches to conversation, see also Taylor and Cameron (1987).

[7]Among the discourse analysts who adopt an interpretive approach are Kreckel (1981), who aims for a participant-oriented typology of illocutionary acts, and Clarke (1983). Among the protagonists of an analytic approach are the social psychologists Duncan and Fiske (1977), who concentrate on the statistical study of 'objective' external features of the discourse, and Edmondson (1981), who proposes a classification of illocutions in which the language user's own perceptions are being discounted.

[8]We use the terms a priori and a posteriori without adopting all their Kantian philosophical connotations. In discourse research, the distinction between the a priori and the a posteriori approach often amounts to a distinction between inductive and hypothetico-deductive theorizing.

conventions of the diverse speech events they encounter in the communities they study and the ethnomethodologists who follow Garfinkel in trying to establish empirically which orderliness is created in ordinary discourse by the methods the conversationalists use to reach a common, or shared, interpretation.

Duncan and Fiske's approach to discourse is, again, emphatically a posteriori, but it is also clearly analytic, not interpretive. Without any theoretical pre-conception, they analyze statistical correlations between the frequencies of various types of act in order to detect certain features of the discourse.

David Clarke is one of those who favour an a priori interpretive perspective. He started off with an a posteriori and inductive approach (1977) but because his experiments did not result in a satisfactory taxonomy of speech acts, he abandoned this approach and started using an a priori taxonomy instead (1983).

Among the authors whose approach is predominently analytic and who opt for an a priori approach, are the members of the Birmingham school, who study the structure of verbal exchanges, the Searlean speech act analysts who try to describe the 'deep structure' of speech events, and the Griceans who formulate conversational principles.

28.3.2   A Priori Analysis

For the Scarleans, function is determined by the speaker's intentions and such conventional devices as felicity conditions. In their view, verbal utterances fulfil their functions because they are recognizable realizations of certain speech acts. Their recognizability is due to the common knowledge that language user have of the conventions that govern the performance of speech acts.[9]

Whereas the Searleans deal primarily with the communicative aspect of discourse, the Griceans tend to concentrate on the interactional aspect. According to empiricists, such as Duncan and Fiske, verbal interaction displays certain regularities because the language users stick to the patterns which they have used successfully a great many times before; according to conventionalists, such as the Searleans, because they are under some sort of contractual obligation; according to rationalists, because it makes sense. The Griceans favour this rationalist view.

Grice (1975) argues that ordinary discourse is governed by a number of general principles of rationality. The participants' verbal behaviour is guided by a general Co-operative Principle and a number of conversational maxims which make conversations orderly. These are not merely rules that conversationalists follow, these are principles that are reasonable for them to follow. In developing their theories of

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[9]Edmondson (1981) goes even further in following an analytic and a priori line of approach. He does not want to rely on a taxonomy of speech acts which is, in any way, derived from ordinary language use and proposes his own taxonomy based on theoretical considerations.

discourse, Griceans such as Sperber and Wilson (1986), Leech (1983), and Brown and Levinson (1978) take a similar rationalist stance.

In ordinary discourse, the communicative and the interactional aspects are closely interwoven. As far as the empirical justification of a pragma-dialectical reconstruction of argumentative discourse is concerned, in our view, the most adequate approach is therefore provided by an integration of Searlean insight into the communicative aspect of discourse and Gricean insight into its interactional aspect.

28.4   Principles of Ordinary Discourse

Language users can only communicate and interact satisfactorily with other language users, if they observe not only syntactic and semantic rules but also the felicity conditions for the speech acts they perform. These felicity conditions are closely connected with the general principles that govern ordinary discourse.[10] In order to show how these can be integrated, it is first necessary to redefine the Gricean Co-operative Principle into a more general and succinctly phrased Principle of Communication. This Principle of Communication summarizes the general principles that language users observe, and expect others to observe, by requiring them to be clear, honest, efficient, and to the point.[11]

Starting from the Principle of Communication, the following more specific principles can be formulated as an alternative to the Gricean maxims: one should perform (1) no incomprehensible, (2) no insincere, (3) no superfluous, (4) no futile speech acts, and (5) no speech acts that do not appropriately connect to preceding speech acts.

The first principle implements the requirement to be clear and corresponds to the recognizability conditions for the performance of speech acts: the prepositional content condition and the essential condition. In order to be clear, the speaker must formulate the speech act that he wishes to perform in such a way that the listener is able to recognize its communicative force and to establish what propositions are expressed. This does not mean that he must be perfectly explicit, but it does mean

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[10]To a certain extent, the rules for critical discussion can be seen as specific regulations of principles that already apply in ordinary discourse. Proposing normative rules for critical discussions has more ties with reality than some people think. To give an example, one could refer to the similarities between the starting point in the ideal model that the participants in a critical discussion are striving for the resolution of a dispute on the one hand, and the fact that in ordinary discourse there is a preference for agreement among the interlocutors.

[11]In practice, of course, it is not at all uncommon for one of the rules of communication to be broken, but this does not necessarily mean that the Principle of Communication has been abandoned altogether. If this *is* the case, however, then the person doing so is reneging on a basic convention of the community to which he belongs.

that he must not make it impossible, or almost impossible, for the recipient to arrive at a correct interpretation.

The second principle implements the requirement to be honest and corresponds to those parts of the conditions for correctness in the performance of the speech act called sincerity or responsibility conditions.[12] The implication of the honesty requirement is that speakers may be held responsible for having undertaken the commitments which are associated with the speech act concerned. If they perform a directive ('Close the window'), they may be held responsible for wanting the listener to perform the action referred to in the directive, if they perform an assertive ('It is raining'), for believing that the proposition expressed is true or acceptable, and so on.

The third and the fourth principles implement the requirement to be efficient and correspond to another part of the conditions for correctness in the performance of the speech act: the preparatory conditions. The implication of the efficiency requirement is that a correct performance of the speech act must be neither unnecessary or superfluous nor pointless or futile. The performance of the complex speech act of argumentation, for example, is unnecessary if the speaker assumes that the listener is already convinced of the standpoint being defended (the first preparatory condition). And the performance is pointless if he assumes in advance that his argumentation will under no circumstances lead the listener to an acceptance of his standpoint (the second and third preparatory condition).

The fifth principle implements the requirement to keep to the point. It does not correspond to any speech act condition nor does it refer to the performance of an individual speech act; it is concerned with the relation between different speech acts. The question here is whether, in the verbal and non-verbal context, the performance of a particular speech act is a relevant addition to the speech acts already performed. Thus, the relevance requirement to keep to the point relates to the sequence of speech acts and the function of a speech act in a particular speech event.

To fulfil the requirement to keep to the point a sequel of speech acts or a reaction to a speech act must be appropriate. Precisely what comprises an appropriate sequel or an appropriate reaction is difficult to define in general terms. However, it is possible to explain what this amounts to. Minimally, every speech act seeks to achieve the communicative effect that the listener understand it, and the interactional effect that he accept it. So the performance of a speech act expressing the fact that another speech act has been understood or accepted will be a relevant reaction. The same applies, of course, to the expression of non-understanding or

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[12] It might be useful to note here that we renamed Searle's 'sincerity conditions', *responsibility conditions*, in order to achieve the externalization we aim for, and to clarify what kind of commitments a speaker undertakes by performing a certain speech act, irrespective of the mental state he is in.

non-acceptance. Giving reasons as to why something is, or is not acceptable, is, for instance, also relevant.[13]

It is more difficult to say what comprises an appropriate sequel to a speech act of the same speaker. Here the analyst must draw on information about the verbal and non-verbal context. In some contexts the pattern of speech acts is fairly rigid, making it reasonably obvious what options are open. As has been shown by conversation analysts, giving reasons for a standpoint is considered to be a perfectly normal 'repair' of an offence, whether real or anticipated, to the 'preference for agreement' prevailing in ordinary discourse. When dealing with argumentative discourse, the pragma-dialectical ideal model can be a useful starting point for determining what is and what is not an appropriate sequel.

These five principles of communication correspond to a large extent to Grice's maxims, but the maxims are now formulated as rules for the performance of speech acts. The first principle corresponds roughly to Searle's propositional content condition and the essential condition; the second principle to his sincerity condition; the third and fourth principles to his preparatory condition; the fifth principle does not have a counterpart in Searle's conditions (1969).

The integration of Gricean maxims with Searlean speech act condition has some important advantages. Compared to the maxims, these principle are more specific as a consequence of their connection with the Searlean conditions, and they are more general because they are no longer restricted to assertions. What is more important, is that it has now been shown that the conditions for different speech acts are in fact specifications of more general principles of communication.

Our synthesis of Searlean and Gricean insight also reveals the heterogeneous character of the original speech act conditions. In our opinion, it is necessary to make a distinction between the propositional content and essential conditions on the one hand, and the sincerity (or responsibility) and preparatory conditions on the other. The need for this can be shown by pointing to the different consequence of violating the various conditions. In the case of violation of the first two, no recognizable speech act has been performed, whereas in the case of violation of the second two, though the performance of the speech act is not quite successful, or 'felicitous' in the full sense, a recognizable speech act *is* performed. This crucial difference can be accounted for by realizing that there is a correspondence between the prepositional content condition and the essential condition on the one hand, and Grice's maxim of Manner ('Be perspicuous') and our first principle of communication ('One should perform no incomprehensible speech acts') on the other.

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[13]One important complication that should be born in mind when determining the appropriateness of a certain continuation is that a relevant reaction need not necessarily be appropriate in the sense that it meets the speaker's wishes or expectations most closely: turning down a request may be as relevant as accepting it. cf., for the distinction between descriptive and normative relevance, van Eemeren and Grootendorst (1990b). In this article several objects, domains, and aspects of relevance are distinguished.

Violating these two conditions damages the recognizability of a speech act, whereas violating one of the two others affects its correctness because of insincerity, inefficiency, or irrelevance.

28.5   Empirical Grounds for Reconstruction

Determining which elements in the discourse qualify for reconstruction as parts of a critical discussion, means checking whether they satisfy the correctness conditions of the speech acts that, according to the ideal model, can contribute to the resolution of a dispute. In view of justifying pragma-dialectical transformations empirically, the analyst will be particularly interested in those elements which may be regarded as instances of the crucial speech act of argumentation.

Argumentation is a complex communicative act which is by its essential condition conventionally connected with the interactional act of getting the other party to accept a particular standpoint. Interactionally, argumentation is linked with other speech acts in the speech event constituting the context in which the communicative act is performed. In the speech event interactional strategies and tactics, such as keeping up preference for agreement and positive politeness are involved, which affect the surface structure of the speech event.

At a deeper level, the interactional structure depends on the distribution of communicative and interactional acts as determined by the overall and local interactional goals of the speech event. In more or less institutionalized speech events, the ways in which these goals are pursued are, to a certain extent, conventionalized. In those cases, knowledge of the nature of the speech event can be helpful to the analyst in making an educated guess concerning the interactional goals pursued at a certain stage in the discourse.

Having an idea about the interactional goals can, in turn, be helpful in motivating a particular reconstruction of the communicative acts performed. Some communicative acts are particularly suited for furthering a specific interactional goal, even being related to this goal by way of the essential condition (as can be seen from the essential condition for argumentation). In terms of structural organization, some communicative acts can be said to constitute an 'adjacency pair'. Expressing a standpoint and accepting it or expressing a standpoint and rejecting it arc examples of such adjacency pairs in which the first second pair part is a preferred response and the second a dispreferred response.

If a dispreferred second pair part has come up or is expected, a repair is called for, which in the case of the rejection of a standpoint is most adequately supplied by argumentation to make the standpoint acceptable. In the context of a disagreement, argumentation may be said to have 'conditional relevance': it is relevant because of the presence of a (disputed) standpoint.

In the absence of evidence to the contrary, the analyst must assume that the participants in a discourse are making sense, the things they are saying being relevant to the stage of the speech event they have reached and the speech acts

performed relating adequately to one another and to the overall and local interactional goals. In the context of a dispute about a standpoint it would, in some cases, for instance, be inapt to take a question at face value. That the literal question cannot be taken seriously is often already clear from the fact that the answer to the question is evident because some of the preparatory or sincerity conditions for the correct performance of the communicative act of questioning are not fulfilled. The concept of conditional relevance can then be used to justify the reconstruction of the question as a rhetorical question that conveys an arguments, thus analyzing the question as an attempt to repair the presumed disagreement between the speaker and his audience.

28.6   Theoretical Grounds for Reconstruction

If the discourse does not provide a decisive clue for the reconstruction, the pragma-dialectical model and the critical rationalist philosophy behind it may provide the analyst some justification for carrying out a transformation for reason's sake: an indeterminate element in the discourse is reconstructed as part of a critical discussion if it would then make sense whereas otherwise it would not. By assigning to a questionable utterance the communicative force which is the most congruent with the distribution of speech acts in the ideal model, the reconstruction is favoured which is most beneficial to the resolution of a dispute.

Quoting from a paper presented at the first ISSA Conference in 1986, we could say, using a legal metaphor, that in analyzing argumentative discourse, in the absence of indisputable evidence, all circumstantial evidence must be taken into account as well as all extenuating or aggravating circumstances (van Eemeren, 1987). If the reconstruction concerns speech acts the communicative force of which is otherwise indeterminable, a pragma-dialectical analyst will apply the startegy of 'maximal reasonable interpretation' which implies that a discourse which may or may not be conceived of as a critical discussion is conceived of as such. In applying this strategy, the point of departure is that the discourse is meant to resolve a dispute and that all speech acts performed should be looked upon as potential contributions to achieving this goal. As a consequence of applying the strategy of maximal reasonable interpretation, the analyst is, in cases where the argumentative force of certain utterances is problematic, theoretically also authorized to applying the pragma-dialectical strategy of 'maximal argumentative interpretation' which implies reconstructing those elements as arguments.

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Part VII
Fallacies in Argumentative Discourse

Chapter 29
Fallacies in Pragma-Dialectical Perspective

Frans H. van Eemeren and R. Grootendorst

29.1   Fallacies as Incorrect Moves in a Discussion

In order to settle a dispute by means of argumentation, the language users must observe a number of rules. If they jointly attempt to resolve the dispute by engaging in an interaction of speech acts according to these rules, a dialectical approach refers to their discourse as a *critical discussion*.[1] Our pragmatic ideal model of a critical discussion explains which rules apply to the distribution of speech acts in the four stages the resolution of a dispute should pass through.[2] Although as an ideal model it by definition is not a true-to-life representation of reality, and reproduces only aspects that are of specific importance to the particular objective concerned (in this case the resolution of a dispute), such a model provides a set of tools to grasp reality and to determine the extent to which practice corresponds with the requirements for this objective.[3]

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[1]Cf. van Eemeren and Grootendorst (1984, 17–18).

[2]According to our pragma-dialectical model, a critical discussion passes through four discussion stages: (1) the *confrontation stage*, during which the dispute is externalized; (2) the *opening stage*, during which agreements are reached concerning the manner in which the dispute and the discussion are to be conducted; (3) the *argumentation stage*, during which argumentation is advanced and reacted to; and (4) the *concluding stage*, during which it is established how the discussion is concluded (cf. van Eemeren and Grootendorst 1984, 85–87).

[3]The model specifies which activities the participants in a critical discussion have to perform at the four stages in order to contribute to the resolution of a dispute. In our pragmatic approach, the rules of the model indicate what sorts of speech acts in the four stages of a critical discussion can serve the purpose of resolving a dispute, and prescribe when the discussants are entitled, or indeed obliged, to perform a particular speech act.

In a dialectical approach, the starting point is that the discussants do have the intention of jointly resolving the dispute. That is, the discussant whose arguments do not prove strong enough must be prepared to abandon his position, and the one whose doubts or objections have been overcome by the argumentation must be prepared to drop them. This is the basis of the reasonable attitude that is prerequiste to the conduct of a critical discussion. The rules of the ideal model tell us what such an attitude amounts to and constitute a code of conduct for rational discussants who want to act reasonably.[4]

Having the required attitude and observing the rules of the ideal model do not guarantee that the participants in a discussion will actually bring their dispute to a successful resolution, only that a number of preconditions for doing this have been met. Any violation of the rules may have the consequence that the dispute will not be resolved.

Although the consequences of violating the rules may vary in their seriousness, every violation is a potential threat to the successful conclusion of the discussion, regardless of which party is responsible and regardless of the stage of the discussion at which if occurs. Seen in this perspective, all violations of the rules are incorrect moves in a critical discussion. These incorrect moves correspond roughly to the various kinds of defects traditionally referred to as *fallacies*.

In our pragma-dialectical conception, the term 'fallacy' is reserved for speech acts which hinder in any way the resolution of a dispute in a critical discussion. Thus this term is systematically connected with the rules for critical discussions, and our treatment of fallacies is linked to a particular theoretical approach to argumentation.[5] In this conception, committing a fallacy is not tantamount to unethical conduct, but is wrong in the sense that it frustrates efforts to arrive at the resolution of a dispute.[6]

In order to identify fallacies, it is first necessary to establish the rules that have to be observed in a critical discussion. Therefore, we shall formulate the rules for the

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[4]Cf. van Eemeren and Grootendorst (1984, 151–175).

[5]In ordinary speech the use of the term *fallacy* is not consistently confined to a specific theoretical conception of a rational discussion. Often it is taken to mean no more than an invalid and deceptive argument, or even simply a false assertion. Here the term is used both more precisely and more broadly. More precisely, in the sense that it is systematically linked to a dialectical approach to argumentation, more broadly because it relates to all aspects of the discussion and not merely the truth value of assertions or the validity of arguments.

[6]In everyday language fallacies are rather strongly associated with deliberate attempts to mislead. Impute a fallacy to someone and you almost automatically appear to be passing a moral judgement on his behaviour. In our conception there is no question of any such moralistic condemnation.

successive stages and also indicate possible violations of these rules and mention the various fallacies associated with them.[7]

29.2 Dialectical Rules and Violations of the Rules

Rule I Parties must not prevent each other from advancing or casting doubt on standpoints.

In principle, everyone is entitled to advance a point of view on any subject and to call any standpoint into question, whatever it may refer to. Rule I is broken if a discussant tries to impose certain restrictions on the standpoints that may be advanced or called into question, or to restrict the fundamental right of the other party to advance or cast doubt on whatever standpoint he likes. Restrictions of the former kind may mean that certain standpoints are banned from the discussion, or, conversely, are declared sacrosanct, and, as a result of this, are rendered immune to criticism. Restrictions of the latter kind are attempts to eliminate the opponent as a serious partner in the discussion by putting pressure on him, or by discrediting his expertise, impartiality, integrity or credibility.

Rule I applies to the confrontation stage of a critical discussion, and can be violated by both the protagonist and the antagonist. Possible violations, and the corresponding fallacies are:

(a) *With reference to standpoints*	
– Banning standpoints	'I don't want to talk about it'
– Declaring standpoints sacrosanct	'Nobody in his right mind can deny it'
(b) *With reference to opponent*	
– Putting pressure on opponent	• 'You'll have to face the consequences for our personal relationship' (*argumentum ad baculum*)
	• 'You can't do that to me' (*argumentum ad misericordiam*)
– Performing personal attack on opponent by	(*argumentum ad hominem*)
• Depicting him as stupid, bad, unreliable, etc.	'Don't listen to this moron, crook, liar, etc. (*abusive*)
• Casting suspicion on his motives	'He just says so because he wants to be elected' (*circumstantial*)
• Pointing out an inconsistency between his ideas and deeds in past and present	'Look who says so!' (*tu quoque*)

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[7]A more elaborated version of the rules including an explanation in more detail is presented in van Eemeren and Grootendorst (1987).

Rule II Whoever advances a standpoint is obliged to defend it if asked to do so.

The obligation to defend a standpoint that has been called into question has traditionally been known as the burden of proof. Rule II is broken if a discussant tries to evade or shift his burden of proof. The first way of evading the burden of proof amounts to presenting a standpoint as self-evident, the second to giving one's personal guarantee of the rightness of a standpoint, and the third to formulating a standpoint in a non-falsifiable way by leaving out quantifiers and adding essentialistic qualifications. Shifting the burden of proof amounts to trying to get the challenger to start proving why the standpoint that he has called into question is wrong.

Rule II applies to the opening stage, and can be violated by the protagonist:

(a) *Evading the burden of proof*	
– Presenting the standpoint as self-evident	'The facts speak for themselves…'
– Giving a personal guarantee of the rightness of the standpoint	'I can assure you that…'
– Immunizing the standpoint against criticism	'It is part of human nature that…'
(b) *Shifting the burden of proof*	
– Demanding the antagonist show that the standpoint is wrong	'If you don't believe me, just prove I'm wrong'

Rule III An attack on a standpoint must relate to the standpoint that has really been advanced by the protagonist.

For a dispute to be resolved, it is essential for the standpoint the antagonist is attacking to be identical to the standpoint the protagonist has been advancing. Rule III is broken if a fictitious standpoint is imputed to the opponent, or if his standpoint has been distorted. In both cases a *straw man* fallacy has been committed. One way of imputing a fictitious standpoint to someone is by putting forward with great emphasis the opposite standpoint. Another way is by referring to him as a member of a party or group which has this standpoint. The creation of a fiction goes even further if it is not even clear precisely who it is that actually adheres to the standpoint being attacked. Distorting someone's standpoint amounts to twisting his words by simplifying or exaggerating them.

Rule III applies to all stages of a critical discussion, and can be violated by the antagonist:

(a) *Imputing a fictitious standpoint to someone*	
– Emphatically advancing a standpoint implying that the opponent takes the opposite view	'I don't know about my opponent but I personally regard it as extremely important that…'
– Referring to views of the group to which the opponent belongs	'That may be what he says now, but as a communist he naturally does not mean a word of it'
– Creating a non-existent opponent	'Although almost everybody believes that…'
(b) *Distorting someone's standpoint*	
– Oversimplification	By omission of his nuances or qualifications
– Exaggeration	By absolutizations or generalizations of his statements

Rule IV A standpoint may be defended only by advancing argumentation relating to that standpoint.

For a dispute to be resolved it is required that in defending his standpoint the protagonist use argumentation only, and that his argumentation genuinely relate to the disputed standpoint. Rule IV is broken if a standpoint is defended by argumentation not relating to the original standpoint, or by means other than argumentation. In the first case we are dealing with irrelevant argumentation, in the second with non-argumentation. With the use of non-argumentation, achieving approbation of an audience is aimed at in an improper manner, which is why this surrogate argumentation is a spurious means of discussion. The rhetorical ruses used instead of proper argumentation exploit either the emotions or prejudices of the audience, or the protagonist's personal peculiarities, his expertise or other qualities. In the former case *pathos* takes the place of *logos*, in the latter *ethos*.

Rule IV applies to the argumentation stage, and can be violated by the protagonist:

(a) *The argumentation does not refer to the standpoint under discussion*	
– Irrelevant argumentation	(*ignoratio elenchi*)
(b) *The standpoint is defended by rhetorical ruses instead of argumentation*	
– Non-argumentation, using	
• *Pathos*: playing on the emotions or prejudices of the audience	You do want your children to be safe in your own 'neighbourhood, don't you?' 'neighbourhood, don't you?' (*argumentum ad populum*)
• *Ethos*: parading one's own qualities	'As an expert in the field I can say with some emphasis that…' (*argumentum ad verecundiam*)

Rule V A person can be held to the premisses he leaves implicit.

Besides explicit premisses, a discursive text will generally also contain unexpressed premisses which are nevertheless a real part of the argumentation put forward to support a standpoint. Rule V is broken if a reconstruction of an unexpressed premiss is an exaggeration of this, or if the commitment to an unexpressed premiss is denied despite its having been correctly explicitized (playing down one's responsibility). Blowing up an unexpressed premiss is a special case of the straw man fallacy, denying a correctly reconstructed unexpressed premiss is a special case of evading the burden of proof.

Rule V applies to the argumentation stage, and can be violated by both the protagonist and the antagonist:

(a) *By the antagonist*	
– Reconstructing an unexpressed premiss beyond what the protagonist can be held to	A: 'John is at home, because his car's in the drive' B: 'So you think people never go out without taking their cars' (*blowing up what has been left implicit*)
(b) *By the protagonist*	
– Denying a commitment to a correctly reconstructed unexpressed premises	A: 'John is at home, because his car's in the drive' B: 'So you think John does not go out without taking the car' A: 'Not at all. What makes you think so?' (*denying an implicit premiss*)

Rule VI A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments belonging to the common starting point.

In order to resolve a dispute, a common starting point of facts, values, etc. is required. The protagonist can make use of these joint premisses by pointing out that a proposition on which the antagonist has cast doubt ought not to have been called into question because of its status as a starting point. This method amounts to identifying a proposition being attacked as a common starting point. This so-called *identification procedure* entails no testing of the content of the proposition, which is, in effect, presupposed. Rule VI is broken if a proposition is being presented as a common starting point when in fact it is not, or if a proposition is called into question even if it is clear that it belongs to the common starting point. Falsely raising the status of a proposition to that of a common starting point is an attempt to evade the burden of proof for this proposition. This can be done in various ways.

Falsely denying that a proposition is part of the common starting point amounts to depriving the other party of the possibility of defending a standpoint *ex concessis*.[8]

Rule VI applies to the argumentation stage, and can be violated both by the protagonist and the antagonist:

(a) *By the protagonist*	*Falsely presenting something as a common starting point*
– Wrapping up a proposition in a presupposition	'Where did you hide the murder weapon?' (*many questions*)
– Hiding away a proposition in an unexpressed premiss	'This applicant is unsuitable because she is married'
– Advancing an argument that amounts to the same thing as the standpoint	'I am right, because what I say is true' (*begging the question* or *petition principii*)
(b) *By the antagonist*	*Falsely denying a common starting point*
– Casting doubt on a starting point	'What's wrong with adultery anyway?'

Rule VII A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments in which a commonly accepted scheme of argumentation is correctly applied.

In order to resolve a dispute, applying the identification procedure will not be sufficient in most cases. A *testing procedure* is also needed to test the truth or acceptability of propositions that are not part of the starting point. The testing procedure relates to the scheme of argumentation being used. Rule VII is broken if a scheme is chosen which is unsuitable for the proposition concerned, or if the right scheme is applied in an inappropriate way. Corresponding to the main schemes, three types of argumentation need to be distinguished: symptomatic argumentation, argumentation by analogy, and causal argumentation.[9] Both the selection and the application of a scheme should depend on the kind of proposition expressed in the standpoint that is to be defended.

Rule VII applies to the argumentation stage, and can be violated by the protagonist:

(a) *Applying an unsuitable scheme of argumentation*	
– Establishing the truth or acceptability of a standpoint by referring to some kind of authority	'Professor X says so, so it must be true' (*argumentum ad verecundiam*) 'Everybody says so, so it must be true'

(continued)

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[8]Cf. Barth and Martens (1977, 79).

[9]Cf. van Eemeren and Kruiger (1986).

(continued)

(symptomatic argumentation)	(*argumentum ad populum*)
– Testing the truth or acceptability of a standpoint by pointing out desirable or undesirable consequences (causal argumentation)	'This can't be true because it would destroy everything this country stands for' (*argumentum ad consequentiam*)
(b) *Inappropriately applying a scheme of argumentation*	
– Justifying a general conclusion on the basis of an insufficient number of (nonrepresentative) observations (symptomatic argumentation)	'The American medical system doesn't care what happens to the patient. I know of a man who was turned away by a hospital and then died' (*hasty generalization* or *secundum quid*)
– Defending an opinion by comparing the matter in question with another, essentially different matter (argumentation by analogy)	'You can't have a compact disc, your father and I didn't have one when we are were young' (*false analogy*)
– Inferring a cause-effect relation from the mere observation that two events take place one after the other (causal argumentation)	'The fact that the shops are closed on Sundays is caused by the fact that they are open on Saturdays' (*post hoc ergo propter hoc*)
– Rejecting a course of action because it is supposed to lead us from bad to worse, whereas it is not necessary for the alleged consequences to occur at all (causal argumentation)	'Tolerating euthanasia leads to genocide. That's why I'm opposed to it' (*slippery slope*)

Rule VIII The arguments used in a discursive text must be valid or capable of being validated by the explicitization of one or more unexpressed premisses.

It is the form of a valid argument that guarantees that true premisses cannot lead to a false conclusion. To be able to determine whether or not this is the case in a discursive text, it is necessary to reconstruct the arguments underlying the argumentation advanced by the protagonist. Often it will be necessary to explicitize one or more unexpressed premisses. The added premisses should render the original argument into a valid one. That is why only in cases in which the argument is already "complete" it will be necessary to check its validity. This implies (explicit or implicit) knowledge of logic. Applying logical rules in testing the validity of an argument constitutes the *inference procedure* on which the discussants can rely. Rule VIII is broken if the inference procedure reveals that one or more of the protagonist's arguments is invalid.

Rule VIII applies to the argumentation stage, and can be violated by the protagonist in various ways. Some forms of invalidity occur with a certain regularity and are not always immediately recognized as such:

(a) *Confusion of necessary and sufficient conditions*	
– A necessary condition is treated as a sufficient condition (inverted *modus tollens*: *denying the antecendent*)	'If the traffic in the area is really bad, the road should be widened' 'There aren't any problems with the traffic in the area, so there is no need for the road to be widened'
– A sufficient condition is treated as a necessary condition (inverted *modus ponens*: *affirming the consequent*)	'They are widening the road, so the traffic there must be really terrible'
(b) *Confusion of properties of parts and wholes*	
– A property of a whole is incorrectly ascribed to one or more parts	'This is a light boat, so the anchor of this boat is light' (*fallacy of division*)
– A property of one or more parts of a whole is incorrectly ascribed to the whole	'This boat is made of excellent materials, so it is an excellent boat' (*fallacy of composition*)

Rule IX A failed defence must result in the protagonist withdrawing his standpoint and a successful defence must result in the antagonist withdrawing his doubt about the standpoint.

A standpoint is successfully defended if both the identification or testing procedure and the inference procedure produce a positive result. If one or more of the results are negative, the defence has failed. If the protagonist and the antagonist agree on the outcome of the discussion, the dispute can really be resolved. As a consequence, the antagonist must withdraw his original doubt about a standpoint which is successfully defended, and the protagonist must withdraw a standpoint with is not successfully defended. Rule IX is broken if one of the parties refuses to meet these requirements, but also if one of them exaggerates the consequences he is entitled to draw. The protagonist is overdoing his victory if he claims from a successful defence that his standpoint now has been proved true. By claiming this he denies the specific *ex concessis* nature of his defence. The antagonist is exaggerating if he claims from a failed defence of a standpoint that the opposite standpoint has been proved true. By claiming this he evades the burden of proof for the latter. Moreover, he overlooks possible alternatives, often by creating an erroneous opposition.

Rule IX applies to the concluding stage, and can be violated by both the protagonist and the antagonist:

(a) *By the protagonist*	
– Concluding that a standpoint is true because it has been successfully defended against the opposition of the antagonist	'You can't have any objections anymore, so what I said is true' (*absolutizing the success of a defence*)

(continued)

(b) *By the antagonist*	
– Concluding that a standpoint is true because the opposite has not been successfully defended	*A*: 'I'm giving up smoking, because it gives you cancer' *B*: 'Nobody has proved that conclusively, so you can carry on smoking without any fear for getting cancer'
(often combined with) – An erroneous opposition	(*absolutizing the failure of a defence* or *argumentum ad ignorantiam*) *A*: 'I'm giving up sex because it's bad for my health' *B*: 'That's never been proved, so it's very good for you. (*false dilemma*)

Rule X Formulations must be neither puzzlingly vague nor confusingly ambiguous and must be interpreted as accurately as possible.

Unclear usage can have direct consequences for the resolution of a dispute. It can create misunderstandings between the parties and give rise to pseudo-agreement or pseudo-disagreement. In the case of the former there is a good chance that an unnecessary discussion will be conducted, and in the case of the latter a discussion which is necessary may never take place. Therefore, the discussants must try to put into words as clearly as possible what they mean, so that the other party is able to determine the intended meaning, and they must do their best to determine the intended meaning of what the other party is saying. Rule X is broken if one of the parties tries to gain advantage over his opponent by misusing unclearness or ambiguity. All the various types of unclear or ambiguous language can occur in discussions.

Rule X applies to all the stages of a critical discussion, and can be violated by both the protagonist and the antagonist. The main types of unclearness and ambiguity are:

(a) *Unclearness*	
– Structural unclearness (textual level)	Obscure structure of paragraphs, "illogical" order of presentation, lack of coherence, etc.
– Implicit illocutionary force[a] of a speech act (sentence level)	*A*: 'Charles is a kleptomaniac' *B*: 'Is this just a statement, or a warning?'
– Indefinite reference of a speech act (sentence level)	*B*: 'Who do you mean by Charles, your neighbour or your brother-in-law?'
– Unfamiliar predication of speech act (sentence level)	*B*: 'What's a kleptomaniac?'

(continued)

– Vague predication of a speech act (sentence level)	*B*: 'Does he steal everyday, then?'
(b) *Ambiguity*	
– Semantic ambiguity	*A*: 'There was a leaf on the floor' *B*: 'What do you mean, a leaf from a plant or from a book?'
– Syntactic ambiguity	*A*: 'I'm not going with you because of the rain' *B:* 'What do you mean, (a) are you not going and is the reason for it 'that it's raining, or (b) are you going and is the reason for it not that it's raining, but some other reason?'

[a]The illocutionary force of an utterance refers to the kind of speech act performed by the speaker or writer (assertion, request, promise, etc.). Cf. Searle (1970, 22–25)

29.3   The Pragmatic Dimension of Fallacies

Jointly, the discussants are responsible for achieving the desired communicative effect of mutual understanding. This means that in their wording they must fulfil the requirement of clarity in the performing of speech acts. This requirement follows from the Communication Principle.[10] Also, each party must do his best to understand the speech acts of the other, further ensuring that the Communication Principle is being observed.

The requirement of clarity does not mean that a speaker or writer must necessarily formulate his intentions with maximal explicitness and directness, nor that a listener or reader can be satisfied with merely assigning a literal meaning to the speaker's or writer's words. It is perfectly normal that all sorts of things remain implicit and that the illocutionary force of a speech act is only made known indirectly. This also goes for unexpressed premisses.[11]

Generally speaking, in practice implicit speech acts, unexpressed premisses and other indirect speech acts do not present much of a problem. Using background knowledge, one can usually see from the context and situation what is meant. Indeed, in most cases the speaker or writer will assume this and adjust his wording

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[10]The Communication Principle, as we call it, corresponds to Grice's Co-operative Principle. To be precise, the requirement mentioned follows from his Maxim of Manner which says: 'Be perspicuous. Avoid obscurity of expression, avoid ambiguity, be brief (avoid unnecessary prolixity), and be orderly' (1975, 46).

[11]Cf. van Eemeren (1986b) (interpreting indirect argumentation) and van Eemeren and Grootendorst (1987) (explicitizing unexpressed premisses).

accordingly. If he succeeds in doing this satisfactorily, both formulation and interpretation are optimal.[12]

The success or failure of communication is not a matter of absolutes. Comprehensibility is relative, because the same phrase which is comprehensible to one listener can be incomprehensible to another. It is also gradual, because it is not a property that a formulation simply has or not, but something that can be present to a greater or lesser extent. For some purposes it may be necessary to achieve a higher level of understanding in communication than for others.[13] A surgeon explaining the precise details of an operation to a colleague will set higher standards of comprehension than the same man telling the same thing to his small nephew.

Explicitizing an implicit speech act, defining, explaining or amplifying an unfamiliar expression, and precizing an indefinite, vague or ambiguous word is done by means of a *usage declarative*.[14] To be able to fulfil the dialectical requirement that formulations must be sufficiently clear and unambiguous (Rule X), the speaker or writer is always entitled to perform a usage declarative to clarify his words, and the listener or reader is entitled to ask him to perform this type of speech act. In principle the speaker or writer is always obliged to accede to such a request, since otherwise he would be violating the Communication Principle.

Unclearness and ambiguity fallacies can occur as violations of Rule X either as an independent fallacy or combined with violations of one or more rules of discussion. Sometimes, indeed, unclearness or ambiguity can even be an important factor in the occurrence of other fallacies. Various sorts of implicitness and indirectness may play significant roles here.

Take, to begin with, the *argumentum ad baculum* and the *argumentum ad hominem* (violations of Rule I). Threats and personal attacks are often more effective if they are issued or made in veiled terms or indirectly. Sometimes, indeed, the indirectness goes so far as to invoke an emphatic denial that it is the intention to put pressure on the opposing party or to launch a personal attack on him. The threat or attack is presented as information with which the listener may do what he will.

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[12]Of course, a speaker can always be mistaken about the listener's background knowledge or the degree to which context and situation speak for themselves, and the listener can make a wrong association between context and situation and the speaker's words, and thus attribute an unintended meaning to what the speaker says. In other words, attempting to arrive at optimal formulations and interpretations is not a sufficient condition for bringing about understanding between speaker and listener, but it is, however, a necessary condition for it.

[13]Naess refers to the level of understanding as the 'depth of intended meaning' or the 'depth of understanding' (1966, 34–36). According to him this depends on the context in which a sentence is used. The importance of the role of the context in interpreting utterances is also stressed in Crawshay-Williams 1957. Both Naess's and Crawshay-William's ideas about language use in discussions are discussed in van Eemeren et al. (1987, 116–118, 122–131).

[14]A usage declarative is a speech act the purpose of which is to achieve the illocutionary effect of understanding the speaker's speech act. Examples of- usage declaratives are: definitions, precizations, amplifications, explications, and explicitizations (cf. van Eemeren and Grootendorst 1984, 109–110).

In the fallacy of *evading the burden of proof* (violation of Rule II) implicitness is a means much used by the protagonist to suggest that his standpoint is in no need of defence or is immune to criticism. In the first case the standpoint nature of an utterance is played down, and in the second case the standpoint is immunized. These effects are achieved by not expressing the illocutionary force of the standpoint explicitly and by omitting quantifiers from the propositional content.

In the case of the *straw man* fallacy (violation of Rule III), implicitness can play a part both in the illocutionary force and in the propositional content of a standpoint. The first happens if an excessively certain standpoint is ascribed to the protagonist, the second if too general a standpoint is imputed to him. Since neither the strength of the illocutionary force nor the scope of the propositional content is always indicated explicitly by the protagonist, the antagonist can do this without it being immediately conspicuous.

With the fallacies of *irrelevant argumentation* or *non-argumentation* (violations of Rule IV), implicitness is crucial both to the illocutionary force and the propositional content. For example, the protagonist is hardly likely to concede in so many words that his argumentation relates to a standpoint different from the one being discussed (*ignoratio elenchi*) or that he is not advancing arguments at all but merely playing on the emotions of the audience (*argumentum ad populum*) or parading his own qualities (*argumentum ad verecundiam*). If he did so, nobody would take the slightest notice of what he had said.

In the case of *blowing up* or *denying* an unexpressed premiss (violation of Rule V) implicitness is a *sine qua non*. The antagonist can only blow up an argument thanks to the fact that it is not explicitly formulated, and the same applies to the denial of an unexpressed argument by the protagonist. The former can always maintain that something was really concealed in the protagonist's words, and the latter can always protest that he really never said what the antagonist claims he said.

In the case of the fallacy of *begging the question* or *petitio principii* (violation of Rule VI), usually formulations are being used which differ from one another to a greater or lesser degree so that it is only on closer inspection that they turn out to amount to the same thing. The circularity of the argument is not immediately obvious because the identity or dependence between premiss and standpoint remains implicit and is consequently concealed.

In the case of the *argumentum ad consequentiam*, the fallacy of *slippery slope*, post hoc *ergo propter hoc* and *hasty generalization* or *secundum quid* (violations of Rule VII), either the chosen scheme of argumentation is unsuitable or it is used in an inappropriate way. The choice of a scheme of argumentation and the way in which it is to be used generally depend on the kind of proposition to be tested. However, the nature of a proposition is often unclear because the illocutionary force of the speech act in which it occurs is implicit and the scope of the proposition has not been indicated explicity.

In the case of the fallacy of *denying the antecendent* or *affirming the consequent* and the fallacy of *composition* or *division* (violations of Rule VIII), it is not always immediately obvious that the argument is invalid. First, the argument must be translated from colloquial speech into the language of a logical system. However,

the wording will not usually point to one particular translation. In the case of the fallacy of composition or division, there is the additional problem that the transferability of a property cannot be known directly from the terms used. Whether or not a property is transferable in a particular case can generally only be established after a thorough analysis of the terms used.

The fallacy of *absolutizing the failure of a defence* or *argumentum ad ignorantiam* (violation of Rule IX) is often combined with a *false dilemma*. However, the confusion of a contrary with a contradictory opposition involved in this fallacy is again not always immediately apparent from the words used: 'open'/'closed' (contradictory) versus 'hot'/'cold' (contrary). Here again, then, much depends on a correct analysis of the terms used.

This survey shows that implicitness of language plays an important role in fallacies which are to be considered as violations of rules other than Rule X. The implicitness may relate to the illocutionary force (*argumentum ad baculum* or *ad hominem*), the propositional content (*circular* or *invalid argument*) or both (*straw man* or *argumentum ad ignorantiam*). The consequences of implicitness can vary considerably. Sometimes implicitness is a concomitant phenomenon that produces the effect of a fallacy (*argumentum ad baculum*), sometimes it is an important condition of the success of a fallacy (*straw man*), and sometimes it is even absolutely indispensable (*blowing up an unexpressed premiss*).

29.4   The Conditional Character of Fallacy Analysis

One of the consequences of implicitness in usage is that analysing fallacies is always conditional. It is only given a particular interpretation that there may be an allegation that a fallacy occurs. In obvious cases the violation of one of the rules of discussion is instantly recognizable as such, but in practice this is rare. Usually it is still a 'matter of interpretation'.

This inevitably means that the person accused of committing a fallacy can almost always deny that he has broken a rule of discussion, without being caught in a real inaccuracy or contradiction. One of the reasons for this is that speech acts in a discussion are as a rule implicit and often also indirect, so that a speaker or writer can claim that this interpretation does not record what he meant, and that this is certainly not what he has said. The only remedy against this immunizing manoeuvre is to determine as exactly as possible what the speaker can be held to in the given context and situation. But there is also another reason why fallacy analysis is always conditional. The dialectical rules which are violated in case of fallacies are applicable only in so far as the purpose of the discussion is to resolve a dispute. Sometimes, however, this is not at all the purpose of a discussion, and sometimes it is not clear whether or not this is the case.

In the former case there is no point, from a dialectical perspective, in referring to a fallacy, while in the latter there is a risk of an unjustified accusation. When in doubt, it is a good idea to employ the *strategy of maximal reasonable*

interpretation.[15] This means that when in doubt the discussion is treated as if its purpose were to resolve a dispute. Incidentally, it is not an absolute prerequisite for the application of the dialectical rules of discussion that a given discussion should be a hundred per cent aimed at resolving a dispute. In practice this is hardly ever the case, nor for that matter is the converse.

Applying the strategy of maximal reasonable interpretation means that the person suspected of a fallacy is given maximal credit, because all speech acts performed by him are in principle regarded as possible contributions to the resolution of the dispute. Whatever turns out *not* to be a contribution is then regarded as a breach of the code of conduct for rational discussants as specified by the rules for critical discussions.

According to the strategy of maximal reasonable interpretation, the discussants are in principle considered to strive for the resolution of a difference of opinion and to adhere to the rules of discussion that may further this end. If one or more of the rules are broken, a fallacy has been committed. Breaking a rule does not automatically mean, though, that a reasonable attitude to the discussion on the part of the offender is completely absent. Something may simply have gone wrong in the application of the rules, without any evil intent. The presence or absence of deliberate calculation is not decisive nor even relevant in diagnosing something as a fallacy. The violation of a rule of discussion is both a necessary and a sufficent condition for that.

29.5 Advantages of a Pragma-Dialectical Approach

The pragma-dialectical approach to fallacies outlined here is primarily an attempt to develop a theory on fallacies which provides an adequate alternative to the atheoretical Standard Treatment described and criticized by Hamblin (1970).[16] Fallacies are analysed by us as discussion moves which threaten the resolution of a dispute; they are violations of the rules of a critical discussion. Our ideal model of a critical

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[15]The rationale of this strategy is explained in van Eemeren (1986b). Of course, the advice in doubtful cases to employ this strategy can itself create new areas of doubt, as is the case, for example, with advertising texts, election speeches and quarreling in public. The alternative is to assume from the start all reasonableness is absent, which would appear to be even less desirable than a possible *faux pas* in deciding that something is a fallacy when in fact it is not. As long as we bear in mind the conditional character of fallacy analysis and remember not to attribute any absolute value to it, this risk ought not to cause too much trouble.

[16]A critical survey of the pre- and post-Hamblinean Standard Treatment is presented in Grootendorst (1986). The idea of fallacies as violations of rules for rational argumentation (in our theoretical conception argumentation aimed at the resolution of a dispute) is suggested in Barth and Martens (1977, 96). Another method for analysing fallacies is to take them as arguments which cannot be generated by a finite set of production rules for generating rational arguments (Barth and Martens 1977, 96). This second alternative is also proposed in Barth and Krabbe (1982, 90).

discussion is intended to cover all relevant aspects of such discussions so that we can account for the whole range of argumentational defects traditionally known as fallacies and analyse them in a more systematic way.

Due to their ad hoc basis, the Standard Treatment and its post-Hamblinean variants have an inconsistent outlook which is readily illustrated by the fact that quite a high proportion of the fallacies distinguished do not even answer the standard definition of a fallacious argument as 'one that *seems to be valid* but *is not so*' (Hamblin 1970, 12). In some cases there is no question of an *argument* (e.g. 'many questions'), whereas in some others the argument is not *invalid* (e.g. 'begging the question'). In our pragma-dialectical approach such inconsistencies do not occur.

This approach also does justice to the fact that invalidity is only one of the reasons why a dispute may not be resolved. In everyday discourse there are often implicit elements serving as unexpressed premises or standpoints, and usually it is fairly easy to supply these "incomplete" arguments with whatever is necessary to turn them into valid arguments so that it is pointless to point to invalidity as the cause of their fallaciousness, as the Standard Treatment tends to. Invalidity is in the pragma-dialectical approach not ignored but put into its proper perspective, serious attention also being paid to the great many other things that can go wrong in a discursive context. A lot of fallacies are linked to other rules of discussion; only four of the categories of fallacies distinguished in Sect. 2 can be analysed as direct violations of the validity rule (Rule VIII).[17]

Because the validity of an argument cannot be established without the use of logic, logic is a valuable tool for the analysis of certain fallacies but, in our view, it cannot provide a comprehensive theory of fallacies taking into account all that can go wrong in everyday argumentation. By abstracting from the peculiarities of colloquial language and concentrating on argument forms, all practical phenomena of implicitness, indirectness and other characteristics of language usage which may play a part in fallacies are ignored (cf. van Eemeren et al. 1987, 116–123). Because of this, with the Standard Treatment many fallacies will be hard to detect and to identify. With the normative ideal model of the speech acts performed in a critical discussion, the pragma-dialectical approach to argumentation not only provides us with means to detect fallacious discussion moves, but also helps us to get a better insight into practical argumentative reality.

For an adequate analysis of fallacies, argumentative reality as it presents itself in a discursive context must be reconstructed normatively as a critical discussion so that we can explain what is going on. Such a reconstruction may require the carrying out of dialectical transformations of deletion, addition, permutation and substitution (cf. van Eemeren 1986a). As is shown in the discussion of the various categories in Sect. 3, here the dialectical transformations of addition and

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[17]That is why it is sensible to distinguish between violations of Rule VIII, which are *fallacies in the narrow sense*, and *fallacies in the broad sense*, which violate one of the other rules of discussion.

substitution are directly relevant to the analysis. For example, blowing up or denying an unexpressed premiss (violation of Rule V) would not be recognizable as such without applying the dialectical transformation of addition. And a substitution transformation is required to identify the straw man fallacy and *petitio principii* (cf. van Eemeren 1986b).

Having indicated the importance of normative reconstruction to a pragma-dialectical analysis of fallacies, we should now point out that our pragma-dialectical argumentation theory as it is, is by no means complete. To get to know exactly when and how the various dialectical transformations may be carried out, a serious amount of pragma-linguistic work still has to be done.[18] And even if the ten rules formulated here should really reflect all relevant aspects of a critical discussion, the listing of the various ways in which they may be violated and the associated fallacies will need further specifications and supplements. Furthermore, all kinds of questions still have to be answered with regard to the dialectical analysis itself. Logicians may be extremely helpful in carrying out these tasks but, in our opinion, their logical approach should be incorporated in a pragma-dialectical framework which places their contributions in a proper perspective.[19]

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[18]In a joint project with Sally Jackson and Scott Jacobs we are trying to develop a theory of conversational argument, combining a dialectical approach with insights taken from conversation analysis. A first outline is sketched in van Eemeren (1986b). See for the conversational work already done by Jackson and Jacobs, for example, 1982 and 1983.

[19]Lots of work has to be done with respect to, for example, the *argumentum ad consequentiam*, the fallacies of composition and division, hasty generalization, post hoc *ergo propter hoc*, and *petitio principii*. Excellent contributions from a logical point of view have been made by Woods and Walton. cf., e.g., their 1982 and 1987, and Walton (1984, 1985).

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Chapter 30
Fallacies as Derailments of Argumentative Discourse Acceptance Based on Understanding and Critical Assessment

Frans H. van Eemeren

30.1 Engaging in a Pragma-Dialectical Approach of Argumentation

Some conspicuous characteristics of argumentation as we all know this phenomenon from our shared everyday experiences are in my view vital to its theoretical treatment because they should have methodological consequences for the way in which argumentation research is conducted. To start with, argumentation is in the first place a *communicative act complex*, which is realized by making functional verbal (and sometimes non-verbal) communicative moves.[1] In the pragma-dialectical theorizing this characteristic leads to the adoption of the meta-theoretical principle of "functionalization." Second, argumentation is an *interactional act complex* directed at eliciting certain responses from the people to whom it is addressed. This makes argumentation part of a dialogue, which may be explicit, as in the case of argumentation advanced in a discussion, or implicit, as in the case of argumentation aimed at an audience or readership that is not directly responding or not even physically present. The associated meta-theoretical principle of pragma-dialectics is called "socialization." Third, argumentation involves putting forward propositions in a way that creates commitments for which the arguer can be held *accountable*. The meta-theoretical principle that, in the pragma-dialectical approach, goes with this accountability is "externalization"—in this case, of commitments. Fourth, argumentation involves an *appeal to reasonableness* that derives its force from the idea of common critical standards for resolving a difference of opinion on the merits. This characteristic of argumentation as part of a regimented critical discussion leads

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[1]In the past I used to speak of "verbal" or "linguistic" moves (e.g. van Eemeren et al. 1996, p. 2) , but because these moves can also be non-verbal, or partly non-verbal, I think it is better to refer to them more generally as "communicative" moves.

pragma-dialecticians to adopt the meta-theoretical principle of "dialectification," which is their fourth methodological starting point. The meta-theoretical principles of functionalization, socialization, externalization, and dialectification are defining together the pragma-dialectical approach to argumentation.

The meta-theoretical character of the four principles means that adopting them precedes the actual theorizing. After they have been adopted, the conceptual tools need to be found or developed to implement these principles systematically in the theorizing. Functionalization is in the pragma-dialectical approach achieved by acknowledging that argumentative discourse (as far as it is conducted linguistically) occurs through—and in response to—speech act performances. Giving a functional definition of the complex speech act of argumentation and the other speech acts performed in the discourse that are pertinent to resolving a difference of opinion on the merits makes it possible to specify the relevant "identity conditions" and "correctness conditions" of all argumentative moves (van Eemeren and Grootendorst, 1984, pp. 39–46; 1992, pp. 30–33). In this way, for instance, a specification can be given of what is "at stake" in advancing a certain "standpoint," so that it becomes clear what the "disagreement space" is and how the argumentative discourse is organized around this context of disagreement (Jackson 1992, p. 261). Socialization is achieved by identifying exactly which participants take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. Through an extension of the speech act perspective from the communicative level of the *illocution* to the interactional level of the *perlocution* it can be shown in which ways standpoints and argumentation in support of standpoints are developed in response to the moves made by (or projected onto) the other party. Externalization is achieved by identifying on the basis of the relevant identity and correctness conditions the specific commitments that are created by the speech acts performed in a particular context of argumentative interaction. Instead of being treated as inaccessible internal states of mind, in such an externalized perspective notions such as "disagreement" and "acceptance" are viewed in terms of well-defined commitments created by discursive activities. "Acceptance," for instance, can be externalized as a respondent's explicit commitment to the other party's preferred response to an arguable act and to not attacking this act anymore. Finally, dialectification—regulating the critical exchange—is achieved by regimenting the performance of speech acts in argumentative discourse systematically in an ideal model of a critical discussion aimed at resolving a difference of opinion on the merits by putting the acceptability of the standpoints at issue to a critical test.[2]

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[2]In practice, this means that it is checked methodically by the parties involved whether or not the argumentative support given to the standpoints concerned justifies accepting them.

30.2   Maintaining Reasonableness in Argumentative Discourse

Although the word "reasonable" is in ordinary language often used indiscriminately and interchangeably with the word "rational," I make a distinction between the meanings of the two terms. Following the dictionary, I use "rational" for the activity of *using reason* and "reasonable" for using reason *in a well-considered way*.[3] Taking into account that "reasonableness" is primarily used for indicating the quality of the use of reason in a situated context of communication and interaction, I then relate the meaning of the term *reasonable* to a context of *interpersonal* reasoning[4] that is not automatically presupposed in the term *rational*.[5] Consequently, my stipulative (but lexically based) definition of the term *reasonable* is: *using reason in a way that is appropriate in view of the communicative and interactional situation*.

A dialectical discussion procedure derives its reasonableness from a dual criterion: its *problem (solving) validity* and its *intersubjective* (or *conventional*) *validity* (Barth and Krabbe 1982, pp. 21–22).[6] This means that all components of the discussion procedure are to be checked, on the one hand, on their capability "to do the job" they are designed to do, that is on their adequacy for resolving differences of opinion, and, on the other hand, on their intersubjective acceptability to discussants. This means for the pragma-dialectical approach to argumentation that a reasonable judge evaluating the acceptability of argumentative moves will check, first, whether these moves are in agreement with dialectical standards for determining when an argumentative move contributes to resolving a difference of opinion on the merits and, second, whether the moves made in accordance with these critical standards are intersubjectively acceptable.

In pragma-dialectics it is assumed that a difference of opinion comes into being when a standpoint advanced by a party (the would-be protagonist) is confronted with (expressed, assumed or projected) doubt on the part of another party (the would-be antagonist). After the parties have decided that there is enough common ground to have a discussion, the protagonist advances argumentation in defense of the standpoint, possibly followed by another critical response of the antagonist, further argumentation on the part of the protagonist, and so on. The difference of opinion is resolved if the antagonist accepts the protagonist's viewpoint on the basis of the arguments advanced or the protagonist abandons his viewpoint as a result of

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[3]In ordinary usage the scope of the word "reasonable" is not limited to verbal behavior but covers also non-verbal behavior. The scope of "reasonableness" seems to be wider than that of "rationality." One can, for example, speak quite well of "reasonable desires" but not so easily of "rational desires."

[4]Interpersonal does not necessarily mean collectivist. See Popper (1971, pp. 225–226).

[5]"Rational" often refers to egoistical behavior calculated exclusively to maximize the desired payoff, as when this term is used in economic models.

[6]This dual criterion was first proposed in Barth (1972).

the antagonist's critical responses. This view of the discussion process as a procedure which furthers the resolution of a difference of opinion on the merits implies that a pragma-dialectical regulation of argumentative discourse cannot be limited to the inference relations between the premises and the conclusions of the reasoning involved, but must cover all speech acts performed in the discourse that are pertinent to the resolution process.

Since the pragma-dialectical theory is concerned with communication and interaction in ordinary argumentative contexts, the concept of contradiction, which is vital to the dialectical testing process (Albert 1975, p. 44),[7] should not be limited to the formal inconsistencies known as logical contradictions, but must also incorporate pragmatic inconsistencies leading to incompatible consequences in practice. The promise, for instance, "I shall pick you up in the car," may not logically contradict the statement "I don't know how to drive," but in ordinary argumentative contexts adding this statement after having made the promise leads to a pragmatic inconsistency—as can be explained with the help of the correctness conditions of the speech act of promising and the commitments ensuing from performing this speech act. Therefore, the pragma-dialectical tools for evaluating argumentative discourse as a means for resolving a difference of opinion on the merits include, next to the "inference" procedure, several other intersubjective devices: an "identification" procedure, an "explicitization" procedure, and a "testing" procedure (van Eemeren and Grootendorst 2004, pp. 123–157).

In *Argumentation, Communication and Fallacies* (van Eemeren and Grootendorst 1992), Grootendorst and I established the problem validity of the pragma-dialectical discussion standards by showing that each of the norms incorporated in the rules for critical discussion has a distinctive function in keeping the discussion on track by excluding certain impediments to resolving a difference of opinion on the merits. Our expectation that these standards are also intersubjectively acceptable, and may therefore be (or become) conventionally valid,[8] is primarily based on their instrumentality in realizing the intended aim of resolving a difference of opinion on the merits. In 1995, Bert Meuffels and I, soon joined by Bart Garssen, started a comprehensive research project investigating the intersubjective acceptability of the pragma-dialectical discussion rules empirically (van Eemeren et al. 2009). The aim of this project was to examine the norms ordinary arguers (claim to) use when evaluating argumentative discourse and to determine to what extent these norms are in agreement with the critical standards proposed in the

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[7]Following Popper, critical rationalists equate dialectical testing with the detection of contradictions and emphasize that the consequence of the fact that an assertive and its negation cannot both be acceptable at the same time is that one of the speech acts concerned must be withdrawn. In *From Axiom to Dialogue*, Barth and Krabbe (1982) propose methods designed to establish whether a certain standpoint ("thesis") is tenable in relation to certain premises ("concessions")—in other words, whether criticizing the standpoint, given these premises, leads to (a kind of) contradiction (or, more precisely, to the contrary dialogue attitudes: admitting that *p* and attacking *p*).

[8]Barth and Krabbe would probably call this *semi*-conventionality, since the company of discussants agrees only implicitly about the rules of discussion (1982, p. 22, 38ff.).

pragma-dialectical theory.[9] It is noteworthy that this experimental empirical research has shown that the norms of reasonableness incorporated in the pragma-dialectical discussion rules are to a large extent intersubjectively acceptable to ordinary arguers and prove to be congruent with norms they have already internalized (van Eemeren et al. 2009).[10]

30.3   Aiming for Effectiveness in Argumentative Discourse

Ordinary arguers do not perform speech acts in argumentative discourse with the sole intention of making their addressees understand what speech acts they are performing. By means of those speech acts they also hope to elicit a particular response (verbal or otherwise) from their addressees. They wish their words to be understood as well as *accepted*—and dealt with accordingly. To achieve these results, their utterances must serve both a communicative and an interactional purpose. In terms of speech act theory, the communicative aim is pursued in attempts to bring about the *illocutionary* effect of understanding and the interactional aim in attempts to bring about the *perlocutionary* effect of acceptance (van Eemeren and Grootendorst 1984, pp. 23–29).

Some speech acts are calculated to bring about a verbal or non-verbal response from the listeners or readers indicating acceptance in addition to understanding. This pre-eminently applies to the complex speech act of argumentation. Argumentation is designed to achieve well-defined illocutionary and perlocutionary effects directly related to the complex speech act performed. In order to distinguish between the perlocutionary effect of *acceptance* and the broad range of other consequences argumentative and other speech acts may have (varying from casting a furious look to starting a new life), Grootendorst and I introduced in *Speech Acts in Argumentative Discussions* a terminological and conceptual distinction between *inherent* perlocutionary effects and *consecutive* perlocutionary consequences (van Eemeren and Grootendorst 1984, p. 24). Inherent perlocutionary effects consist in the acceptance of the speech act by the addressee and consecutive perlocutionary consequences comprise all further consequences of the speech act. To the extent that these effects and consequences are consciously aimed for in performing the speech act, inherent perlocutionary effects may be termed *minimal* results and the desired consecutive perlocutionary consequences *optimal* results. If the communication and interaction go well, in principle, the illocutionary effect of understanding

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[9]The expression "ordinary arguers" refers in this case to people who are neither experts in the field of argumentation theory nor students who have received some specific training in argumentation analysis.

[10]One important proviso, however, is that this result was reached in experiments testing the subjects' judgments in "neutralized" circumstances that abstracted from non-fulfillment of "higher order" conditions that might influence their compliance with reasonableness in argumentative reality.

will be a necessary condition for bringing about the inherent perlocutionary effect of acceptance and the consecutive perlocutionary consequences, but it will not be a sufficient condition.

An illocutionary act—referred to as *communicative act* by pragma-dialecticians —is "happy" or "felicitous" if it achieves the effect that the listener or reader understands the communicative ("illocutionary") force and the propositional content of the utterance. A perlocutionary act—referred to as *interactional act* by pragma-dialecticians—is happy only if *another* (a further) effect than understanding occurs. To make clear what this effect involves, I have to make some distinctions.[11] First, I distinguish between effects of the speech act *intended* by the speaker or writer and consequences that are brought about accidentally. In agreement with a long-standing social science tradition, I reserve the term *act*—in contradistinction to "mere behavior"—for conscious, purposive activities based on rational considerations for which the actor can be held accountable. As a result, bringing about completely unintended consequences cannot be regarded as acting, and in such cases there can therefore be no question of the performance of a perlocutionary *act*.[12] Second, I draw a distinction between consequences of speech acts that are *brought about on the basis of an understanding* by the listener or reader *of an illocutionary act* and consequences not based on such an understanding. I shall concern myself exclusively with *illocutionary perlocutions* realized on the basis of such an understanding. Third, I distinguish between consequences of speech acts whose occurrence may be regarded to be based on *rational considerations on the part of the addressee* and consequences that are divorced from such reasonable decision-making, like being startled when someone shouts *boo*. In discussing perlocutionary acts, Searle and other speech act theorists do not make a distinction between "perlocutionary effects" brought about with an *active role* of the addressee, and effects where the addressee is deemed to play a purely *passive role* so that the interactional aspect is in fact lacking. Pragma-dialecticians concern themselves with interactional ("perlocutionary") acts whose success is, in principle, to some extent dependent on rational considerations on the part of the addressee.

I am particularly interested in a perlocution which is quintessential in connection with argumentation and which is conventionally associated with it: the perlocutionary act of convincing (van Eemeren and Grootendorst 1984, pp. 63–68). By *convincing* I mean using argumentation to make the addressee accept a certain (positive or negative) standpoint on the basis of the argumentation that is advanced.

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[11]Some more clarity must be created, because Austin uses the term *perlocutionary effect* to refer to a waste basket covering the most disparate and dissimilar consequences of language use (van Eemeren and Grootendorst 1984, p. 26).

[12]A rough-and-ready criterion for distinguishing between the performance of perlocutionary acts and the bringing about of unintended consequences is whether the speaker can reasonably be asked to *provide his/her reasons* for causing the consequence in question.

Convincing is the "associated perlocution" of arguing—an association Cohen (1973, p. 497) defines as a perlocution brought about by means of an illocution that "it belongs with." Grootendorst and I described such a perlocution as "something like the rationale" for performing the illocution; it is, as it were, in the nature of the illocution to bring about that perlocution (van Eemeren and Grootendorst 1984, p. 53). In *Speech Acts in Argumentative Discussions* we explained that the relation between the illocution argumentation and the perlocution convincing is "conventional" in Lewis' (1977) sense (van Eemeren and Grootendorst 1984, Chap. 3, esp. p. 63).

Following a successful performance by the other partner of the "illocutionary perlocution" argue/convince, a discussion partner who takes his turn to perform the illocution of acceptance *may be deemed to have the "conviction" presupposed in the standpoint*. This is due to the *sincerity conditions*—more aptly called *responsibility conditions*—applying to the illocution of acceptance (van Eemeren and Grootendorst 1984, p. 21). By expressing a formula of acceptance, the discussion partner performs the illocutionary act of *accepting*, which in its turn entails certain interactional obligations regarding his further behavior (verbal or otherwise). In oral communication, acceptance of a standpoint may be expressed by non-verbal means (e.g. by nodding), but it may also be expressed verbally by performing the illocutionary act of accepting. The conventions that the performance of the illocutionary act of accepting is subject to are summarized in the identity (propositional content and essential) conditions and the correctness (preparatory and sincerity) conditions for carrying out this speech act. The propositional content condition is that the propositional content of the speech act of accepting must be the standpoint to which the argumentation pertains. The essential condition is, of course, that carrying out this speech act counts as an acceptance of the standpoint concerned.

30.4 Strategic Maneuvering to Combine Effectiveness and Reasonableness

People engaged in argumentative discourse may be regarded committed to norms instrumental in resolving a difference of opinion on the merits—maintaining certain critical standards of reasonableness and expecting others to comply with the same standards. At the same time, however, these people are also, and perhaps even primarily, interested in resolving the difference of opinion effectively in favor of their case, i.e. in agreement with their own position or the position of those they represent. In examining actual cases of argumentative discourse, the conceptualization of argumentation as a communicative and interactional (speech) act complex

aimed at resolving a difference of opinion in a reasonable way by advancing a constellation of reasons the arguer can be held accountable for as justifying the acceptability of the standpoint(s) at issue therefore needs to be complemented by taking, besides the presumption of reasonableness involved in argumentation, also its quest for effectiveness into account.[13]

In argumentative discourse the aims of maintaining reasonableness and achieving effectiveness go together in every move that is made.[14] In order to do justice to the arguers' "argumentative predicament" of always having to combine aiming for effectiveness with maintaining reasonableness, Peter Houtlosser and I introduced the concept of "strategic maneuvering" referring to their continual efforts to keep the balance between reasonableness and effectiveness (van Eemeren and Houtlosser 1997).[15] Strategic maneuvering does not only manifest itself in the complex speech act of argumentation, but also in all other speech acts performed in argumentative discourse that are pertinent to resolving a difference of opinion on the merits. All these speech acts have their own specific rationales. Eventually, however, they are all aimed at bringing about the perlocutionary effect of

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[13]It should be noted that "effectiveness" is not completely synonymous with "persuasiveness," because aiming for effectiveness is not limited (as is the case with persuasiveness) to those parts of argumentative discourse (arguments) that can be reconstructed as belonging to the argumentation stage but applies also to the parts of the discourse that belong to the confrontation stage, the opening stage or the concluding stage, to which the term *persuasiveness* does not naturally pertain. One can speak of "persuasive arguments" in defense of prescriptive standpoints urging the addressee to do something or to refrain from doing something, but speaking of "persuasive arguments" in defense of descriptive standpoints is odd, just as speaking of "persuasive stand-points," "persuasive doubts," "persuasive starting points," "persuasive conclusions," etc. The term "convincingness" too applies only to parts of the discourse that can be reconstructed as arguments in the argumentation stage. Therefore, "reasonable plus effective equals convincing" cannot be used as a general characterization.

[14]It should be emphasized that the pursuit of effectiveness in reasonableness is not necessarily aimed at achieving effectiveness for the individuals who carry out the strategic maneuvering but may just as well be aimed at achieving effectiveness that is to the benefit of others whom they represent. As Jacobs (2002, p. 124) emphasizes," "at the level of institutional functioning" "arguments may fulfill public interests."

[15]Krabbe (2002, p. 35, note 13) thinks it necessary to distinguish between the goal of an activity and the aims of its participants once they are engaged in that activity: "Arguably, the primary goal of speeches, as a practice, is […] to resolve disputes, whereas the aim of the rhetor is to persuade the audience." For certain purposes it may be useful to distinguish between these two objectives in this way when studying argumentative discourse in specific types of communicative activity, but for the purpose of illuminating the strategic maneuvering that takes place in every piece of argumentative discourse I find it more enlightening to assume that the arguer always has to combine pursuing at the same time the objectives of being reasonable and being effective.

acceptance of the standpoint(s) at issue in a way that is in accordance with an appropriate procedure for reolving differences of opinion.[16] Just as the pursuit of reasonableness in argumentative discourse can best be examined from a dialectical perspective, the pursuit of effectiveness can best be examined from a rhetorical perspective.

The argumentative predicament of having to combine effectiveness with reasonableness leads to a potential tension between the simultaneous pursuit of the two aims that makes the balance that is to be kept in the maneuvering a delicate one. The conditions that need to be fulfilled in order to ensure effectiveness do not necessarily always agree with the conditions that have to be met to guarantee reasonableness. More often than not argumentative discourse that is reasonable from a critical perspective will also be effective,[17] but there are also cases in which this is not so. The pursuit of effectiveness may in some cases get the better of the simultaneous pursuit of reasonableness, so that the combination is out of balance.

In relying on the concept of strategic maneuvering it is important to realize that the rhetorical pervasion of argumentative discourse in no way means that the parties involved in the discourse can limit themselves to trying to have their points of view accepted, because they may always be held committed to what they have earlier said, assumed or implicated. If a move they have made is unreasonable, they cannot escape their dialectical responsibility by saying "Never mind, I was only being rhetorical." Instead, because of the presumption of reasonableness, they are obliged to maintain the image of people who play the resolution game by the rules.

A clearer understanding of the strategic maneuvering taking place in argumentative discourse can be gained by examining how the available opportunities to reach the aim of resolving the difference of opinion at issue in a dialectically reasonable way can be realized in a rhetorically effective way. Each of the various stages in the process or resolving a difference of opinion on the merits is characterized by a specific dialectical aim. Because the parties involved want to reach the rhetorically most advantageous realization of this aim, they can be expected to try make at every stage the dialectically allowed moves in a way that is most effective to serve their rhetorical interests. As a consequence, the dialectical aims pursued in the various discussion stages always have their rhetorical analogues and the participants' presumed rhetorical aims can be specified according to dialectical stage (van Eemeren, 2010, pp. 43–45) (see Footnote 3).

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[16]In our terminology, *strategic maneuvering* in argumentative discourse refers to the efforts that are made in the discourse to move about between effectiveness and reasonableness in such a way that the balance—the *equilibrium*—between the two is maintained. An alternative term to "strategic" might be "tactical," but the latter term highlights in the first place the local expediency of the maneuvering at the operational level and brings the terminology too close to the effectiveness pole while getting automatically too far removed from the reasonableness pole. I also think that in ordinary usage a "tactic" is in the first place a tool to reach a strategic goal, coming close to a ploy. In a more neutral fashion, I shall refer to tools used in maintaining the equilibrium between effectiveness and reasonableness as (argumentative) "techniques."

[17]Within an empirical perspective "effectiveness" can be identified with the maximization of gain that represents one sense in which an actor is said to be "rational" (Goffman 1970, p. 86).

30.5   The Need for a Comprehensive Approach of the Fallacies

Scholars of argumentation are often attracted to studying argumentation because they are critical about the quality of argumentative practice as they encounter it. They want to develop designs and methods for improving argumentative practice in agreement with their critical ideal—if possible in a systematic way (van Eemeren and Grootendorst 2004, Chap. 2). Because "fallacies" are generally seen as argumentative moves that are not acceptable from a critical point of view, finding a theoretically-based method for dealing with the fallacies that may occur in argumentative discourse plays a crucial role in this endeavor. In my view, the treatment of the fallacies can even be seen as the acid test for any normative theory of argumentation.

Given their negative role and their treacherous nature, it is not surprising that from antiquity onwards the fallacies have been an important object of study. In 1970, Charles Hamblin caused a revolution in the treatment of the fallacies. After having studied the leading logical textbooks, Hamblin observed that the "Standard Treatment" he had detected in the textbooks started from a logical "Standard Definition" in which the fallacies were described as *arguments that seem valid but are in fact not valid*. Strangely, however, the treatment of the fallacies that was actually given was inconsistent with this definition. A great many fallacies that were treated were in fact not arguments, such as the fallacy of "many questions," or they were arguments that were by no means invalid, such as "circular reasoning" or *petitio principii*. There were also cases, such as the *argumentum ad verecundiam*, in which the fallacy described was a defective argumentative move for an entirely different reason than invalidity.

Nowadays, most argumentation theorists no longer consider "logical invalidity" the sole standard for fallaciousness. Also they tend to agree that including a word like "seems" in the definition of fallacies, as happens in the logical Standard Definition, brings in an undesirable amount of psychologistic subjectivity. A certain argument may seem sound to you, but why would it seem sound to me if I know (because of my training in logic or some other quality) that it is invalid or otherwise unacceptable?

In my view, the theorizing about fallacies needs to start from a general and coherent perspective on argumentative discourse that provides a common rationale for the treatment of all fallacies.[18] The perspective on fallacies offered in the

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[18]A fundamental problem that threatens fallacy theory, in particular when each fallacy gets its own theoretical treatment, is that not only the treatments of the various fallacies are at variance with each other, but also the general perspectives from which these treatments start. Although in principle giving each fallacy its own treatment does not prevent the theorist from making all fallacy judgments from the same perspective (say a formal perspective as favored by Woods (1992) or an epistemological perspective as favored by Biro and Siegel (1992, 2006)), in practice often one perspective is used in one case and another in an other case, and different perspectives may even get mixed up. In such cases, ethical or moral considerations, for instance, all of a sudden get the upper hand over logical (or other) considerations relating to the perspective claimed to have

pragma-dialectical theory involves considering each part of argumentative discourse that is judged for its soundness or fallaciousness as being aimed at resolving a difference of opinion on the merits. This perspective creates a universal framework for dealing with argumentative discourse that serves as an umbrella for a unified study of the fallacies. The pragma-dialectical theory provides a common rationale for the study of the fallacies because in each particular case the reason for considering an argumentative move fallacious is always that it is in some way or other prejudicial or harmful to the realization of the general aim of resolving a difference of opinion on the merits. Viewing fallacies in this way means concentrating primarily on the soundness norms for argumentation rather than on the fallacies as such. Neither individual cases of fallacies nor the somewhat arbitrary list of fallacies handed come down to us from history are in this approach taken as the starting point of the theorizing.

The pragma-dialectical theory of the fallacies is, as a matter of course, an integral part of a normative theory of argumentation. As de Morgan (1847) and Massey (1975) already observed, a theory of errors cannot be constructed independently of a theory of correctness.[19] A theory of fallacies must therefore be incorporated in a normative theory of argumentation that provides the standards or rules for sound argumentative discourse. Only in this way can it be made clear in what sense a fallacy represents a kind of wrongness and can all fallacies be related to the observation of certain general soundness norms. In the pragma-dialectical theory of argumentation, this is realized by relating all fallacies systematically to the standards expressed in the rules for critical discussion. Ideally, in this way it can be indicated for each fallacy which norm inherent in a rule for critical discussion is contravened by the fallacious move concerned. This means that the fallacies are connected directly with a coherent set of norms serving a common general goal and that the rationale for calling argumentative moves fallacious is invariably the same. In addition, the theoretical tools that pragma-dialectics provides for distinguishing between fallacious and non-fallacious argumentative moves are for all fallacies the same and apply to all cases of argumentative discourse equally.

(Footnote 18 continued)

been chosen. Wagemans (2003) provides a good illustration when he discusses Walton's (1999) treatment of the *argumentum ad ignorantiam*. In his analysis, Walton introduces an epistemic norm to condemn such "arguments." Next, however, he starts classifying exceptions to this norm, and mentions, instead of epistemic considerations, practical considerations relating to the consequences of applying the norm.

[19]Jacobs (2002, p. 122) correctly observes that "no list of categories will ever exhaustively enumerate all the ways in which argumentation can go wrong."

30.6 The Pragma-Dialectical Treatment of the Fallacies

In our efforts to offer an alternative to the logical Standard Treatment, Grootendorst and I started from the consideration that there is no reason to assume from the outset that all fallacies are essentially logical errors. In our view, the fallacies could be better understood if they were treated as argumentative moves whose wrongness consists in the fact that they are a hindrance or impediment to the resolution of a difference of opinion on the merits. The specific nature of each of the fallacies depends on exactly where and how it interferes with the resolution process. Therefore, rather than considering all fallacies to be violations of one and the same validity norm, as happens in the logicocentric approaches, the pragma-dialectical approach distinguishes a functional variety of norms (van Eemeren and Grootendorst 1984, 1992, 2004).

The rules for critical discussion developed in pragma-dialectics cover the entire argumentative discourse by stating all the norms pertinent to resolving a difference of opinion on the merits. In all stages of a critical discussion the protagonist and the antagonist of the standpoint at issue must observe all the rules for the performance of speech acts instrumental in resolving the difference. In principle, each of the rules constitutes a distinct standard for critical discussion. Any argumentative move that is an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of the difference of opinion and must therefore (and in this particular sense) be regarded as fallacious. In this way the use of the term *fallacy* is systematically connected with the rules for critical discussion (van Eemeren and Grootendorst 2004, pp. 187–190).

The pragma-dialectical approach to the fallacies is much more systematic than the traditional approach because all fallacies are explained in terms of violations of rules for critical discussion and none of the individual fallacies is explained in an ad hoc way. This is, in fact, why it becomes clear what certain fallacies have in common that are on first sight very different from each other and what makes fallacies different from each other that have traditionally been taken as belonging to the same group. The pragma-dialectical approach also makes possible the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits.[20]

30.7 Strategic Maneuvering and the Deceptiveness of Fallacies

Even discourse that is clearly argumentative will in many respects not correspond to the ideal model of a critical discussion—and certainly not explicitly, completely, and immediately. In many cases, the hows and whys of divergent forms of

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[20]In this specific sense, the pragma-dialectical discussion rules "generate" new kinds of fallacies.

argumentative reality can be easily explained with the help of pragmatic insights concerning the characteristics of ordinary discourse, such as the underexposure of what is considered evident or known, the overexposure of what is considered significant or important, the structuring according to what is considered topical or relevant at a particular point, and the lack of definition when more precision or elaboration is not considered necessary. In a great many cases the differences can easily be explained by referring to such natural characteristics—and occasionally to indolence or sloppiness. In any case, it would certainly not do to simply declare all verbal behavior that does not seem to agree with the model of critical discussion automatically defective; the discourse as it has been brought to the fore can be evaluated adequately only if it has first been determined by means of a pragma-dialectical reconstruction what it actually conveys.[21]

The concept of strategic maneuvering can be of help in explaining why in practice sound and fallacious argumentative moves are sometimes hard to distinguish. The view that strategic maneuvering is aimed at alleviating the potential tension between arguing reasonably and effectively at the same time implies that all moves that are made in argumentative discourse can be regarded as being designed to serve simultaneously both aims. However, this implication does not mean that the pursuit of these two objectives will always be in perfect balance. On the one hand, at times arguers may neglect their interest in effectiveness for fear of being perceived as unreasonable; on the other hand, at times they may neglect their commitment to reasonableness in their zeal to promote their case effectively. Neglect of effectiveness can result in bad strategy,[22] but such ineffective moves are not "condemnable" for being fallacious and harm merely the interests of the arguer himself.[23] If, however, arguers allow their commitment to having a reasonable exchange to be overruled by their eagerness for achieving effectiveness, their strategic maneuvering has got "derailed."[24] By violating the rules for critical

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[21]Such a reconstruction in terms of a critical discussion should be theoretically justified and empirically faithful to the commitments that may be ascribed to the actors on the basis of their contributions. In order not to "over-interpret" the argumentative potential of the discourse, sensitivity must be maintained to the details of the presentation, the general rules for communication, and the contextual constraints inherent in the speech event concerned (van Eemeren et al. 1993, pp. 38–50).

[22]Walton and Krabbe (1995, p. 25) even speak of "blunders," but I consider this term too strong for general use.

[23]Talking about the effectiveness of strategic maneuvering gives me the opportunity to remark that the optimal utilization of the opportunities for being effective will be an important topic at the next stage of the development of the pragma-dialectical research program. I agree with Jacobs that "to get beyond a categorical analysis of fallacies requires a refocus on the notion of argumentative *effectiveness* (Jacobs 1999, 2000)" (van Eemeren and Houtlosser 2002, p. 123).

[24]In tackling the "demarcation problem" of how to distinguish in actual argumentative discourse between sound and fallacious moves I have proposed to view fallacious moves as derailments of strategic maneuvering in which a rule for critical discussion has been violated. This means in practice that the pursuit of rhetorical interests has gained the upper hand and the dialectical criteria pertaining to carrying out the mode of strategic maneuvering concerned have not been satisfied. This approach differs considerably from how the demarcation problem is dealt with by other

discussion, the argumentative move they have made prejudices or hinders the process of resolving a difference of opinion on the merits and their strategic maneuvering must therefore be condemned as fallacious.[25]

In my view, the modes of strategic maneuvering that can be distinguished in argumentative reality can be imagined as representing a continuum running from evidently sound to evidently fallacious strategic maneuvering. This continuum may vary from pointing out inconsistencies to wrongly accusing someone of being inconsistent in one case and from correctly referring to an authority to appealing improperly to an authority in another case—with a whole area of less clear cases in between.[26] In practice it is not always transparent where exactly the boundaries between sound and fallacious strategic maneuvering are to be found. Because, in principle, each fallacy has sound counterparts, the fallacies do not distinguish themselves as "different animals" (like dogs are distinguished from cats) which have certain distinctive features other than their fallaciousness that distinguish them from their sound counterparts. This helps to explain why in argumentative practice it may not be immediately apparent to all concerned that a fallacy has been committed, so that fallacies may pass unnoticed.

Deviations from the rules for critical discussion are even harder to detect because none of the parties will be keen on portraying themselves as being unreasonable (if only because this would make their discussion moves less effective). Rather than resorting to completely different means, they will therefore most likely try to stick to the established dialectical means for achieving their rhetorical objectives and "stretch" the use of these means so much that the fallacious maneuvering concerned is also covered. In argumentative discourse it is a presumption of reasonableness that both parties will normally uphold a commitment to the rules for critical discussion. The presumption of reasonableness conferred on every discussion move will also be operative when a particular strategic maneuver is in fact fallacious. Alluding to Hamblin's Standard Definition, it can be said that fallacies often manifest themselves as strategic maneuvers that *seem* to comply with the critical discussion rules although in fact they do not.

(Footnote 24 continued)

argumentation theorists. On the one hand, there are argumentation theorists, such as Biro and Siegel (1992) and Johnson (2000), who give precedence to epistemological considerations and view fallacies as argumentative moves that obstruct in some way or other the search for the truth. On the other hand, there are rhetorically-minded theorists such as Willard (1995) and Leff (2000) who go primarily by empirical standards and view the fallacies in a more relativistic way as argumentative moves that are not accepted in a certain communicative community. Although in some cases the results of the theorizing may be virtually the same, these perspectives from which the fallacies are approached are fundamentally different from each other and from ours.

[25]All derailments of strategic maneuvering are fallacies in the sense that they violate one or more of the rules for critical discussion and all fallacies can be viewed as derailments of strategic maneuvering.

[26]Jacobs observes that "what makes for the difference between a tactic being obstructive or constructive is not the tactic per se, but the way in which the tactic in text functions in its context of use" (2002, p. 125).

The treacherous character of the fallacies conveyed in the Latin word *fallax*, which means deceptive or deceitful, must not be ignored in the study of the fallacies, and the search for an explanation of their deceptiveness should not be abandoned. Even if Hamblin's criticisms do not apply to our theory of fallacies, this theory is still not entirely satisfactory if the intriguing problem of the alleged persuasiveness of the fallacies is ignored. O'Keefe's (2006) "meta-analyses" of experimental persuasion studies may suggest that sound argumentation is generally speaking more likely to be persuasive than fallacious argumentation, but even if this suggestion were really proven true, we nevertheless need to find out why in argumentative practice the fallacies go so often unnoticed.[27] I think that systematically incorporating rhetorical insights in the treatment of the fallacies, as happens in the pragma-dialectical theory of strategic maneuvering, will enable us to explain more satisfactorily how fallacies "work" and can be effective in argumentative practice.

30.8 Context-Independent Criteria for Judging Fallaciousness

In principle, a speaker who goes against a rule of communication may still be regarded as maintaining the Principle of Communication—the pragma-dialectical counterpart of the Gricean Principle of Cooperation (van Eemeren and Grootendorst 1992, pp. 49–55). Similarly, a party that commits a fallacy in argumentative discourse may in principle still be regarded as upholding the Principle of Reasonableness. This Principle involves a general commitment to reasonableness implying an obligation to obey the rules for critical discussion. A rule violation is then viewed as just an incidental offense against the dialectical standards of reasonableness. In case of a rule violation, even if it is a deliberate one, it is in the context of strategic maneuvering imperative for the guilty party to radiate that his general commitment to reasonableness still stands. If it were clear that he has withdrawn this commitment to reasonableness, the intended persuasive effect of his move would be lost. In practice, an infringement of the rules for critical discussion is not irreversible because derailments of strategic maneuvering can be repaired. This happy fact, however, does not diminish in any way the importance of making a sharp distinction between sound and fallacious argumentative moves. I therefore separate the fallacious cases of strategic maneuvering terminologically from the non-fallacious cases by restricting the use of the traditional (often Latinized) names of the fallacies, such as *argumentum ad*

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[27]This is the more remarkable because when they are presented in clear cases these moves prove to be disapproved of. See van Eemeren et al. (2009, pp. 205–208).

verecundiam, to the fallacious cases only and using neutral terms, such as *argument from authority*, for the non-fallacious cases.[28]

What kind of criteria can be brought to bear to distinguish between sound and fallacious strategic maneuvering? Or, in other words, between cases in which a critical discussion norm has been violated and cases in which this is not so? In dealing with this problem I make a distinction between general criteria that are context-independent and more specific criteria that may vary to some extent depending on the macro-context of the communicative activity type in which the strategic maneuvering takes place. Such variation is due to the specific implementation of the general criteria the institutional demands of the macro-context require.

In my opinion, the criteria for judging the soundness or fallaciousness of argumentative moves must be determined by first examining clear cases of sound and fallacious maneuvering by means of a particular mode of strategic maneuvering. These are cases in which it is evident whether or not they agree with the relevant pragma-dialectical standards for critical discussion. Based on the findings of this examination, general soundness criteria can be established for the mode of strategic maneuvering concerned. Subsequently these criteria can be appropriated for application to the cases that are causing problems. Next it will be necessary to examine whether the general soundness criteria for using a certain mode of strategic maneuvering need to be further specified, amended or supplemented with context-dependent specific soundness criteria for application in the macro-context of specific communicative activity types.

An argument from authority, to take an example, is potentially a sound mode of strategic maneuvering. A prerequisite for its soundness in supporting a standpoint is that the general soundness criteria pertaining to this mode of strategic maneuvering are fulfilled. These general soundness are that the authority referred to has indeed the professed authority, that his authority is pertinent to the topic at issue, that the parties in the discussion in principle agree on the legitimacy of making an appeal to authority,[29] that the authority is quoted regarding a subject-matter within his area of

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[28]More confusing than the labeling, by the way, is the fact that, when characterizing fallacies, authors such as Walton (e.g. 1998) take as their starting point a certain argumentative phenomenon, say a personal attack, and call each argumentative move *ad hominem* in which this phenomenon occurs. Next they observe that these moves are not always fallacious and decide on an ad hoc basis whether or not a specific manifestation of *ad hominem* is fallacious. In contradistinction, in the pragma-dialectical approach fallacies are systematically viewed as violations of one or more rules for critical discussion that hinder the process of resolving a difference of opinion on the merits in a certain stage of the resolution process. In the case of an *argumentum ad hominem* fallacy, for instance, a violation is committed of the Freedom Rule by hindering the expression of a standpoint or doubt in the confrontation stage through a personal attack that prevents the other party from fulfilling his role in a critical discussion.

[29]In argumentative practice it may happen that one of the parties does not agree with appealing to an authority or with appealing to this particular authority because, for instance, this party is interested only in learning what the other party himself has to say on the matter ("Why do you refer to Professor Schama? You said yourself that this is such a beautiful painting and now I would like to hear what *your* arguments are for giving such a positive judgment").

expertise, and that he is quoted correctly at a point where this is relevant (cf. Woods and Walton 1989, pp. 15–24; van Eemeren and Grootendorst 1992, pp. 136–137). If there are good reasons to think that these general soundness conditions have been fulfilled, an appeal to authority can be unproblematic and may even be conclusive.[30] In argumentative practice, however, strategic maneuvering by means of an argument from authority can also derail.[31] This happens when the Argument Scheme Rule is violated and the argument from authority must be viewed as an *argumentum ad verecundiam*. Whether this is indeed the case may depend on the communicative activity type in which the argument from authority is used.

30.9   Context-Dependent Criteria for Judging Fallaciousness

More often than not, in the end fallacy judgments are (or should be) contextual judgments that depend on the specific circumstances of situated argumentative acting. Only in some exceptional cases—such as clear-cut textbook examples or when in an argument from authority the authoritative source is misquoted—there is no need to take the macro-context into account. In other cases, for determining whether or not a dialectical norm incorporated in the rules for critical discussion has been violated it may be necessary to rely on specific soundness criteria depending on the institutionalized conventions of the communicative activity type in which the argumentative move is made. These specific soundness criteria indicate how the general soundness criteria need to be interpreted, amended or supplemented in the macro-context of the specific communicative activity type.

The implementation of the general soundness criteria for strategic maneuvering is in principle always context-dependent.[32] For complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule, for instance, different specific criteria may be pertinent to call upon in different communicative activity types. Depending on what has been agreed upon (or is implicitly confirmed) in the opening stage of the discussion as regards the

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[30]Woods and Walton (1989, pp. 17–21) formulated, for instance, the following general "adequacy conditions" for the argument from authority: (1) "The authority must be interpreted correctly"; (2) "The authority must actually have special competence in an area and not simply glamour, prestige, or popularity"; (3) "The judgment of authority must actually be within the special field of competence"; (4) "Direct evidence must be available in principle"; (5) "A consensus technique is required for adjudicating disagreements among equally qualified authorities."

[31]For the development of a pragma-dialectical view of an evaluative procedure and soundness conditions regarding strategic maneuvering with arguments from authority, see van Eemeren and Houtlosser (2003).

[32]Because the general soundness criteria need to be applied in widely diverging macro-contexts in which different institutional needs must be satisfied, the exact meaning of the general criteria and the ways in which their fulfillment can be checked may vary. Who or what counts as an authority, for instance, will be different in a scientific debate than in a political interview.

procedural and material starting points, the specific soundness criteria for judging arguments from authority may vary according to the macro-context.

It is not hard to imagine that similar context-dependent differences between the soundness criteria may be found for other modes of strategic maneuvering. In practice, the agreements about the relevant procedural and material starting points are often not made between the parties but are already given when they engage in a particular communicative activity type. This means that the specific soundness criteria are supposed to be familiar to those engaging in a particular communicative activity type. For some communicative activity types, such as a chat or a love letter, the soundness criteria will be more or less familiar to all, while for others, such as an academic review, they will be known only to those who have received a specific kind of training.

Depending on the institutional requirements of the communicative activity types constituting the macro-contexts in which strategic maneuvering in argumentative discourse is carried out, different sets of specific criteria have been developed to implement the general soundness criteria pertaining to particular modes of strategic maneuvering. The specific soundness criteria applying to strategic maneuvering by appealing to an authority in the macro-context of a lawsuit in the legal domain, for instance, will be different in some respects from those applying to an academic review in the scholarly domain. In a lawsuit, referring to precedence or deferring to a judgment of a designated higher court may be fully in agreement with the specific soundness criteria applying to arguments from authority in this legal activity type, whereas in the scholarly domain these strategic maneuvers would not agree with the specific soundness criteria applying to arguments from authority in an academic review. As you will understand, doing justice to this contextual differentiation opens up completely new lines of multidisciplinary research in argumentation theory.

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Chapter 31
Linguistic Criteria for Judging Composition and Division Fallacies

Frans H. van Eemeren and Bart Garssen

31.1 Introduction

In the pragma-dialectical theory of argumentation fallacies are defined as violations of rules for critical discussion that further the resolution of differences of opinion on the merits. Viewed within this perspective, fallacies are wrong discussion moves. Such moves can occur in every stage of the resolution process and they can be made by both parties. Among the wrong moves that may occur in the argumentation stage are the fallacies of composition and division. They are violations of the rule that any argument used in the argumentation should be valid or capable of being validated by making explicit one or more unexpressed premises. In this paper the fallacies of composition and division are analyzed. From this analysis it will become clear that the problem identifying these fallacies boils in fact down to the problem of identifying the linguistic criteria for judging whether or not the validity rule has been violated in the arguer's strategic manoeuvring with parts and wholes.[1]

31.2 Properties of Wholes and the Constituent Parts

There are several ways of violating the dialectical rule that the reasoning that is used in argumentation should be valid or capable of being validated by making explicit one or more unexpressed premises. To make clear what this involves, first, the argument has to be reconstructed that is used in the argumentation. Next, an intersubjective reasoning procedure has to be carried out to establish whether the argument is indeed valid (van Eemeren and Grootendorst 1984, p. 169).

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[1]This contribution is based on an article by van Eemeren and Grootendorst (1999), which was recently republished as van Eemeren and Grootendorst (2009). We extended van Eemeren and Grootendorst's approach by putting it in the newly-developed perspective of strategic manoeuvring (van Eemeren, to be published).

A notorious violation of the validity rule consists of confusing necessary and sufficient conditions in reasoning with an 'If… then' proposition as a premise. There are two variants. The first is the fallacy of *affirming the consequens*, in which, by way of a 'reversal' of the valid argument form of *modus ponens*, from the affirmation of the consequens (by another premise) is derived that the antecedens may be considered confirmed. The second is the fallacy of *denying the antecedens*, in which by way of a similar reversal of the valid argument form of modus tollens the denial of the consequence is derived from the denial (by another premise) of the antecedens.

Apart from these generally recognized violations, the validity rule can also be violated in other ways and some of these violations are not so easy to track down. A tricky violation, for example, that occurs regularly is that of unjustifiably assigning a property of a whole to the constituent parts. Or the other way around: unjustifiably assigning a property of the constituent parts to the whole. The properties of wholes and of parts are not always just like that transferable to each other.

There are indeed valid variants:

(1) a This chair is white
     b Therefore: The legs of this chair are white

Sometimes, however, the transfer leads to invalid reasoning:

(2) a This chair is heavy
     b Therefore: The lining of this chair is heavy

What makes for the difference between the valid and the invalid variants? And why is this difference not always immediately clear? When the answers to these questions are known, it is easier to recognize—and to avoid—mistakes.

31.3 Reconstruction of the Argument Form of Part/Whole Argumentation

The form of the argument underlying both argumentation (1) and argumentation (2) can be described as follows:

(3) a X has property Z
     b Therefore: All parts of X have property Z
     c Y is a part of X
     d Therefore: Y has property Z

In this reconstruction it is explicitly expressed that conclusion (d) refers to a part of the whole referred to in premise (a) and that this part has the same property as the whole. The premises (c) and (b), in which this is successively expressed, remain implicit in argumentation (1) and (2).

This reconstruction is, in fact, made up of two arguments, which are subordinatively related to each other. The first argument consists of (a) and (b), the second

of (b), (c) and (d). The conclusion (b) of the first argument serves as a premise in the second.

The second argument has a valid form. When applied to argumentation (1) this part of the reconstruction leads to the following result:

(4) b All parts of this chair are white
     c The legs of this chair are parts of this chair
     d Therefore: The legs of this chair are white

And when applied to argumentation (2) the valid result is as follows:

(5) b All parts of this chair are heavy
     c The lining of this chair is a part of this chair
     d Therefore: The lining of this chair is heavy

The cause of the difference in validity between the reasoning in argumentation (1) and (2) can evidently not to be found in this part of the reconstruction, but in the first part. When applied to argumentation (1) and (2) this part of the reconstruction leads to the following result:

(6) a This chair is white
     b Therefore: All parts of this chair are white
(7) a This chair is heavy
     b Therefore: All parts of this chair are heavy

(6) and (7) represent the same argument form (3a, b), but in (7) the conclusion does not necessarily follow from the premise. The first part of the reconstruction is therefore invalid.

31.4   The Crucial Argument Scheme in Part/Whole Argumentation

The first part of the reconstructed argument form of part/whole argumentation has this form:

(8) a X has property Z
     b Therefore: All parts of X have property Z

The argument scheme that is being used here is that of a symptomatic relation: the fact that a whole (X) has a certain property is seen as a sign that the parts of this whole also have this property.[2] As is usual in such cases, the argument scheme that

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[2] In an argument scheme based on a symptomatic relation the starting point is that what is asserted in the standpoint is a symptom, expression or other sign of what is said in the argument or the other way around. See van Eemeren and Grootendorst (1992, 94–102, 158–168).

is employed can be interpreted as an unexpressed premise. In the case of (3), this unexpressed premise can be made explicit as follows:

(8′) a′ (What applies to the properties of X also applies to the properties of all parts of X)

From the invalidity of arguments such as (7), it becomes clear that the scheme does not always automatically apply. Obviously, certain preconditions need to be fulfilled to achieve a valid argument with the help of this scheme. This also applies to the reversed form of the argument:

(8″) a All parts of X have property Z
a′ (What applies to the properties of the parts of X also applies to the properties of X)
b Therefore: X has property Z

The application of this scheme too can either result in a valid argument or an invalid argument. Examples are (9) and (10) respectively:

(9) a All parts of this chair are wooden
b Therefore: This chair is wooden
(10) a All parts of this chair are cheap
b Therefore: This chair is cheap

In (9) and (10), a sign relation is established in which the fact that all parts of the chair have a certain property (being wooden and being cheap respectively) is regarded as a sign that the chair also has this property. This is right in (9), but not necessarily in (10): a design Rietveld chair, for example, is made of material that is relatively cheap, but the chair is all the same expensive.

Neither the attribution of properties of wholes to parts (the argument scheme of 3) nor the attribution of properties of parts to wholes (the argument scheme of 8) leads automatically to a valid argument. The validity of arguments in which one of the two variants of the scheme is applied is dependent on the transferability of the properties concerned. This transferability is determined by two factors: (a) the nature of the properties which are transferred and (b) the relation between the parts and wholes.

31.5 Absolute and Relative Properties

With regard to properties of people, animals or things a distinction must be made between absolute and relative characteristics. In case of an absolute property it can, in principle, be determined independently whether or not someone or something has that property. In case of relative properties, there is always an explicit or implicit comparison involved, either directly with something else or indirectly with a standard, norm or criterion.

Terms, words or expressions that refer to absolute characteristics or properties are, for instance, the names of colors, of the fabric or the material of which something is made and adjectives that have to do with form or fixed facts such as inflammability or poisonousness:

(11)   The legs of this chair are white
(12)   The roof of this house is red
(13)   This dress is made of cotton
(14)   The stage decorations are made of cardboard
(15)   The leaf of this flower has the form of a heart
(16)   The village square is round
(17)   This hotel is fire-risky
(18)   The juice of the buttercup is poisonous

Terms which refer to relative characteristics or properties have, for example, to do with somebody's or something's weight, the measures (length, width, depth, size, contents, etc.), the strength, the price and the qualifications of the character, the appearance or other striking features:

(19)   That bag is heavy
(20)   That glider is light
(21)   That dog is big
(22)   That elephant is small
(23)   That bear is strong
(24)   The construction of that bridge is weak
(25)   That boat is cheap
(26)   My sister is nice

The relative character of the properties 'heavy', 'light', 'big', etc. is evident from the (implicit) comparative character of these terms: a heavy bag is a bag that weighs more than a bag weighs on average. This means that the bag is heavy when measured with the standard that applies to a bag. Which standard is exactly used in determining the weight of the bag is not mentioned explicitly; it is determined implicitly by the fact known to every language user that a bag is meant for carrying and can be called heavy if it is relatively hard to carry. Of course, a different standard applies to the weight of a plane: a light plane is not a plane that can be carried easily, but a plane that can be kept more easily in the air than other planes.

Something similar applies to the terms big, small, strong, cheap and nice. The application depends on the standards, norms or criteria that are relevant to the category to which the people, animals or things belong to which the terms refer. Within the category concerned, a comparison is made with other members of this category. A big mouse, for example, is not a big animal, for within the category of the animals there are a great number of bigger sorts. The size of a mouse must be viewed within the category of the mice. A big mouse is a mouse that is bigger than the average mouse. For a mouse, it is big.

31.6   Structured and Unstructured Wholes

When valuing the relation between the parts and the whole a distinction must also be made between unstructured and structured wholes. An unstructured whole, or a whole 'without ordering', is not more than a collection of elements that together constitute the whole. The whole is, as it were, just the sum of the parts. Examples of the parts of such unstructured wholes are the peas in a tin, the drops in a pool of water and the grains in a heap of sand.

A structured or 'ordered' whole is more than the sum of the parts. It is different in the sense that there is a qualitative difference between the collection of elements and the whole constituted by these elements. Examples of the parts of such structured wholes are the sentences in a novel, the players of a soccer team and the parts of a machine.

The parts of unstructured and structured wholes can be distinguished terminologically by calling the first elements of a non-ordered collection and the second parts of a coherent whole.[3] Each collection of drops constitutes automatically a pool or puddle, but not every arbitrary collection of sentences is a novel. In the latter case, it is necessary that the sentences are ordered in a specific way into a coherent whole. The same applies, mutatis mutandis, to the players in a soccer team and the parts of a machine, but also to the parts of a house or a jigsaw puzzle.

Some properties that can be attributed to wholes are independent of the structure of these wholes while other properties are dependent on the structure of the whole. Examples of structure-independent properties are brown, copper, heavy, light and big. Structure-dependent properties are, for instance, rectangular, edible, good, bad and strong. A quantity of green peas automatically constitutes a collection that is also green, irrespective of whether the peas are separately on a plate or together in a tin. A collection of edible ingredients, however, does not automatically constitute an edible meal: then the ingredients need also to be mixed in a particular way.

31.7   The Transferability of Properties

As is shown by the example of the edible ingredients, structure-dependent properties cannot automatically be transferred from the parts of a whole to the whole itself. The reverse is also not possible. From the observation that a jigsaw puzzle is rectangular it does not follow that all the pieces of the puzzle are rectangular. It is not even always the case that structure-independent properties are transferable from

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[3]Our distinction between unstructured wholes or non-ordered collections on the one hand and structured wholes on the other hand resembles Hamblin's distinction between physical and functional collections (1970, 21).

the parts to the wholes and the other way around. In the example of the green peas this is indeed possible, but in other cases it is not:

(27)   a On this plate are only small peas (a number of small peas)
       b Therefore: On this plate is a small quantity of peas (a small number of peas)

The difference between (27) and the original example of the peas is that in (27) the relative term small is used and in the original example the absolute term green. Obviously, a relative term refers to a property that cannot be transferred automatically from the parts to the whole, whereas with an absolute term this is possible in principle. Not always, however, witness the following example:

(28)   a Sodium and chlorine are poisonous
       b Therefore: Sodium chlorine is poisonous

Sodium chlorine is the chemical name for ordinary kitchen salt, which is not at all poisonous, but edible, even if it is composed of two mortally poisonous constituent parts.

The difference between (28) and the original sound example of the green peas, however, is again precisely that the term poisonous refers to a structure-dependent property while the term green in the original example refers to a structure-independent property. So the term green refers to a property that is absolute as well as structure-independent, the term small to a property that is structure-independent but not absolute, and the term poisonous to a property that is absolute but not structure-independent. Only an absolute property which is also structure-independent is transferable from the parts to the whole or the other way around.[4]

31.8   Non-transferable Properties

In the light of the foregoing we can now say that a relative property that is structure-dependent is not transferable:

(29)   a All players of the soccer team are world-class
       b Therefore: The soccer team is world-class

In (29) it is not taken into account that the requirements for regarding an individual player world-class are different from the requirements that apply to a team. The property of being world-class is relative. A soccer team has to satisfy other

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[4]In connection with the non-transferability of properties of parts to wholes or the other way around, Woods and Walton speak of compositionally and divisionally hereditary properties respectively (1982, 206–207). For determining the transferability of properties they make use of Burge's theory of aggregates. See for an extensive exposition of this theory in relation to the composition and division fallacy Woods and Walton (1982).

requirements in order to be world-class than that the individual players have the qualities that make each of them world-class. The players must, for example, be adjusted to each other, otherwise there is no good team, let alone a world-class team. The property of being world-class is therefore also structure-dependent.

A structure-independent relative property is also not transferable:

(30) a This machine is composed of light parts
      b Therefore: This is a light machine

The total weight of a machine is not dependent on the way in which it is constructed. The property light is here indeed structure-independent. The criterion for determining whether the parts of a machine may be called light, however, is different from the criterion for determining whether the machine as a whole may be called light. In the case of the parts, the material of which the parts are made will be compared with the alternatives: aluminum, for instance, is lighter than crude iron. In case of the machine as a whole, it is reasonable to look at other machines: a photo-copying machine is lighter than an agricultural machine. Therefore it would be strange to call an agricultural machine which is altogether made of aluminum a light machine.[5]

The non-transferability of an absolute and structure-dependent property can be demonstrated with the help of the following example:

(31) a All parts of this figure are triangular
      b Therefore: This figure is triangular

The term triangular refers to the form of something and that form is not dependent of the size or something similar. For referring to the form of small things no other criteria apply than for referring to the form of big things. The property of being triangular is indeed absolute. The following two figures can be of help to make clear that this property is structure-dependent.

Figure 31.1 is triangular, but Fig. 31.2 is rectangular, whereas both of them are built of four triangles. The only difference between the two is the manner is which the triangles are put together in the two figures. In Fig. 31.1, the composition is such that the conclusion of (31) is true; in Fig. 31.2, this is not so. So the reasoning that is expressed in the argumentation of (31) does not guarantee that from true premises (such as those in the two figures) follows a true conclusion. The argument is therefore invalid.

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[5]The same applies when instead of the average norm a functional norm is applied. If the property of being light is interpreted as 'easy to carry', a light agricultural machine is still heavy.

Fig. 31.1 Triangular
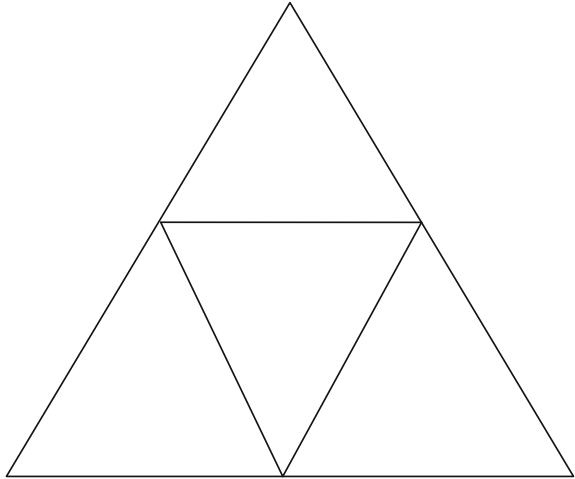
Fig. 31.2 Rectangular
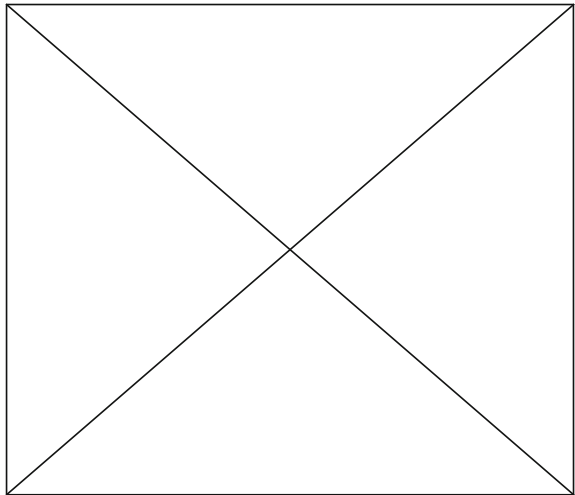
31.9   Characterization of the Fallacies of Composition and Division

The relation between the absolute or relative character and the structure-independency or structure-dependency of a property on the one hand and the transferability of this property between parts and wholes on the other hand, is indicated in Fig. 31.3:

Only combination 1a/2a leads to a transferable property, which can result in a valid argument. Combinations 1a/2b, 1b/2a and 1b/2b do not lead to transferable properties; an argument in which such a combination is used is in all cases invalid.

Transferable (+) and nontransferable (-) properties	structure-independent properties (2a)	structure-dependent properties (2b)
Absolute properties (1a)	red, white, blue, glass, iron, wooden (+)	round, rectangular, edible, poisonous (-)
Relative properties (1b)	heavy, small, light, big, fat, slim (-)	good, expansive, strong, poor (-)

Fig. 31.3 The relation between the absolute or relative character and the structure-independency or structure-dependency of a property

This means that in all these cases the reasonableness rule is violated that says that the arguments used in an argumentation should in principle be valid. The fallacy resulting from such unjustified transfer of properties between parts and wholes has two variants: (a) unjustified transfer a property of the parts of a whole to the whole and (b) unjustified transfer a property of a whole to the parts of the whole. In the first variant of this fallacy a property of the parts leads to a wrong combination with regard to the whole. Variant (a) is therefore called the *fallacy of wrong combination* or simply the *composition fallacy*. In the second variant a property of the whole is wrongly distributed over the parts. Variant (b) is therefore called the *fallacy of wrong distribution* or simply the *division fallacy*.

A nicer example of the composition fallacy can be found in the first Albert Verwey lecture by Gerard Reve, when he argues that there is an anti Catholic climate in the Netherlands (NRC Handelsblad, November 2, 1985):

> Looking back at the anti Catholic fury of this year in the Netherlands, we see that, *mutatis mutandis*, exactly the same conditions are fulfilled [as in the Thirties]. The accusations that are now made against the Roman Catholic Church are just as nonsensical as those that were then made against the Jews. You know what I am talking about: the Church does not take action. Or: the Church interferes too much in politics. Or: the Church keeps itself outside politics and remains deaf to the social needs. Or: the Catholics are part of everything and always manage to get things their way. Or: Catholics are always sticking together and exclude everybody else from their plotting clique. Or: the Church is very rich. (Just an aside: this is not so. The Church is very poor, because it is mainly a Church of poor people. Rich people do not need a God.)

The argumentation in the closing part in parentheses contains an argument which can be reconstructed as follows:

(32)   a The Church is a Church of poor people
       b Therefore: The Church is poor

In (32) it is not taken into account that the property poor is relative and also structure-dependent. First, different criteria are to be applied for determining the wealth of individual people than for determining the wealth of a church: the wealth of people is determined by comparing their income and possessions with those of

other people, the wealth of the Roman Catholic Church by comparing it with that of other churches or similar institutions. Second, there is no structural relation between the wealth of the individual members of a church and the wealth of the church as such. The wealth of the church can be determined by still other factors than the donations of its members and it also depends on what part of their income and possessions the members donate to the church. Similar analyses can be made of the division fallacy. We leave it here at a brief example:

(33)   a The cabinet is irresolute
       b Therefore: The ministers are irresolute

In (33) it is not taken into account that the (absolute) property irresolution is structure-dependent. A cabinet can only take decisions if the members of the cabinet can reach an agreement. It is perfectly possible that all members are very resolute, but happen to want quite different things. Then the cabinet as a whole can not so easily make a decision and it is 'irresolute'.

31.10   The Identification of Composition and Division Fallacies

In the light of the evident invalidity of the examples in which a wrong combination is made (10, 28, 29, 30, 31, 32), or a wrong distribution (2, 7), it looks as if composition and division fallacies can be easily recognized as violations of the validity rule. Sometimes this is indeed the case. The easiest are, of course, those cases in which it is immediately clear that the criterion for attributing a relative property to a whole is quite different than that for attributing it to the parts or in which it is immediately clear that the way in which the whole is structured makes it necessary to attribute entirely different properties to the whole than to the parts.

In practice, however, it need not always be that simple. Although the criteria for the attribution of the properties may vary and it may also be the case that the properties themselves vary because of the structure of the whole, this is often not clear from the terms that are used to refer to these properties. Due to the fact that the relative and structure-dependent character of terms for properties is not formally expressed at the surface level, statements with such terms are 'indeterminate' in Crawshay-Williams's (1957) sense. This means that it cannot be determined just like that whether these statements are false. In order to be able to determine their truth or falsehood, the context of the statements needs to be made explicit first. According to Crawshay-Williams, this means that one should indicate for what purpose the statements are made. This would mean here: which standards should be used for evaluating them. See for a discussion of Crawshay-Williams's approach van Eemeren et al. (1996).

There are cases in which the same term is used to refer to the properties of the whole as to the properties of the parts.[6] Because of this, there is a risk that the differences are overlooked and the properties of the whole and the parts are confused:

(34)   a An elephant eats more than a mouse
       b Therefore: Elephants use more food than mice

In (34) the term more in combination with eating is used in premise (a) as well as in conclusion (b). In both cases it is also a normal term to use. For this reason, the argument seems, at first sight, valid. Its invalidity becomes clear when one realizes that the 'property' eats more than is relative. If used in connection with the elements of a set or collection, the expression 'eats more than' has to be tested by using a different criterion than when it refers to the set or collection as a whole. In (a) the expression is rightly used if it is indeed the case that an individual elephant consumes daily a larger quantity of food than an individual mouse (which is indeed the case). In (b), however, the issue is not the individual consumption of elephants and mice, but the total consumption of the collectivity of elephants and the collectivity of mice. Not only the difference in individual consumption plays a role then, but also the number of elephants and the number of mice that consume the food. It stands to reason that in the individual comparison this criterion plays no role. The difference in the criteria that must be applied is ignored in the argument (as is the fact that there are many more mice than elephants). Therefore in this case the transfer of the property eats more than is incorrect. Because this property of the parts is transferred to the whole, this is an example of the composition fallacy.

When identifying composition and division fallacies it is always very important to check properly whether in the given situation the transferred property is indeed justifiably transferred. A complication is that the terms that are used to refer to properties, when viewed superficially, neither differentiate between absolute properties and relative properties nor between structure-independent properties and structure-dependent properties.[7] This means that it has to be determined for every separate case what kind of properties the term that is used refers to and whether or not the combination of properties in the whole and the parts corresponds with the conditions for a sound application of the part/whole argument scheme represented in Fig. 31.3.

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[6]The relative terms in the examples of composition and division fallacies are all the same not ambiguous in the ordinary linguistic sense. That is the reason why we do not regard them as fallacies of ambiguity. Textbooks in which a different approach is taken are Copi (1982, 124–128), Engel (1982, 93–95), and Rescher (1964, 76). Much earlier, Rowe (1962) argued already emphatically that these fallacies are not fallacies of ambiguity.

[7]An additional source of confusion is that there are cases in which the terms that are used to refer to a property are applicable both to the whole and the parts. Another complication in identifying the composition and division fallacy is that this fallacy can also be committed in combination with one or more other fallacies. See van Eemeren and Grootendorst (1992).

31.11 Composition and Division Fallacies as Derailments of Strategic Manoeuvring

Deviations from the rules for critical discussion are often at the same time persuasive and hard to detect because the parties involved are normally very keen on keeping up the pretence of reasonableness, portraying themselves as living up to all critical standards. It can therefore be expected that, when trying to realize a purpose that is potentially at odds with the objective of a critical discussion rule, they will stick as much as possible to the appropriate means for achieving the relevant critical objective and attempt to stretch the use of the means concerned in such a way that the other persuasive effect aimed for can be realized as well. This predicament requires the analyst to know in advance as much as possible about the ways in which the appropriate means for achieving the specific objective aimed for in a certain stage of a critical discussion can also be employed parasitically for realizing purposes that are at odds with this objective.

In taking account of the persuasive aims of the arguers engaged in argumentative discourse van Eemeren and Houtlosser took is as their point of departure that in reasonable argumentative exchanges persuasive aims should not be realized at the expense of the observation of critical standards. The arguers' attempts to have things their way can very well be viewed as being incorporated in their efforts to resolve a difference of opinion in accordance with the critical standards for conducting a critical discussion: it may be presumed that the arguers are at the same time out to reach the optimal persuasive result and to do so without violating and of the rules for critical discussion. In their efforts to achieve this result, their *strategic manoeuvring* will be directed at diminishing the potential tension between pursuing their persuasive and critical objectives. If parties allow their critical commitment to be overruled by their persuasive aim, their strategic manoeuvring violates a particular discussion rule and gets *derailed*. Because derailed manoeuvring hinders the resolution process, we are entitled to consider it fallacious.

Identifying fallacious strategic manoeuvring is not always so easy. For one thing, because in everyday argumentative discourse, arguers who maneuvre strategically may normally be expected to uphold a commitment to the standards of critical reasonableness and if there are no indications that this is not justified this assumption of reasonableness is conferred on every discussion move (see also Jackson 1995). This happens even when it concerns a move happens to be fallacious because it violates a rule for critical discussion. Another problem in identifying strategic manoeuvring is that arguers tend to stretch the boundaries of reasonableness—which are not always immediately transparent anyway—in a way that promotes effectiveness at the expense of reasonableness. This may easily go unnoticed if the boundaries are not clearly delineated, if they are variable depending on the macro-context in which the strategic manoeuvring takes place, of if they are for some other reason unclear. In argumentative discourse this is all in the game. Echoing the 'standard' definition of a fallacy discussed by Hamblin (1970), we might conclude that fallacious strategic manoeuvring is manoeuvring that pretends

to comply with the rules of critical discussion, but in fact does not (van Eemeren and Houtlosser 2004, 3).

In case of a composition or division fallacy argumentation that is based on the transfer of properties from parts to the whole or the other way around derails if the properties concerned are not absolute and structure-independent at the same time. This fallacy is in both of its variants a parasite taking unjustified advantage of its reasonable counterpart based on the transference of absolute and structure-independent properties. The fact that the fallacy has in both of its variants a reasonable counterpart that is very similar in appearance to the fallacious instances explains why it may seem reasonable to some.

In addition, the context in which a statement is made may play a part. While we can say that in general 'being light' cannot be transferred from parts to whole or vice versa because it is a relative and structure-dependent property, the property of being light may be transferable in those cases where the context is such that the right kind of provisions are in force. Take the following argumentation, which is clearly invalid:

(35)   This bike is light because its parts are light.

However, if the contextual information is added that makes clear that certain provisions are in force, it might be possible to fix the validity problem. For instance, if the argument is put forward in a context in which the arguer compares to another type of bike:

(36)   This (professional) racing bike is relatively light, because its parts are light (in comparison with those of a normal racing bike).

Only in the context provided in (36), where the use of 'light' is restricted to a relative sense of light, the transference is allowed. In cases where such a restriction has not been made explicitly, one may take it, giving the arguer the benefit of the doubt, that it is intended, but our coming to this charitable interpretation may, of course, well be the result of strategic manoeuvring on the part of the arguer.

It is not always clear from the outset whether a property is structure-dependent or structure-independent. Uncertainty as to whether a property is structure-dependent or not can therefore also be exploited in strategic manoeuvring. A property like 'natural', for instance, can be transferred from the parts to the whole if the parts are put together in an unproblematic way, as in (37):

(37)   This salad contains natural products (tomatoes, cucumber and peppers) therefore the salad is natural.

If the salad contains nothing more than tomatoes, cucumber and peppers this conclusion can be safely made. Something similar, however, seems to happen in (38):

(38)   This shampoo contains natural products (aloe vera, sunflower oil and apricot oil) therefore it is natural.

Producing a shampoo is a lot more complicated than putting together a salad by mixing some vegetables. Producing a shampoo may even require us to make use of chemical processes that change the very nature of the ingredients. Therefore 'being natural' in (39) is certainly not structure-independent. Again it depends on the context in which the strategic manoeuvre takes place whether or not the property can be transferred from the part to the whole or vice versa.

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Chapter 32
The *History* of the *Argumentum Ad Hominem* Since the Seventeenth Century

Frans H. van Eemeren and Rob Grootendorst

32.1 Introduction

In this paper, we present an historical and systematic overview of the study of the *argumentum ad hominem* since the seventeenth century. We discuss the main pre-Hamblin approaches (Locke, Whately, Schopenhauer, Perelman, Johnstone), the Standard Treatment (Hamblin, Copi, Rescher, Kahane), and recent post-Hamblin developments (formal dialectics, pragma-dialectics, Woods and Walton).

32.2 The Main Pre-hamblin Approaches

Currently, in the study of argumentation, the term *argumentum ad hominem* is predominantly used in a pejorative sense: it refers to the fallacy of attacking the opponent personally in one way or another instead of responding to the actual arguments put forward in support of the standpoint. There is, however, also a long-standing non-pejorative tradition according to which arguing *ad hominem* is an indispensable condition for successful argumentation.[1]

It is not quite clear what the seventeenth-century philosopher John Locke had in mind when he discussed the *argumentum ad hominem* in *An Essay Concerning Human Understanding* (1690).[2] In the chapter titled 'Of reason', he introduces also three other types of '*ad* arguments': *ad verecundiam*, *ad ignorantiam* and *ad*

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[1]For the Aristotelian roots of the pejorative and the non-pejorative meanings of the term *argumentum ad hominem*, see Nuchelmans's contribution to this volume. Cf. also the standard work on fallacies by Hamblin (1970).

[2]Cf. Hamblin (1970, pp. 41, 158–163), and also Finocchiaro (1974).

judicium. This gave him the reputation of being the 'inventor' of the category of the so-called '*ad* fallacies.'[3] However, he does not explicitly state that he considers the ad-arguments to be fallacious:

> […] it may be worth our while a little to reflect on *four sorts of arguments* that men, in their reasonings with others, do ordinarily make use of to prevail on their assent, or at least so to awe them as to silence their opposition. (*Essay* IV, 17.19)

32.2.1   *The* Argumentum Ad Hominem *Is Placed Third in Locke's List*

> A third way is to press a man with consequences drawn from his own principles or concessions. This is already known under the name of *argumentum ad hominem*. (*Essay* IV, 17.21)

The latter remark reveals that Locke does not assume that he is introducing anything new. It is no simple matter, however, to trace his source for this meaning of the *argumentum ad hominem*.[4]

The eighteenth century brought few innovations to the study of fallacies. The few authors who wrote about fallacies, such as Issac Watts and Jeremy Bentham, adopt Locke's classification and only moderately augment his list of fallacies. Their description of *argumentum ad hominem* does not essentially differ from Locke's.

It was not until the nineteenth century that the study of fallacies was given a new impulse through the work of the English logician, Richard Whately. In his *Elements of Logic* (1826), he divides fallacies into two groups: logical and non-logical. In logical fallacies, the conclusion does not follow from the premises. In non-logical fallacies, the 'fault' has nothing to do with invalidity. Together with other *ad* fallacies, the *argumentum ad hominem* is classified in the subcategory of non-logical fallacies which Whately, in summarizing, designates as 'irrelevant conclusion' or *ignoratio elenchi*: the argument is valid but the conclusion it establishes is not the one required.[5]

Whately is careful to add that not all *ad hominem* arguments are irrelevant. This is only so 'when unfairly used and so far as they are fallacious' (1848 [1826],

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[3]Since Locke's days, the list of '*ad* fallacies' has grown considerably. Some well-known newcomers are *ad baculum*, *ad consequentiam*, *ad misericordiam* and *ad populum*. Hamblin mentions also a few less well-known new 'ad-fallacies' (1970, p. 41).

[4]Hamblin claims that Locke is referring to a Latin translation of a passage from *De sophisticis elenchis* by Aristotle and to several medieval treatises (1970, pp. 161–162). See also Nuchelmans's contribution to this volume, which sheds more light on this question.

[5]Taken literally, *ignoratio elenchi* is 'ignorance of refutation'. Aristotle speaks of this when, due to a lack of logical insight, someone does not understand that he has not proven what he is supposed to prove but, at best, has proven something entirely different. Only much later did the term come into vogue as a general designation for irrelevant conclusions (Hamblin 1970, p. 31).

Book III, 15, pp. 190–191). This is what Whately says about the fallacious use of the *argumentum ad hominem*:

> It appears then [...] that in the *'argumentum ad hominem"* the conclusion which actually is established is not the absolute and general one in question, but relative and particular, viz., not that 'such and such is the fact,' but that *'this man* is bound to admit it, in conformity to his principles of Reasoning, or in consistency to Ms own conduct, situation, & c.' (1848, Book III, 15, pp. 191–192).

So, Whately's view is that the use of the *argumentum ad hominem* can, in principle, be 'perfectly fair, provided it be done plainly, and *avowedly*' (1848, Book III, 15, p. 193).

In his *Eristische Dialektik*, written between 1818 and 1830, the German philosopher Arthur Schopenhauer discusses the *argumentum ad hominem* as an *ex concessis* argument (p. 682) without making clear whether or not he considers it to be valid. Under the heading *Basis aller Dialektik* he first mentions *ad hominem* or *ex concessis-argumentation* as one of the ways ('modi') of refuting an assertion (p. 677) but later on he discusses the *argumentum ad hominem* as one of the thirty-eight ruses (*Kunstgriffe der Unredlichkeit*) which can be used in a discussion (pp. 684–685).

Schopenhauer's definition of *argumentum ad hominem* is rather neutral but in his examples he gives the distinct impression that he does not regard this way of arguing highly:

> (1) Vertheidigt er [der Gegner] z.B. den Selbstmord, so schreit man gleich 'warum hängst du dich nicht auf?' Oder er behauptet z.B., Berlin sei ein unangenehmer Aufenthalt: gleich schreit man: warum fährst du nicht gleich mit der ersten Schnellpost ab?' (p. 685)

In the twentieth century, the influence of Whately's view of the *argumentum ad hominem* can most clearly be seen in the work of the American philosopher Henry W. Johnstone, Jr. and the Belgian philosopher Chaim Perelman.[6] In Chaps. 5 and 6 of his book *Philosophy and Argument* (1959), Johnstone endorses Whately's definition; he contends that all philosophical argumentation is inevitably *ad hominem* (1959, pp. 73, 81).[7] For him, arguing *ad hominem* is a valid way of arguing and any suggestions that it could possibly be a fallacy are absent.[8]

In Perelman's work as well, there is no connection between the *argumentum ad hominem* and fallacies. In his influential *La nouvelle rhétorique* (1958; English translation 1969), written in cooperation with Lucie Olbrechts-Tyteca, *ad hominem* argumentation is explicitly regarded not as an error, but as a necessary condition for successful argumentation. Although Perelman and Olbrechts-Tyteca refer to

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[6]In Hamblin (1970), Johnstone and Perelman are conspicuously absent, but they are discussed in Barth and Martens (1977). For a detailed discussion of Perelman's work see Van Eemeren et al. (1986, pp. 242–300).

[7]The same view is also presented in Johnstone (1952).

[8]In our opinion, it is obvious that Johnstone's outlook on *argumentum ad hominem*, like Perelman's, is related to his rhetorical approach and the ideal of reasonableness that underlies it. Cf. van Eemeren and Grootendorst (1991, Chapter 1).

Schopenhauer in their definition of *argumentum ad hominem*, they make it unambiguously clear that, unlike him, they see nothing reprehensible in this form of argumentation (1958, pp. 148–153). According to them, without *ad hominem* argumentation it would be absolutely impossible to win others over to a particular standpoint. For them, *ad hominem* therefore denotes not a specific (and incorrect) technique of argumentation but a general characteristic of all successful argumentation.

In Perelman's and Olbrechts-Tyteca's view, arguing *ad hominem* implies that the point of departure in the argumentation consists of the opinions on facts and values of the people who must be persuaded. This means that the argumentation must connect in a satisfactory way to the opinions the audience already holds. Like Schopenhauer, Perelman and Olbrechts-Tyteca place *ad hominem* argumention on the same level as *ex concessis* arguing. In their definition, this amounts to arguing by utilizing what the audience is prepared to concede (from the Latin *concedere*).

Perelman and Olbrechts-Tyteca make a distinction between argumentation which is intended to persuade a particular audience and argumentation which is meant for the universal audience. Whoever imagines that he is able to convince the universal audience, in fact, lays a claim to the approval of all reasonable beings. Here, Perelman and Olbrechts-Tyteca are speaking of argumentation *ad humanitatem* (1958, p. 148). Whoever perceives that his *ad hominem* argumentation is inadequate to convince the universal audience and is, at best, adequate only to convince a more specific group he has in mind, will formulate his thesis more modestly.

Perelman and Olbrechts-Tyteca discuss this example of *ad hominem* argumentation:

> (2) On sera onze à déjeuner. La bonne s'exclame: 'Oh, cela porte malheur!' Pressée, la maîtresse répond: 'Non, Marie, vous vous trompez: c'est treize qui porte malheur.' (1958, 148–449)

Here, the lady of the house shrewdly uses the superstitions of the maid. She does not attempt to convince her that superstition is absurd but makes a small modification to a factual detail. This modification is much more effective here than an extensive discourse dealing with superstition. According to Perelman and Olbrechts-Tyteca, there is nothing wrong with this approach. Indeed, they believe that it is fully justifiable to call this rational, that those who have objections to this, erroneously assume that the universal audience must always be appealed to. In this case, however, it is sufficient that the particular audience in the person of the maid is persuaded. In this example, those who believe there is a fallacy (or 'pseudo-argumentation' as Perelman and Olbrechts-Tyteca write) actually mean that they themselves would not be convinced by it.

Perelman and Olbrechts-Tyteca also discuss the argumentation technique by which the opposition is personally attacked. In order to avoid confusion, they call

this technique not *argumentum ad hominem* but *argumentum ad personam*.[9] They do not reject attacking the opponent per se, but they do warn that in certain cases it is not expedient. Not because it would be improper or objectionable, but because it may have an effect contrary to the desired one. Many audiences, in particular educated ones, have a low regard for this. The attack on the opponent then backfires on the speaker (or writer) which results in his own standing, prestige and credibility being degraded (1958, p. 428).

32.3   The Standard Treatment

It is difficult to determine when the *argumentum ad hominem* acquired its pejorative meaning, and from whom. The first occurrence we know of is in Sellars (1917, p. 153); the second in Cohen and Nagel (1934, p. 380).[10] This is what Sellars says about the *ad hominem:*

> In this fallacy the argument is directed against the character of the man who is the opponent instead of adhering to its proper task of proving the point at issue. (1917, p. 153)

And this is what Cohen and Nagel write:

> The *fallacy of the argumentum ad hominem*, a very ancient but still popular device to deny the logical force of an argument (and thus to seem to prove the opposite), is to abuse the one who advances the argument. (1934, p. 380)

In a number of introductory textbooks on logic that appeared between 1950 and 1972 the term *argumentum ad hominem* is used to designate the fallacy of attacking the opponent personally. One of the most influential books in which this occurs is Irving M. Copi's *Introduction to Logic*, originally published in 1953 and reprinted many times (the eighth edition—co-authored by Carl Cohen—was published in 1990).

The high degree of uniformity which can be discerned in the manner in which the *argumentum ad hominem* and other fallacies are dealt with in these textbooks led Hamblin (1970) to speak of the 'Standard Treatment' of fallacies[11]:

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[9]The distinction between *argumentum ad hominem* and *argumentum ad personam* is already made in Schopenhauer's 'Eristische Dialektik' (p. 694).

[10]We owe these references to Hans Hansen (personal communication).

[11]Hamblin names six 'recent' textbooks that served as a basis for his characterization of the Standard Treatment (1970, p. 13). It is remarkable that, of these six books, only Copi (1972) and Cohen and Nagel (1934) mention the *argumentum ad hominem*. This is not the case in Black (1952 [1946]), Oesterlee (1952), Schipper and Schuh (1960) and Salmon (1963). Some introductory logic textbooks not mentioned by Hamblin in which the *argumentum ad hominem* is given a more or less Standard Treatment are Beardsley (1950), Fearnside and Holther (1959), Carney and Scheer (1964), Rescher (1964), Kahane (1973 [1969], 1976 [1971]), Michalos (1970), Gutenplan and Tamny (1971) and Purtill (1972).

[…] the typical or average account as it appears in the typical short chapter or appendix of the average modern textbook. (1970, p. 12)

How is the *argumentum ad hominem* defined in the Standard Treatment? This is what Hamblin says:

[…] an argument *ad hominem* is committed when a case is argued not on its merits but by analysing (usually unfavourably) the motives or background of its supporters or opponents. (1970, p. 41)

Besides being vague, this definition is also atypical of the books representing the Standard Treatment of fallacies. The introductory textbooks on logic are clearly not as unanimous as Hamblin suggests.

What kinds of argument are identified as an *argumentum ad hominem* in the Standard Treatment? According to authors such as Copi (1972 [1953]), Kahane (1973 [1969]) and Rescher (1964), roughly speaking, three ways can be distinguished in which to attack someone personally. Three variants of the *argumentum ad hominem* correspond with these three possibilities: (1) the *abusive* variant, (2) the *circumstantial* variant and (3) the *tu quoque* variant. (Unless mentioned otherwise, the examples of the variants are taken from Copi 1972).

The *abusive argumentum ad hominem* is a head-on personal attack. By portraying the opponent as stupid, dishonest, unreliable or indicating otherwise negative aspects, an attempt is made to undermine his credibility:

(3) Bacon's philosophy is untrustworthy because he was removed from his chancellorship for dishonesty. (1972, p. 75)

The *circumstantial argumentum ad hominem* is an attempt to undermine the credibility of the opponent by pointing out his special circumstances or by suggesting that he is acting only in his own interests, and by claiming that the arguments he advances are merely rationalizations:

(4) A manufacturer's arguments in favour of tariff protection are rejected on the grounds that a manufacturer would naturally be expected to favor a protective tariff. (1972, p. 76)

The *tu quoque* (or 'you too') *argumentum ad hominem* is directed at bringing to light an inconsistency in the positions that the opponent has adopted on various occasions. This may be an inconsistency between the standpoint that the opponent now attacks or defends and the standpoint that he attacked or defended in the past; or a discrepancy between a standpoint that he expresses verbally and behaviour which is not in accordance with this standpoint. The latter is the case if, for example, someone is guilty of practices which he criticizes in the opponent:

(5) The classical example of this fallacy is the reply of the hunter when accused of barbarism in sacrificing unoffending animals to his own amusement. His reply is to ask his critic, 'Why do you feed on the flesh of harmless cattle?' (1972, pp. 75–76)[12]

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[12]Copi borrowed this example from Whately (1826).

The *tu quoque argumentum ad hominem* is also given a somewhat broader context, where not only the opponent's own behaviour but also that of others is referred to. This broad variant is employed mostly as a defence against criticism of one's own conduct: others do the same or have done the same. Rescher gives this example:

> (6) My client, Councilman Smith, did not act improperly in using an official auto for the commuting between his home and his office. The accuser, Councilman Jones, does this also from time to time, and so does the mayor. In fact, it has been a general practice for all higher officials of this city. (1964, p. 82)

In this example, an inconsistency in the opponent's position is exposed: Jones disapproves of Smith's use of an official car for travelling between home and office, but he occasionally does exactly the same, and obviously has no objection that the mayor and other higher-ranking civil servants do this.

Although all three variants of the *argumentum ad hominem* are directed against the opponent's person and aim at undermining his credibility, they differ considerably from each other in the way in which that objective is pursued. As a matter of fact, the differences between the three variants are so great that there might be some validity in regarding them not as different variants of the same fallacy but as separate categories.[13]

The subdivision of the *argumentum ad hominem* in the Standard Treatment is not uniform. For example, Rescher states (without any explanation) that the *abusive* variant implies a direct attack on the opponent's person whereas the *circumstantial* variant implies an indirect attack (1964, p. 81). On the other hand, Copi regards the *circumstantial* variant and the *tu quoque* as special cases of the *abusive* variant (1972, p. 76).[14] His justification for this is that it is not only insulting to abuse people but equally offensive to accuse them of being inconsistent or to suggest that their opinions are guided purely by self-interest.

In the Standard Treatment, it generally remains unclear why a personal attack, in whatever form, is regarded as an incorrect way of arguing. For the sake of convenience, the various authors take it for granted that their examples speak for themselves and that, consequently, any farther explanation of the fallacious character of the *argumentum ad hominem* is unnecessary. When they do give some sort of explanation, it is, generally speaking, not very informative. Often it nearly begs the question. In discussing the *argumentum ad hominem* Copi states simply:

> This type of argument, though often persuasive, is clearly fallacious. (1972, p. 76)

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[13]Some authors do indeed treat the *tu quoque* as a separate fallacy. For example, Carney and Scheer (1964, pp. 31–36) and Kahane (1973, p. 236). For Kahane, the term *tu quoque* is another name for the fallacy 'two wrongs make a right.' Kahane does not make any further subdivision within the *argumentum ad hominem*. What he calls an *argumentum ad hominem* is the same as what Copi and Rescher call the *abusive* variant. Carney and Scheer treat the *abusive* variant and the *circumstantial* variant under the heading of *argumentum ad hominem*.

[14]It is extremely confusing that, under the title, 'circumstantial,' Copi does not only discuss cases which Rescher also calls 'circumstantial' but also cases which Rescher designates as '*tu quoque*'.

And this is what Rescher says:

> Any argument of this sort is of course highly improper and thoroughly fallacious. (1964, p. 81)

Sometimes it is added that there is no logical connection between the opponent's personal characteristics or circumstances and the truth of his conclusion, without any further explanation as to why this is not so. In discussing an example of the *argumentum ad hominem*, Copi confines himself to this observation:

> Arguments such as these are not really to the point: they do not present good grounds for the truth of their conclusions. (1972, p. 76)

Rescher offers this rather apodictic statement:

> The personal, or moral character of a man has nothing whatever to do with the correctness or incorrectness of the arguments he advances. (1964, p. 81)

This comment and others that are similarly lacking explanatory power may be inadequate to clarify why the *argumentum ad hominem* is incorrect, but they do make it clear why, in the Standard Treatment, this fallacy is classified as a fallacy of relevance.[15] The category of fallacies of relevance is sometimes regarded as a separate category, sometimes as a subcategory of the so-called *informal* fallacies. According to Copi, in fallacies of relevance there exists a psychological link between the premises and the conclusion, but the premises are logically irrelevant to the conclusion (1972, p. 73). According to Rescher, the premises 'fail to provide sufficiently relevant evidence for the conclusion' (1964, p. 70).

When exactly is a premiss 'logically relevant' to a conclusion? And exactly when do premises provide 'sufficiently relevant evidence' for the conclusion? Copi and Rescher do not even attempt to answer these questions. Furthermore, contrary to the initial suggestion that the *argumentum ad hominem* is always a form of irrelevant argumentation, it turns out that, in practice, there are exceptions to this rule.

Rescher does not explicitly discuss examples of personal attacks which are not fallacies but he does, in a general sense, refer to exceptional cases. For these, he uses the term *pseudo-fallacy:* an argument that resembles an (informal) fallacy but is in fact correct. Rescher does not explain how to distinguish between appearance and reality; he confines himself to the observation that this requires 'careful analysis' and that this can be acquired only by 'continuing practice' (1964, p. 91).

Copi and Kahane argue that an *argumentum ad hominem* can be correctly used in the context of a legal case, when the reliability of a witness's testimony is undermined by pointing out that the witness has frequently been guilty of perjury in the past (Copi 1972; p. 77, Kahane 1973, p. 240).

Kahane claims that an *argumentum ad hominem* can also be used correctly outside the court of law, when the opponent erroneously calls on his expertise.

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[15]This is also done by Govier (1988). van Eemeren and Grootendorst (1992b) argue that this is not very helpful and also unnecessary in a pragma-dialectical approach to fallacies.

Kahane refers to doctors, auto mechanics, and other experts whose assertions a layman normally is unable to judge. Information concerning the character of such an expert can, according to Kahane, play an important role in making a decision as to whether the expert's opinion should be accepted or rejected (1973, p. 240).

Both Copi and Kahane emphasize that the only conclusion to be drawn from a justifiable *ad hominem* attack on an expert's reliability is that his statements must not be regarded as proof of the truth of his standpoint. It may never be concluded, however, that the standpoint has been established as actually false. Whoever does that is, according to Copi, guilty of another fallacy: the *argumentum ad igno-rantiam*.[16] Perhaps somewhat superfluously, Kahane mentions the example of a quack who passes himself off as a surgeon: if the quack advises a patient to undergo an operation, it would be somewhat rash to conclude that an operation is therefore unnecessary (1973, p. 240).

32.4   Hamblin's Criticism of the Standard Treatment

The importance of Hamblin (1970) is not only his excellent historic overview of the study of fallacies but also his merciless diagnosis of the shortcomings of the Standard Treatment. His criticism is devastating:

> [...] what we find in most cases, I think it should be admitted, is as debased, worn-out and dogmatic a treatment as could be imagined – incredibly tradition-bound, yet lacking in logic and historical sense alike, and almost without connection to anything else in modern logic at all. (1970, p. 12)

This quotation illustrates Hamblin's previous lament:

> We have no *theory* of fallacy at all, in the sense in which we have theories of correct reasoning or inference. (1970, p. 11)

According to Hamblin, the shortcomings of the Standard Treatment already reveal themselves in the standard definition of the term 'fallacy':

> A fallacious argument, as almost every account from Aristotle onwards tells you, is one that *seems to be valid* but *is not* so. (1970, p. 12).

The problem with this definition is that most of the fallacies discussed in the Standard Treatment do not fit it.[17] This is also true for the *argumentum ad*

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[16]According to the Standard Treatment, in an *argumentum ad ignorantiam* it is concluded that something is the case because it is not proven that it is not the case—or, conversely, that something is not the case because it is not proven that it is the case (Copi 1972, p. 76). For Locke, the term *argumentum ad ignorantiam* refers to shifting the burden of proof: whoever casts doubt on an arguer's standpoint must prove that this standpoint is false (cf. Hamblin 1970, pp. 160–62).

[17]This is sometimes due to the fact that there is no argument (as in *many questions*) and sometimes because the argument is not invalid at all (as in *circular reasoning*). In fact, only a few formal fallacies (such as *affirming the consequent*) fall under the definition without any problem.

hominem. In Copi's example of the *abusive argumentum ad hominem* (3), there is an argument but its fallaciousness seems to be lurking in the unacceptability of the unexpressed premiss (why should a swindler not have any interesting philosophical ideas?) rather than in the invalidity of the argument.[18] The other examples are not even presented as arguments in the form of a premiss(es)/conclusion sequence. Though some of them (such as Rescher's example (6)) could be reconstructed as such without difficulty, others (such as Copi's example (5)) cannot.[19]

And what are we to make of Schopenhauer's example (1)? It is not immediately clear what a reconstruction should look like: (a) 'Suicide is wrong, *because* you don't hang yourself', (b) 'Your defence of suicide is worthless *since* you don't hang yourself, (c) 'You are inconsistent *because* you defend suicide but you don't hang yourself or (d) 'You should hang yourself *because* you defend suicide'? Though each reconstruction seems somewhat more absurd than the next, it is hard to make a well-founded choice between the alternatives because it is very difficult to determine what the speaker can be-held to.

Here we face, in Hamblin's words, the problem of 'nailing' a fallacy: the accused can maintain quasi-naively that he has absolutely not put forward any argument. For an *argumentum ad hominem*, Hamblin describes how that could proceed:

> Person *A* makes statement *S:* person *B* says 'It was *C* who told you that, and I happen to know that his mother-in-law is living in sin with a Russian': *A* objects, 'The falsity of *S* does not follow from any facts about the morals of *C's* mother-in- law: that is an *argumentum ad hominem':* *B* may reply 'I did not claim that it followed. I simply made a remark about incidentals of the statement's history. Draw what conclusion *you* like. If the cap fits…' (1970, p. 224)

32.5   Post-hamblin Developments

Hamblin's book has provoked various reactions.[20] In textbooks on logic, initially one notices very little effect of his criticism of the Standard Treatment. In reprints of Copi (1953), Rescher (1964), Carney and Scheer (1964), for example, no attempt was made to deal with his objections.[21]

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[18]For an explanation of unexpressed premises, see van Eemeren and Grootendorst (1992a, pp. 60–72).

[19]That is to say, not without taking the strategy of maximally argumentative interpretation to an unacceptable extreme. For a discussion of this strategy, see van Eemeren and Grootendorst (1992a, p. 49); for a discussion of the reconstruction of argumentative discourse, see van Eemeren et al. (1993, Chaps. 3 and 4).

[20]For a critical overview of these reactions see Grootendorst (1987).

[21]Copi states in his Preface to the fourth edition of *Introduction to Logic* (1972) that he made grateful use of Hamblin's critical remarks in the chapter on fallacies; however, a closer comparison shows that aside from a few small alterations he adheres strictly to the Standard Treatment.

An extreme and unexpected reaction can be found in Lambert and Ulrich (1980). In Chap. 3, entitled 'Informal Fallacies,' the reader does not find a discussion of informal fallacies but an explanation of why it would be better to drop this subject from textbooks on logic. Lambert's and Ulrich's main reason is that, from a systematic-theoretical viewpoint, the study of informal fallacies is a futile venture (1980, pp. 24–28).

Lambert and Ulrich clarify their drastic step by means of a discussion of the *argumentum ad hominem*, which they define as an attempt to cast doubt on someone's standpoint by bringing his reputation into disrepute. They contend that it is impossible to characterize the *argumentum ad hominem* satisfactorily by appealing to its form or to its content.[22] Their general conclusion is:

> […] until a general characterization of informal fallacies can be given which enables one to tell with respect to any argument whether or not it exhibits one of the informal fallacies, knowing how to label certain paradigm cases of this or that mistake in reasoning is not really useful for determining whether a given argument is acceptable. (1980, p. 28)

So: exit all informal fallacies, including the *argumentum ad hominem*.

For others, Hamblin's book has been a source of inspiration. Many studies about fallacies refer to his criticism of the Standard Treatment and aim to develop a better alternative.[23] The post-Hamblin studies about the *argumentum ad hominem* differ considerably in their objective, approach, method, emphasis, et cetera. Theories are still in an embryonic stage so that it is impossible to make any balanced evaluative judgments. However, several interesting developments can be discerned.

One of the first post-Hamblin articles on the *argumentum ad hominem* is Barth and Martens (1977). This article is quite exceptional in that it does not treat the *argumentum ad hominem* as a fallacy of personal attack but as an *ex concessis* argument as discussed by Whately, Schopenhauer, Perelman and Johnstone. In order to systematically describe this (in principle non-fallacious) variant of the *argumentum ad hominem* they make use of Lorenzen's dialogical logic.[24]

In Lorenzen's dialogical logic, an argument is presented as part of a dialogue-game between a proponent and an opponent. Together, the proponent and opponent try to work out whether or not the proponent's thesis can be successfully defended against the critical attacks by the opponent (who himself has no thesis to defend). In his defence, the proponent can make use of the opponent's 'concessions': statements for which the opponent is prepared to be held responsible. The

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[22]Their reasons for both claims are not very strong but, for our present purposes, we will not delve further into this.

[23]The first article for which this holds is Woods and Walton (1972). This article has been reprinted in Woods and Walton's selected papers (1989) which is dedicated to the memory of Hamblin. See also Barth and Martens (1977), Grootendorst (1987) and van Eemeren and Grootendorst (1987).

[24]The subtitle of Barth and Martens's article points directly to formal dialectics which Barth, along with Krabbe, was developing (Barth and Krabbe 1982). The term *formal dialectics* is borrowed from Hamblin (1970, pp. 253–282), but for Barth and Krabbe it does not have quite the same meaning. For a brief explanation of Lorenzen's dialogical logic and Barth and Krabbe's formal dialectics, see van Eemeren et al. (1987a, b, pp. 131–161).

proponent can try to ward off an attack on one of his own statements by defending it according to the rules of the game or by launching a counter-attack on one of the opponent's concessions.

The opponent must defend a concession which has been attacked. This can result in his being unable to do anything other than defend statements which he attacked earlier on in the dialogue. As this will ensure his victory, according to the rules of the dialogue-game, the proponent tries to manoeuvre the opponent into this position by skillfully making use of the opponent's concessions. If he succeeds, this is because of the opponent's concessions and hence the proponent's success is an *ex concessis* victory.

Barth and Martens claim not only that the *ex concessis* interpretation of the *argumentum ad hominem* can be adequately described in this way, but also that Whately's emphasis that an *ex concessis*-defence is always relative and specific can be more precisely explained. In winning, the proponent has merely successfully defended his thesis against the attack by one opponent with one or more specific concessions. This does not, of course, prove that the defence would be equally successful against an attack by another opponent with other concessions. That the thesis would also be 'true' in the absolute sense has not been proven at all.

Barth and Martens view their analysis of the *ex concessis* interpretation as exemplary for a more systematic way of dealing with fallacies. They envisage a theory of rational argumentation as a finite set of production rules for generating rational arguments (Lorenzen's dialogue rules are examples of these rules). Each rule individually forms a sufficient condition for the rationality of the generated argument: all arguments that can be generated by one or more of these rules (and only arguments that are so generated) are rational arguments. Fallacies can be analyzed—'unmasked' in the words of Barth and Martens—as argumentative moves which can *not* be generated by the production rules (1977, p. 96).

It comes as no surprise to us that Barth and Martens do not undertake any attempt to analyze the *abusive*, *circumstantial* and *tu quoque* variants of the *argumentum ad hominem* in the same way. After all, Lorenzen's dialogue rules refer only to the use of logical constants (*if…*, *then...*, *and*, *or*, *not*, *all*, *none*) and thus do not constitute a complete argumentation theory.[25] The fact that these variants of the *argumentum ad hominem* cannot be generated by the rules therefore says very little.

Barth and Martens's idea of an argumentation theory as a set of rules which make it possible to analyze fallacies in a systematic way is adopted in van Eemeren

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[25]The same is true of Barth and Krabbe's formal dialectics (1978, in Dutch; 1982, in English), in which none of the three variants of the *argumentum ad hominem* can be adequately analyzed. van Eemeren and Grootendorst (1984) argue that formal dialectics is quite removed from argumentation in ordinary discussions. In order to show this, they point to the crucial differences between the opponent's concessions in a formal dialogue and the protagonist's arguments in a critical discussion (1984, pp. 13–15).

and Grootendorst's pragma-dialectics (1982).[26] There are several links between pragma-dialectics and formal dialectics, but there are also crucial differences.[27] First of all, for the analysis of fallacies it is important that the pragma-dialectical rules are expressly formulated, not as production rules for generating rational arguments, but as conditions for resolving differences of opinion. Secondly, the pragma-dialectical rules do not primarily refer to the use of logical constants in a formal dialogue but to the performance of speech acts in various stages of a critical discussion aimed at resolving a difference of opinion.

The first difference means, more accurately, that each pragma-dialectical rule refers to a separate condition which is, in principle, necessary for resolving a difference of opinion and that a sufficient condition is constituted only by observing all the rules.[28] Consequently, in pragma-dialectics, a fallacy is defined as a discussion move that constitutes a violation of one or more discussion rules and thereby jeopardizes the resolution of the difference of opinion.

The second difference means that, in principle, all aspects of a critical discussion fall within the scope of the theory, not only the logical aspects. Because of the all-encompassing pragmatic orientation on the performance of speech acts, the pragma-dialectical rules link up better with everyday discussions in ordinary discourse. The theory is also better equipped to deal adequately with the problematic category of informal fallacies.[29]

In pragma-dialectics, the *argumentum ad hominem* is analyzed as a violation of the first rule for critical discussion: *Parties must not prevent each other from advancing standpoints or casting doubt on standpoints*. The three variants of the *argumentum ad hominem* conflict with this rule because they are aimed, each in its own way, at eliminating the opponent as a serious discussion partner. Unlike certain forms of the *argumentum ad baculum*, the three variants of the *argumentum ad hominem* do not physically prevent the opponent from expressing his opinion or objections but, in practice, a successful *argumentum ad hominem* can have just as disastrous an effect. After all, why should we be concerned about the opinion of someone who is unreliable (*abusive*), guided solely by self-interest (*circumstantial*),

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[26]The name 'pragma-dialectics' came about later. The ideas that are systematically set out for the first time in van Eemeren and Grootendorst (1982, in Dutch; 1984, in English) are elaborated in van Eemeren and Grootendorst (1992a).

[27]Maintaining the term *dialectics* points to the similarity in overall objectives, replacing *formal* by *pragma* (from *pragmatic*) indicates the differences in orientation.

[28]It is assumed here that certain preliminary (or 'higher order') conditions are satisfied. See van Eemeren and Grootendorst (1988, pp. 287–288).

[29]Initially, it seemed that supplementing formal dialectics with so-called discussion-promoting 'higher-order' rules was sufficient to reach this objective (see Barth and Krabbe (1978) and van Eemeren and Grootendorst (1978)). Later, van Eemeren and Grootendorst chose a radically different approach which made it possible to analyze informal fallacies with the help of pragma-dialectical first-order rules (van Eemeren and Grootendorst 1982/1984). For that matter, higher-order rales still play an important role in their approach (see Footnote 28) but not in the analysis of fallacies.

continually contradicts himself or does not adhere to his own principles (*tu quoque*)?[30]

In the same year (1977) that Barth and Martens published their article, the Canadian logicians Walton and Woods published 'Ad hominem.' Woods and Walton treated Hamblin (1970) as a challenge to raise the study of fallacies to a higher level. Since 1972, they have attempted to contribute to this cause by thoroughly tackling one fallacy after another in a flood of books and articles.[31] At first they were guided by their own field—logic. Later it became apparent, in particular in Walton's work, that they were also influenced by pragmatic views.[32]

Initially, Woods and Walton claimed that the most important reason for the failure of the Standard Treatment has been the use of relatively simple traditional logics (syllogistic logic, prepositional logic and predicate logic) which are inadequate for the analysis of most fallacies. They were trying to work out whether an analysis with the aid of more advanced and more sophisticated logical systems can lead to better results. They systematically investigated the potential of inductive logic, relational logic, epistemic logic, modal logic, deontic logic, et cetera.

In Woods and Walton (1977), the *tu quoque* and the *abusive* variants of the *argumentum ad hominem* are examined.[33] When discussing the *tu quoque* variant, they distinguish four types of inconsistencies: logical, assertional, praxiological and deontic-praxiological. Analyzing Copi's example (5)—which originates from Whately and was later named the 'sportsman's rejoinder' by Walton (1985, pp. 53–59, 1987a, p. 319, Walton 1987b, pp. 222–224)—Woods and Walton argue that this form of the *tu quoque* implies a deontic-praxiological inconsistency (1989, p. 63). In this example, the hunter wards off criticism of his hobby by pressing his critic with the rhetorical question as to why he (the critic) eats the flesh of innocent animals. Here, the hunter indirectly points out a discrepancy (therefore 'inconsistency') between the opponent's principles or norms (therefore 'deontic') and the opponent's own conduct (therefore 'praxiological').[34]

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[30]For a more elaborate discussion of the pragma-dialectical analysis of the *argumentum ad hominem*, see: van Eemeren and Grootendorst (1984, pp. 190–192; 1992a, pp. 110–115; 1992b, pp. 153–157).

[31]For this, see Woods and Walton (1989), a collection of articles published between 1972 and 1982. See also the added bibliography with more recent publications. When citing Woods and Walton (1977), we refer to Woods and Walton (1989) which includes this article and is more easily accessible.

[32]The pragmatic turn in Walton's work took place around 1985 with the publication of his book *Arguer's Position*. In their discussion of Walton's book *Informal Fallacies* (1987b), van Eemeren and Grootendorst (1989) call attention to this shift in Walton's position.

[33]What Woods and Walton here call *tu quoque* is the *circumstantial* variant in the Standard treatment. Woods and Walton seem to more or less equate the two terms.

[34]In their *textbook Argument: The Logic of the Fallacies*, Woods and Walton give an identical analysis of the *tu quoque* (1982, pp. 11–13). Walton returns to this analysis in his subsequent works, although there 'deontic-praxiological inconsistency' is sometimes called 'pragmatic inconsistency' (1985, pp. 53–74, 1987a, b, pp. 222–227).

With respect to the *abusive* variant of the *argumentum ad hominem*, Woods and Walton (1977) distinguish between a correct and an incorrect use of this variant. According to them, it is only in the latter case that a fallacy arises. They look upon an *abusive argumentum ad hominem* as the inverse of an *argumentum ad verecundiam* or argument by authority (1989, p. 65): with an *abusive ad hominem*, we must not believe someone because, for one reason or another, he may be untrustworthy; with an *ad verecundiam*, the intention is that we do indeed believe him, precisely because he is exceptionally trustworthy.

Woods and Walton also see another relation between the *abusive ad hominem* and the *ad verecundiam*. An attack on the intelligence, knowledge or good faith of the opponent is often carried out if the opponent boasts about his expertise. The personal attack is then a reaction which is aimed at offering some counterbalance against the effects of such an appeal to authority. If the opponent unjustifiably claims expertise and the personal attack is aimed at exposing this unwarranted claim to factually correct information, then, according to Woods and Walton, one can speak of a correct *argumentum ad hominem*. If, on the other hand, the opponent is a genuine and reputable expert or if the attack contains incorrect or irrelevant information, then one can indeed speak of a fallacy (1989, pp. 65–72).[35]

Woods and Walton do not pretend to have given a deep analysis by distinguishing between the correct and the incorrect use of the *abusive argumentum ad hominem*—and justly so. In fact, in this respect their discussion does not essentially differ from the Standard Treatment in which it is sometimes pointed out that there is a relation between the *argumentum ad hominem* and the *argumentum ad verecundiam*.[36] Others have also attempted to distinguish between the fallacious and the non-fallacious *abusive argumentum ad hominem*.[37]

To a certain extent, the discussion of the *argumentum ad hominem* in Woods and Walton (1977) is both exemplary and representative for present-day studies about fallacies. In these studies the distinction between correct and incorrect uses of 'fallacies', other than the *argumentum ad hominem*, is a central issue.[38] The basic assumption in these studies is that there are exceptions to the rule that a fallacy is always a fallacy. (Of course, this sounds contradictory. A more precise way of expressing the same thing would be: some patterns of argumentation may be

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[35]In Woods and Walton (1982) the *abusive argumentum ad hominem* is hardly discussed. The treatment in Walton (1985, 1987a, b) amounts to roughly the same as in Woods and Walton (1977), although the same point of view is elucidated by making use of extensive case studies, particularly in Walton (1985).

[36]Cf., for instance, the previously quoted remarks by Copi (1972, p. 77) and Kahane (1973, p. 240). See also Salmon (1963).

[37]See, for instance, Gerber (1974), Govier (1981), Drop (1979) and Brinton (1986). However, there are many others which could be cited.

[38]See, for instance, Govier (1982) on *slippery slope*, and Broyles (1975) on *composition* and *division*. Here again, a great many others could be mentioned. There are, however, also authors who deny the possibility of correct uses of the *argumentum ad hominem*. Cf., for instance, van Eemeren and Grootendorst's pragma-dialectical approach (1992b) and Biro and Siegel's epistemic approach (1992).

fallacious in certain situations but not in others.) The aim of these studies is to specify the distinctive features of these exceptional situations. That is to say: this is, ideally, what they should aim for. Unfortunately, in practice most of these studies get stuck in ad hoc observations.

In a recent article, Walton gives a more elaborate account of the correct and incorrect uses of the *argumentum ad hominem* by referring to so-called 'dialectical shifts' (1992). Walton defines a dialectical shift as a change from one type of dialogue to another. The types of dialogue he distinguishes range from quarrels, negotiations, interviews, and inquiries to critical discussions.[39] Walton's first general idea is that a specific argumentation technique may be fallacious in one type of dialogue but quite reasonable in another; his second is that a specific argumentation technique causing an illicit dialectical shift thereby constitutes a fallacy.

According to Walton, the *argumentum ad hominem* which is a fallacy in a scientific inquiry or in a critical discussion may not be a fallacy in a legal cross-examination or in a quarrel (1992, p. 140). Walton even claims that an *argumentum ad hominem* may be a reasonable argument in a critical discussion, though he does not elaborate on this. An *argumentum ad hominem* becomes a fallacy, however, if it causes a shift from a critical discussion to a quarrel. Walton then regards it as a fallacy because 'the argument was originally supposed to be a critical discussion' (1992, p. 140).

Walton emphasizes that a charge of fallaciousness with respect to an *argumentum ad hominem* puts a serious burden of proof on the critic, who must give evidence of two types: '(1) textual evidence from the given text of discourse in a particular case, and (2) contextual evidence showing the type of dialogue involved, including the existence of dialectical shifts' (1992, p. 146)

In its present state, the theory of dialectical shifts is insufficiently developed to count as the final solution to the problem of distinguishing in a systematic way between fallacious and non-fallacious uses of the *argumentum ad hominem*. Whether it will be sufficiently developed in the future, whether other alternatives will be developed, or whether the problem will prove to be insoluble, remains to be seen.

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[39]Walton took the term 'critical discussion' from van Eemeren and Grootendorst (1984), who describe the purpose of a critical discussion as establishing 'whether the protagonist's standpoint is defensible against the critical reactions of the antagonist' (1984, p. 17). In van Eemeren and Grootendorst (1992a) the purpose of a critical discussion is more accurately described as 'reaching agreement about the acceptability or unacceptability of the standpoints at issue by finding out whether or not they can be adequately defended by means of argumentation against doubt or criticism' (1992a, p. 34).

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Chapter 33
How to Respond to Fallacious Moves?

Frans H. van Eemeren and Peter Houtlosser

33.1 What Is Wrong When a Fallacy Has Been Committed?

In argumentative discourse it is inevitable that now and then something goes wrong; even the commitment of fallacies is an unavoidable fact of life. In practice, however, it is not always immediately clear whether an argumentative move is fallacious or not. In some cases the fallaciousness of a move may not be of any real importance to a serious evaluation because the move was made without the speaker or writer fully realizing what he said—such as when the move is not an intentional contribution to the discussion but just a slip of the tongue (or the mind) that can be corrected right away. Also when it is evident that the would-be fallacious move was only made as a joke, the commitment of a fallacy may not be of any real importance to a serious evaluation. This is, for instance, the case when the speaker or writer makes fun of someone else's position by blowing it up in a way that is plainly out of all proportion to all concerned. In such cases—and there are a great many more of them—the matter can usually be put right without any further negative consequences to the dialectical process of resolving a difference of opinion on the merits (although there may be rhetorical consequences).

At times, fallacies can be so witty that we all like them. All the same, our sense of humor should not prevent us from remaining critical, because there are cases in which we cannot afford to take a lenient attitude towards the fallacies concerned. A very nice example, taken from an exchange that took place in the Canadian House of Commons, was provided by Douglas Walton. In 1970, Prime Minister Trudeau responded negatively to a request to consider using a Jet-star government plane to send an information-gathering team to Biafra by saying:

> It would have to refuel in the middle of the Atlantic Ocean…

Whereupon the Member of Parliament Mr. Hees—known for his drinking habits—retaliated by raising a point of order:

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

Mr. Trudeau then finished off this exchange by making the following remark:

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

By insinuating that the honorable Member Mr. Hees is habitually drunk, the Prime Minister introduced a textbook example of the fallacious personal attack known as the *argumentum ad hominem*, here appearing in its *abusive* variant, which was in this case killing. The example nicely illustrates how humor can be brought to bear not only to enliven the discussion and make it more relaxed, but also to get away with fallacies.

It is obvious that Mr. Trudeau did not allude to the Mr. Hees's drinking habits in order to show that the conclusion of the MP's argument does not follow from its premises. The Prime Minister had expressed a standpoint, and his diversionary allusion to his challenger's drinking habits enabled him to evade having to defend that standpoint. Mr. Trudeau's allusion is an *argumentum ad hominem* that violates the pragma-dialectical Freedom Rule (van Eemeren and Grootendorst 2004, pp. 190–191) by putting Mr. Hees in a position that makes it practically impossible for him to maintain his opposition. "If Trudeau had not ridiculed his challenger," David Hitchcock observed, "he would have had to admit that his challenger was correct and that Trudeau was wrong" (2006, p. 114).

In principle, fallacies are distortions of the progress of an argumentative exchange because they distract from a sound resolution process (van Eemeren and Grootendorst 1992, pp. 102–106). In order not to go against the maintenance of reasonableness in the discussion, they therefore deserve our undivided attention. The question we are concerned with in this essay is what needs to be done when a fallacy has been committed in the discourse and it is clear that the fallacious move is to be taken seriously. Does the commitment of such a fallacious move mean that the reasonable exchange is over and that the discussion is brought to an untimely end? Or do the participants in the discussion still have a dialectical obligation to look for possibilities to continue the discussion? We think that he answer to these questions depends on the *impact* the fallacy concerned may be regarded to have on the possibilities for having a reasonable discussion in the argumentative situation the parties are in. Is the fallacious move just an isolated case of unreasonable acting? Or does the making of this move imply that in this discussion the whole idea of reasonableness has gone by the board? Only if the commitment of a fallacy signals a fundamental rejection of the very principle of reasonableness it does not make sense to continue the discussion.

In this essay, we concentrate on fallacies that may hinder the resolution process but do not completely block the discussion. We examine how such fallacies can best be responded to in practice. After having determined what it may be taken to mean that an argumentative move is to be regarded fallacious, we discuss the pieces of advice for responding to such fallacious moves given by two prominent

argumentation theorists, Krabbe (2003) and Jacobs (2000). In conclusion we give our own view on the matter.

The theoretical models developed in the study of argumentation to create a suitable framework for analyzing argumentative discourse and tracking down fallacies vary in their most extreme articulations from abstract models for regulating argumentative discourse by formal rules, which cannot be violated without destroying the game, to models that view argumentative discourse as a methodical exchange of moves that are instrumental in realizing the argumentative purposes of the arguers. Depending on the model that is applied, the quality of the moves that are made and their potential fallaciousness will be assessed differently. If the assessment takes place from a precisely delineated formal perspective, as is the case in *formal dialectics*, the evaluation will be strictest. In that case, argumentation is treated as a rule-bound game and every move that the rules of the game do not allow is, unexceptionally, inadmissible. Like in chess, when such an inadmissible move is made, the game is over—and most probably lost by the party that made the wrong move. Formal dialectics as developed by Barth and Krabbe (1982) in *From Axiom to Dialogue* provides a model of argumentation of this type.

The assessment of argumentation can also be approached from a perspective that is less rigid, such as the pragma-dialectical perspective. However close to formal dialectics the pragma-dialectical model of a critical discussion may be as far as its dialectical dimension is concerned, this model is—as Rob Grootendorst and I have explained (van Eemeren and Grootendorst 1984, 2004)—primarily of the functional type. By considering the moves made in resolving a difference of opinion on the merits as performances of speech acts that are instrumental in realizing the aims of the various discussion stages, the model is designed to do justice to the pragmatic functions of these moves, so that the various commitments that the parties incur in the resolution process due to their dialectical rights and obligations, can be duly taken into account in the analysis and evaluation of the discourse. The model of a critical discussion that constitutes the theoretical basis for the pragma-dialectical analysis and evaluation includes only those speech acts that are instrumental in resolving a difference of opinion on the merits, whether these speech acts are performed explicitly, implicitly, directly or indirectly. Any speech act that does not play such a constructive role in the resolution process is, in principle, inadmissible and, in principle, fallacious. For this reason, it can be maintained that, in fact, the formal model of formal dialectics and the functional model of pragma-dialectics both have their own strictness, albeit that this strictness is in the first case primarily determined by a formal criterion and in the second case by a functional criterion.

At first sight, both the model of formal dialectics and the pragma-dialectical model of critical discussion resemble Grice's (1975) model of informal exchanges. According to Grice, in informal exchanges the parties involved are supposed to obey the Principle of Communication that he calls the Principle of Cooperation (van Eemeren and Grootendorst 1992, p. 50). If any of the parties makes a contribution that cannot be interpreted as conforming directly or indirectly to the Maxims subsumed under the Principle of Cooperation, the party who has made this move is regarded to behave non-cooperatively (in the Gricean sense), and he

removes himself from the game, unless some satisfactory interpretation can be given by assuming that an "implicature" is being conveyed. In ordinary communication, however, whether argumentative or not, the "game" is usually not over when a rule of the game has been violated and the move involving the violation cannot be sensibly interpreted as a constructive contribution, not even by some indirect (implicature-like) interpretation. What happens instead is usually that the parties engaged in the communication attempt to "repair" their dialogue in such a way that the purpose the exchange is deemed to serve can still be achieved. If, for instance, in a conversation an irrelevant remark is made that cannot be interpreted with the help of the Gricean inferential mechanisms as having any relevant implicature, the interlocutors, rather than giving up the conversation altogether, will try to continue the conversation while making it clear to the party who is the "offender" that his contribution was off the mark. The same goes when in argumentative discourse a party has violated a rule for critical discussion. Rather than assuming immediately that the party who violated the rule has completely abandoned the aim of resolving the difference of opinion on the merits that initiated the discussion, the other party will usually—provided, of course, that the violation is not completely destructive—make an attempt to repair the violating party's contribution in such a way that the discussion can still remain on track for achieving its resolution-oriented aim.

Unlike the Gricean model of cooperative informal exchanges, in its present state of development (see van Eemeren and Houtlosser 1998, 2002, 2004), the pragma-dialectical approach takes the possibility of making such repairs into account. It does so by acknowledging not only that all speech acts that are part of the resolution process may be performed implicitly or indirectly, but also that these speech acts will be performed in a way that serves—in the stage the discussion is in —not only the aim of resolving a difference of opinion but also the aim of favoring the position of the party concerned. This approach does, for instance, justice to the fact that in the confrontation stage of an argumentative discussion a party is not only free to advance his standpoint implicitly or indirectly, but also to choose the standpoint most favourable to his stance, best adapted to the other party's position, and phrased in the most effective way. In our pragma-dialectical view, any move that the parties have to make according to the procedure for conducting a critical discussion will manifest itself in the discourse as a piece of strategic maneuvering designed to maintain a balance between pursuing the aims of fulfilling one's dialectical obligations and completing the discussion stage concerned as much as possible to one's rhetorical content. More often than not, finding the right balance is, of course, difficult—and sometimes the balance can even be distorted, whether this is done deliberately or unconsciously. If the distortion stems from the fact that rhetorical considerations of winning the discussion have gained the upper hand over the dialectical obligation to play the game by the rules, the strategic maneuvering violates a rule for critical discussion and "derails"—as we say—into fallaciousness.

Now the question is, of course, how can it be established that a piece of strategic maneuvering derails? This question, however, is hard to answer in a general way. This is so, because the criteria for deciding whether a particular move goes against

a basic norm of dialectical reasonableness by violating a rule for critical discussion are, in principle, dependent on the context of the argumentative activity type and the argumentative situation in which the move is made (van Eemeren and Houtlosser 2002, 2004). Our conception of strategic maneuvering can be of help here, because in the way it has been developed it enables us to specify in a relevant way the context in which the derailments may occur. Any context in which strategic maneuvering takes place, whether it is strongly dependent on institutional conventions or only weakly, determines to some extent the opportunities available for managing the topics at issue in a certain discussion stage, the framing acceptable to the parties, and the presentation that is effective. This means that a piece of strategic maneuvering will be fallacious if, for instance, it refers to concessions of the other party that this party has not made, neither explicitly nor implicitly; if, for instance, it brings to bear concessions in a way that is not acceptable, or cannot reasonably be expected to be acceptable, to the other party; or if, for instance, the concessions referred to are phrased in an inappropriate way.

In this way, our concept of strategic maneuvering helps us to specify the contextual environment in which the strategic maneuvering takes place and to establish the criteria for determining whether or not in the maneuvering a rule for critical discussion has been violated and a fallacious derailment has occurred. In addition, our concept of strategic maneuvering enables us to give a theoretical explanation of why the discussion is not necessarily over when, allegedly, a fallacy has been committed. First of all, it depends largely on the interpretation of the context whether the accusation that a party has committed a fallacy is indeed correct. With the exception of those blatant offences that are—for didactic reasons—cited in textbooks as clear-cut examples, in cases of potentially fallacious strategic maneuvering the "offended" party's margins for assuming that the "offending" party is still, if only in principle, set on resolving the difference of opinion between them on the merits, are generally sufficiently wide to allow the offended party to take it that the offending party is still acting constructively—and find a way out. This explains why the offended party usually remains motivated to regard the exchange as an open discussion and tries to repair the fallacious moves in such a way that the aim of resolving the difference of opinion can be achieved.

33.2   Responding Constructively to Fallacious Moves

On the basis of the explanation just offered for the inclination to continue a discussion in spite of fallacious acting by the other party, the question we are interested in can now be summarized in the following way: how should parties that are confronted with a move they perceive as fallacious go about to achieve that the aim of resolving the difference of opinion on the merits can still be achieved? In our view, the most pertinent positions that have been articulated in the literature in response to this question are Krabbe's "immanent" dialectical proposal to react to the commitment of a fallacy by initiating a "meta-dialogue" and Jacobs' pragmatic

proposal to counter a move that is perceived as fallacious by making a counter-move that may, if necessary, even be a move that has the appearance of being a counter-fallacy. Let us consider these two alternatives.

Because formal dialectical discussion systems as proposed by Barth and Krabbe (1982) leave no room for strategic maneuvering in the sense we have just explained, strictly speaking, in such discussions fallacies cannot occur. Argumentative moves that go against the rules of the game are by definition excluded. Currently, however, Krabbe (2003) promotes a more lenient version of formal dialectics. He points out that the dialogues conducted in argumentative practice can be seen as *approximations* of a formal dialectical discussion and in these approximations fallacies are possible. Formal dialectics, he claims, aims to provide the participants in such dialogues with the tools to respond to the occurrence of fallacies. According to Krabbe, "the status of a [discussion] move or argument must be decided in discussion, by the participants themselves." Responding to a fallacy consists in his view in "fallacy criticism" or, as Hamblin (1970) would have it, in "making a point of order." In this way, Krabbe stipulates, a "meta-dialogue" is initiated in which the party who thinks that a move made by the other party is fallacious aims to make the other party retract this move. If the initiator of the meta-dialogue succeeds in sustaining his accusation, according to the rules of such meta-dialogues, the party that was rightly accused of having committed a fallacy has to retract the disputed move—and pay a fine. If the initiator of the meta-dialogue has not been able to sustain his charge, he should retract his accusation—and pay a fine himself.

In the approach to the fallacies that he subsumes under the heading of "normative pragmatics," Jacobs (2000) advocates the view, which is basically rhetorical, that arguers need not always act in conformity with dialectical rules because in some circumstances doing so would damage their position in the discussion. According to Jacobs, in such circumstances they should "make the best of the situation." They can do so by making a counter-move that restores the balance between the parties, even if this amounts to making a move that has the appearance of being fallacious. As an illustration, Jacobs discusses a pro-life activists' (party B) response to a contribution of the National Organization for Women (party A) to the discussion about abortion:

Party A (National Organization for Women):

Myth: The partial-birth abortion procedure is unnecessary.
Fact: Medical experts state that the safest method of late pregnancy termination for some women is the intact dilation and extraction (D&X) procedure.

Party B (The national conference of Catholic bishops, Secretariat for pro-life activities):

Killing a mostly-born infant with a pair of scissors. Are we *debating* this? This is not a bad dream. It's real. Every year, thousands of infants are forcibly dragged from their mother's wombs, then killed. Brutally. And our nation is actually debating whether or not this should be allowed to continue.

In the case at hand, the anti-abortionists respond to the National Organization for Women by disputing the idea that the issue of the discussion is a purely medical one, as is—in their opinion—suggested by the terminology employed by the National Organization for Women (Jacobs 2000, p. 279). According to Jacobs, the pro-life activists' response to what they perceive as a fallacy is not a fallacy, but an attempt to "encourage full and open exploration of alternative standpoints," a "self-regulating procedure" by which people "adjust to the contingencies and complexities of actual situations."

What are the advantages and disadvantages of each of these two approaches with regard to the problem of how to respond to an argumentative move that is perceived as a fallacy? One obvious advantage of Krabbe's formal dialectical approach is that it leaves no room for confusion. A party who perceives a move made by the other party as a fallacy makes it explicitly clear to the other party *that*, in his or her view, *a fallacy was committed* and that the discussion *cannot be continued* unless the fallacious move has been *retracted*. Another advantage of the formal dialectical approach is that it provides the parties who have to determine between themselves whether the alleged fallacy was indeed a fallacy with the tool of conducting a regulated meta-dialogue to fight this dispute out in a civilized, i.e., reasonable, manner. What could be regarded as a disadvantage of the formal dialectical approach, however, is that it presupposes a willingness in arguers to engage all the time in meta-discussions over the things they are saying in the (ground-level) discussion. As Krabbe himself observes, this approach allows the participants to hold up the discussion infinitely by seizing any opportunity to initiate a meta-dialogue about a supposedly fallacious ground-level move. Krabbe's suggestion to attach a penalty to such obstructive behavior should perhaps not merely be seen as a joke. If it is a joke, then the problem is not solved; if it is not a joke, the problem is solved, but not in any theoretically motivated way.

Jacobs' pragmatic approach has the advantage of being utterly realistic—or giving at least the impression of being utterly realistic. What you do when you are offended is hit back and thereby restore the balance between the offender and yourself. Jacobs fails to explain, however, exactly what balance is being restored and why it needs to be maintained. Is he referring to the power balance, to a psychological balance? And what about stretching the meaning of reasonableness in argumentative discourse to such an extent? What is also left out of this picture is the damage that may be caused in the process. Just as the boxers in a boxing match do not look particularly handsome anymore after ten rounds of "restoring the balance between them," a highly overdone counter-move could in some cases indeed have the effect of setting the issue of the discussion straight, but the undesired additional effect may be that the relation between the parties is damaged to such an extent that the parties' appetite for continuing the critical debate is lost forever. In Jacobs' example, the move having the appearance of a counter-fallacy is supposed to work constructively because of the shock effect it brings about. Apart from the psychologizing flavor of this observation (and of this kind of approach in general), there is also no guarantee that the balance between the parties in the abortion debate will indeed be restored by the counter-move—in fact, they could just as well end up

being even further divided than they already were, which actually would have been a very likely result in the case of the abortion debate.

Because in the pragma-dialectical perspective on argumentative discourse a fallacy is an inadmissible move, it is not very likely that in our treatment of the problem of how to respond to a supposedly fallacious move our advice would be to respond by means of a move that has in any way the appearance of being a counter-fallacy. Even though pragma-dialectical theoreticians at this stage fully allow for "rhetorical" aspirations of the discussants to enter into the process of critically testing the tenability of a standpoint, they consider the strategic maneuvering involved in combining the pursuit of rhetorical aims with the maintenance of dialectical obligations sound if and only if it stays within the boundaries set by the rules for critical discussion—in all other cases it is fallacious. This position applies equally to the moves we are talking about that are—rightly or wrongly—perceived as violations of the rules for critical discussion and the moves that are made in response to these moves. This general predicament, however, does not imply that according to pragma-dialecticians a reply to a fallacy should always lead to either the complete withdrawal or non-withdrawal of the ground-level move, as is suggested in Krabbe's approach.

We think that in responding to would-be fallacies the best option is to go for the golden mean and consider in the first instance every response to a supposedly fallacious move as a piece of strategic maneuvering in a sub-discussion—or meta-dialogue[1]—in which the responding party assumes that the other party still aims to resolve the difference between them by means of a critical test of the standpoints at issue and at the same time tries to make clear to the other party that his strategic maneuvering as regards *this issue*, in response to *this opponent*, and *presented in this way* has derailed and does not bring the resolution of the difference of opinion any closer. What the respondent to a would-be fallacious move can do, rather than stating immediately that the denounced move must be withdrawn altogether, is to try to make the other party "re-rail" the derailed move by suggesting to that party that there is a need for readjusting the move concerned in such a way that the derailment is made undone and the maneuvering gets re-railed.

In our view, in the Jacobs example the reaction should normatively neither be the response given by the pro-life activists nor the response Krabbe would promote by requiring the National Organization for Women in a meta-dialogue to withdraw their move completely. We think that a more appropriate reaction would be if the pro-life activists pointed out in a strategically opportune manner that the National Organization for Women have to readjust their move if they really want to discuss the abortion issue in a way that that is considered reasonable by all concerned, i.e., *by both parties*. The pro-life activists could do so, for instance, by pointing out that it is not the medical experts who should have the final say with regard to abortion or that the issue should be discussed in ethical rather than clinical medical terms or

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[1]In pragma-dialectics we reserve the term subdiscussion for critical exchanges about material premises and the term meta-dialogue for critical exchanges about procedural premises.

making some other relevant attempt to bring the discussion back on track. In dealing with the problem in this way, we have chosen a position that boils down to taking up Krabbe's crucial idea of raising—in a Hamblinian way—a "point of order," thus emphasizing that the other party is still considered to be a reasonable discussion partner, and combining it with a procedure for increasing the chances that the other party will readjust its supposedly fallacious contribution to the discussion in such a way that the discussion can be continued constructively, which seems a crucial aim of the approach chosen by Jacobs.

33.3   Conclusion

The question we have been dealing with was how to respond in a constructive way to fallacies. Starting from Krabbe's (2003) and Jacobs's (2000) proposals, we have considered the possibilities for continuing the argumentative exchange. Since we view fallacies as "derailments of strategic maneuvering" that go against a norm for critical reasonableness, the question we have to answer is what is to happen if such a derailment is perceived to have taken place. Basically, we argued that the party who observes in argumentative discourse that something has gone wrong should start a sub-discussion, or meta-dialogue, in which this party tries to maneuver strategically in such a way that not only the alleged derailment is recognized but also a "re-railment" is brought about that brings the discussion back on track.

Analytically, strategic maneuvering in argumentative discourse manifests itself in three aspects of the moves that are made: "topical choice," "audience adaptation," and "presentational design" (van Eemeren and Houtlosser 2002, pp. 139–141). Topical choice refers to the specific selection that is made from the set of dialectical options—the "topical potential"—available at the discussion stage one is in, audience adaptation means framing the audience's perspective, and presentational design involves exploiting the existing repertoire of presentational devices. In our proposal, what is involved in responding constructively to a fallacious move boils down to trying to bring about a re-railment of the alleged derailment of the strategic maneuvering involved by insisting that the other party make a repair through the readjustment of those aspects of the strategic maneuvering in which the derailment has manifested itself. In practice, such re-railments could—apart from a complete or partial withdrawal of the fallacious move—lead to the following kinds of readjustments:

(a) Redressing the topical choice so that the denounced move is revised in such a way that it is no longer fallacious—as is, for instance, the case when a party revises a straw man fallacy in a correct citation of the other party's standpoint, or when an *argumentum ad misericordiam* is revised in a legitimate argumentative appeal to personal circumstances.

(b) Redefining the audience perspective so that the denounced move is reframed in such a way that it is no longer fallacious—as is, for instance, the case when

a party reframes an *argumentum ad verecundiam* in such a way that a legitimate appeal to authority is made, or when a fallacious shift of the burden of proof is reframed as a legitimate division.

(c) Reformulating the presentational device so that the denounced move is rephrased in such a way that it is no longer fallacious—as is, for instance, the case when an abusive *argumentum ad hominem* is rephrased as a legitimate personal attack, or when an *argumentum ad baculum* is rephrased as a legitimate reference to the circumstances in which the discussion takes place.

Only if it is clear in a discussion that such kinds of readjustments cannot be made, or do not really lead to the repair of the resolution process that is aimed for, will it be necessary to follow Krabbe's proposal to discuss complete retraction of the denounced move—or might it even be necessary to check if the Principle of Communication that Grice calls the Principle of Cooperation has gone by the board, so that it does not make sense to continue the discussion. Thus, we think to have proposed a procedure for dealing constructively with fallacious moves that combines Jacobs' pursuit of pragmatic effectiveness and Krabbe's pursuit of maintaining dialectical reasonableness.

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Part VIII
Various Theoretical Issues

Chapter 34
In Context Giving Contextualization Its Rightful Place in the Study of Argumentation

Frans H. van Eemeren

34.1 The Role of Context in a Reconstructive Analysis

The need for argumentation, the requirements of argumentation, and the structure of argumentation are all adapted to a context in which doubts, opposition, objections, and counterclaims arise. In argumentative practice there are a great many of such contexts. In some of them argumentation is put forward to support a descriptive standpoint, in other contexts it may support an evaluative or a prescriptive standpoint. Some argumentation theorists concentrate in the first place, or even exclusively, on argumentation put forward in defence of descriptive claims about factual states of affairs, other argumentation theorists tend to focus on argumentation relating to evaluative judgments of the ethical quality of a disputed way of life or the esthetic quality of a work of art, and still others deal almost exclusively with argumentation in favour of prescriptive incitements to carry out some particular action or to refrain from doing so. Unlike Aristotle and his fellow rhetoricians, these argumentation theorists usually connect their analysis and evaluation of argumentation only implicitly with the specific context of communicative activity or the domain of communication in which the argumentative discourse takes place. In my opinion, however, argumentation theorists should not only pay equal attention to argumentation for all types of standpoints, but also take the contextual embeddedness of argumentative discourse explicitly into account in their analysis and evaluation—thus giving contextualization its rightful place in the study of argumentation.

In order to be able to give a fair evaluation of an argumentative text or discourse, a reconstructive analysis is needed of all argumentative moves made that are analytically relevant because they play a potential part in resolving a difference of opinion on the merits.[1] This analysis should result in an "analytic overview" that

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[1]For analytic and evaluative relevance, see van Eemeren and Grootendorst (2004, pp. 71, 73, 88) and, more in particular, van Eemeren and Grootendorst (van Eemeren 1992b).

provides a reconstruction of the various components of the discourse that are pertinent to judging the quality of the resolution process.[2] In the reconstruction process, the difference of opinion defined in the confrontation stage could, for instance, be identified as a "mixed difference of opinion" (as in "I do not agree at all; in my opinion, it is just the opposite") and an argument that has been advanced in the argumentation stage to resolve the difference of opinion could, for instance, be identified as a "symptomatic argument" (as in "Paula will do her utmost, because North Americans are competitive"). In an analytic overview, all ingredients of the discourse relevant to resolving a difference of opinion on the merits are thus identified and described in terms of well-defined analytic categories, so that the overview constitutes an appropriate point of departure for a systematic evaluation of the discourse concerned.[3]

A reconstructive analysis of argumentative discourse aimed at constructing an analytic overview of the discourse boils down to carrying out some specific analytic operations that can be characterized as "reconstrution transformations" (van Eemeren and Grootendorst 2004, Chap. 5). The transformations carried out in the reconstruction process consist in the first place of leaving out of consideration all speech acts performed in the discourse that do really not play a part in the resolution process. This transformation boils down to a "deletion" of all irrelevant elements, such as repetitions and unnecessary digressions. In the second place, the reconstruction involves rearranging in an insightful way those speech acts whose order does not correctly reflect their function in the resolution process. This "permutation" transformation amounts to bringing together separate parts of the discourse that belong together viewed from the perspective of resolving a difference of opinion on the merits. In the third place, a reconstructive analysis means making

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[2]Due to a variety of factors, argumentative reality seldom resembles the ideal of a critical discussion—as is to be expected when comparing reality with an ideal. The obvious fact that in ordinary argumentative discourse the various stages of a critical discussion are often implicit, unclear, distorted and accompanied by diversions, should neither give rise to the premature conclusion that the discourse is deficient nor to the superficial conclusion that the ideal model of critical discussion is not realistic. The former is contradicted by pragmatic insight concerning the conduct of ordinary discourse, the latter by dialectical insight concerning the requirements for resolving differences of opinion. See van Eemeren and Grootendorst (1984, Chap. 4, 1992a, Chap. 5) and van Eemeren et al. (1993, Chap. 3).

[3]The components of an analytic overview are all pertinent to judging the soundness of an argumentative discourse. If it is not clear exactly what difference of opinion underlies the discourse, there will be no way of telling whether the difference has been resolved by the discourse. If it is not clear precisely which positions the parties have adopted in the difference of opinion, it will be impossible to tell in whose favor the discussion has ended. If implicit or indirect premises are not taken into account, crucial arguments may be overlooked, so that the evaluation is inadequate. If the argument schemes employed in supporting standpoints and sub-standpoints are not recognized, it cannot be determined whether the links between the individual reasons and the standpoints are resistant to the kinds of criticism their specific make-up is bound to elicit. If the structure of the argumentation advanced in favor of a standpoint is not laid bare, it cannot be judged whether the argumentation put forward in defense of the standpoint constitutes a coherent whole that provides sufficient support for the standpoint.

explicit all argumentative moves that remain implicit in the discourse but are pertinent to the resolution process. This transformation involves, among other things, the "addition" of implicit premises and the completion of elements that were expressed elliptically in the discourse. In the fourth place, the reconstruction includes reformulating in an unequivocal way those speech acts performed in the discourse whose function in the resolution process would otherwise be opaque. This "substitution" transformation leads to the replacement of confusingly ambiguous expressions referring to vital elements of the resolution process by univocal paraphrases.

The analytic overview resulting from a reconstructive analysis should be accounted for theoretically and empirically, so that it becomes clear that all transformations that have been carried out are indeed justified.[4] The transformations that go beyond a naïve reading of the discourse should be analytically pertinent and faithful to the commitments that may be ascribed to the speaker or writer concerned. Only when both requirements have been fulfilled, can the reconstruction process result in an analytic overview that constitutes an appropriate basis for carrying out an evaluation of the discourse. The evaluation should bring to light which of the analytically relevant moves that were made may be considered evaluative relevant as well because they comply with the dialectical norms incorporated in the rules for conducting a critical discussion aimed at resolving a difference of opinion on the merits. In accounting theoretically for a reconstructive analysis and in identifying in the evaluation the fallacies committed in the discourse in a theoretically justified way. The pragma-dialectical ideal model of a critical discussion and the code of conduct for conducting such a discussion are the proper heuristic, analytical and critical instruments.

In accounting empirically for a reconstruction leading to a particular analytic overview the analyst can refer to various sources. First, there is the *text* of the discourse (and its visual accompaniments, if any). In giving an empirical justification of a reconstruction the text is always the primary source. In his account the analyst should refer to those lines of the discourse that support his analysis, if necessary complemented by a reference to functional and structural properties of the discourse supporting the analysis.

Second, there is the *context* in which an extract from the discourse whose reconstruction is to be accounted for appears. As far as context is concerned, the analyst's source for justification can be the *micro-context* consisting of the text immediately preceding or following the extract at issue, which is also referred to as the "linguistic" context.[5] The contextual source exploited by the analyst in accounting for his reconstruction can also be the context in a wider sense. This is the case when the analyst refers to the *meso-context* or "situation"—sometimes also

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[4]These requiems follow from the fact that the analysis carried out can be characterized as a theoretically motivated and empirically justified pragma-dialectical reconstruction of what is going on in the discourse.

[5]It goes without saying, however, that in particular in oral argumentative discourse the so-called paralinguistic phenomena need to be taken into account too.

referred to as the "constitution"—in which the reconstructed extract occurs,[6] to the *macro-context* of the "speech event"—more generally, the "communicative activity type" in which the extract is used—or to the *intertextual* or *interdiscursive context* of other speech events the extract concerned, or the speech event in which it occurs as a whole, is in some way or other connected with.[7] The context—in any of the forms just mentioned—may be a decisive source, for instance, in accounting for the reconstruction of a "pragmatic optimum" when making an unexpressed premise explicit.

Apart from the text and the context, third, there are inferences the analyst can make and use as a source for accounting for his reconstructive analysis. Next to references to a *logical reasoning process* providing the basis for including certain presuppositions and implications of what is said in the discourse in the analysis, the analyst may refer in his account of his reconstruction to *pragmatic inferences* based on common sense, by pointing, for instance, to Gricean implicature or pragmatic inconsistencies in the discourse.

Fourth, and finally, there is *background information* that can be referred to by the analyst as a source of justification for his analysis. The *general background information* he may refer to includes knowledge of certain general rules and regulations that are instrumental in understanding the extract. In justifying his reconstruction of the argumentation advanced in "Bart cannot have gone to the swimming pool because his swimming trunks are on the line," for instance, the analyst may refer to the generally shared background information that men are obliged to wear swimming trunks in public swimming pools—and that they normally own just one pair of them (which may in certain cases be contradicted by special background information). More often than not, the analyst may be able to refer also to *specific background information* as a source of justification for his reconstruction. Such specific background information can be *inside information*, such as that Bart has just bought new swimming trunks, which is available only to those familiar with the matter at issue—friends, family, colleagues, or other people who are in the know. Specific background information can also consist of *expert information*, possessed only by those having special knowledge of the topic or field at issue.

In a great many cases, most certainly in the problematic ones, the analyst has to refer to a combination of sources in accounting for his reconstruction. Then, he

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[6]The "meso"-context is also referred to as the "extra-linguistic" context, but the extra-linguistic context includes also what I call the "macro"-context and the "intertextual" context, and in these contexts linguistic phenomena play a part too.

[7]The analysis of Willem of Orange's *Apologie*, for instance, in which Orange defends the Dutch revolt against King Filip of Spain, can only be accounted for if it is taken into account that the *Apologie* is a response to Filip's *Ban Edict* (van Eemeren and Houtlosser 1999, 2000). Wodak distinguishes "interdiscursivity" from "intertextuality" (2009, pp. 39, 40). In her usage, intertextuality refers to "the linkage of all texts to other texts, both in the past and in the present" (p. 39), whereas interdiscursivity indicates "that topic-oriented discourses are linked to each other in various ways" (p. 40).

must make sure that the sources referred to do indeed reinforce each other, instead of instigating results that are in fact inconsistent. In my present contribution to the contextualization of the analysis and evaluation of argumentative discourse, which is titled *In Context*, I aim to highlight the contextual factor. Although context is sometimes taken to be something fixed, the context and its interpretation by the participants in the discourse change in fact continually during the argumentative exchange—if only because by every argumentative move that is made the context is reshaped. Having thus unraveled the complicated notion of context by distinguishing between micro-, meso-, macro- and intertextual context, today I would like to concentrate on the macro-context of argumentative discourse—the most relevant dimension of context when it comes to conventionalization.

34.2   Walton's Postmodern View of Argumentation in Context

The problem of how to conceptualize the macro-contextual dimension of argumentation has led Douglas Walton to propose an approach of the contextuality of argumentation centering on the concept of "dialogue types" as "conversational contexts of argument" and given shape together with Erik Krabbe (Walton and Krabbe 1995).[8] Walton gives the concept of dialogue types a double function. Not only should they prescribe which argumentative behavior is correct, or reasonable, within the bounds of a well-delineated language game, but they also have to mirror in their structure "the typical conversational settings," or—as Hymes (1972) calls them—"speech events," characteristic of a given communicative reality. According to Walton, each *dialogue type* constitutes a separate normative model of argumentation, with its own specific rules prescribing what good and fallacious argumentation is. Thus Walton proposes—as he acknowledges in so many words—a "postmodern and relativistic standard of rationality" (1998b, p. 30).

As used by Walton, the notion of context is limited to dialogue types understood as rule-governed and generic conversational entities.[9] Walton and Krabbe organize the plurality of dialogues types they observe in a typology of six "general types:"

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[8]Walton argues that the concept of dialogue types revives in fact—as so often happens in the study of argumentation—a classical Aristotelian idea, viz., that the soundness or fallaciousness of argumentation depends not just on form, but on the context of dialogue (1992: 143). One may add that Aristotle developed a rhetorically-minded conceptualization of the contexts of argumentation in his division of the deliberative, the forensic and the epideictic genre.

[9]Recently, Walton and Macagno introduced a notion of "dialogue context" referring to "a broader notion of dialogue," which includes, among other things, "common ground," "interpersonal relationship," and "social constraints" between arguers (2007, p. 110). This approach extends the contextual considerations pertinent to argumentation analysis and evaluation beyond the goal-directed and rule-governed structure of the dialogue types, bringing Walton's theoretical framework closer to being a rhetorical perspective.

persuasion dialogue,[10] *negotiation*, *inquiry*, *deliberation*, *information-seeking dialogue*, and *eristics* (1995, p. 66). These types of dialogues are primarily distinguished through their main goals: "resolution of […] conflicts by verbal means" (persuasion dialogue), "making a deal" (negotiation), "reaching a (provisional) accommodation in a relationship" (eristics), etc. Next, the six basic types differ as regards the initial situation, the participants' aims (not to be confused with the goal of a dialogue as such), and the side benefits of each.

According to Walton and Krabbe, the usefulness of the concept of dialogue types to argumentation theory lies in its capacity to account systematically for the difficulties related to the contextuality of fallacies. As I have indicated, their dialogue types are supposed to fulfill a normative function. In the simplest formulation this context-dependent normativity amounts to the claim that "a good argument is one that contributes to a goal of the type of dialogue in which that argument was put forward" (Walton and Krabbe 1995, p. 2). In sum, their solution to the problem of the contextuality of argumentation is that each dialogue type (after sufficient specification, pp. 66–67) yields a separate normative model of argumentation, with its own specific rules prescribing what good argumentation is.[11]

The practical value of any theoretical approach of context by argumentation theorists depends on how useful this approach is to the analysis and evolution of actual argumentative discourse. For Walton and Krabbe's theoretical framework to be of practival value, two interrelated problems need to be resolved. First, there is the unclear relation between the six normative (general) dialogue types they distinguish to the plethora of types of communicative contexts actually encountered and perceived by the arguers. Second, there is the unexplained way in which fallacies occur in the various types of dialogue.

Because Walton and Krabbe are well aware that their six basic types of dialogue cannot cover all ordinary speech events, in dealing with the first issue they assume that a great many speech events are composites of two or more of the six dialogue types (1995, p. 82). In other words, they take it that there is a "synchronic multiplicity" of various types of dialogue constituting together a particular speech event. A political debate, for instance, as we know it in Western democracies, escapes any one-speech-event-to-one-dialogue-type classification. Walton (1998b, p. 223) regards Question Period, a specific kind of political debate he distinguishes, as a type of context for argumentation that involves, next to two subtypes of the persuasion dialogue, a mixture of no less than four (out of six) general types of dialogue. It is partly an information-seeking dialogue, partly an eristic dialogue,

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[10]Confusingly, because in pragma-dialectics the term *critical discussion* has been in use for many years to refer to a theoretical construct rather than a communicative activity type or dialogue type, and in using the term *critical discussion* Walton and Krabbe refer to the pragma-dialectical concept but change its content. See van Eemeren and Houtlosser (2007, p. 64).

[11]Basically the dialogue types are empirical entities and only if the rules and goals are precisely laid down by a theorist one gets a normative model (see Walton and Krabbe 1995, pp. 66–67).

partly a negotiation, and partly a persuasion dialogue. In such complex cases, some obvious problems arise concerning how the evaluation should take place and what useful role the distinction between the six dialogue types still has to play in this endeavor. By which standards associated with the six basic types of dialogue, for instance, should the arguer's performance in the "mixed" speech event of a political debate be judged? Walton's easy solution that "it is conditionally permissible to evaluate a political debate […] from the point of view of a critical discussion" (1998b, p. 224) begs the question and undermines in fact his very approach to context.

The second issue, regarding the fallacies, is dealt with by viewing the problem as a problem of a "diachronic multiplicity" of dialogues. The conceptual tool to solve this problem is the notion of "dialectical shifts." Walton's central observation is that discussions that emerge and develop are liable to take turns that—in his theoretical framework—can be perceived as shifts from one type of dialogue to another. The central distinction between such shifts is the normative division between *licit* and *illicit* shifts. Licit shifts are overt and mutually agreed upon moves away from the dialogue the participants were originally supposed to carry out to another type of dialogue that still serves, or at least does not block, reaching the goals of the original dialogue (Walton 1992, pp. 138–139). By contrast, illicit shifts are covert and unilateral attempts to change the original type of dialogue into another one, which is wrongly presented as being in line with the original dialogue. It is the illicit type of shift, which is often "associated," as Walton puts it, with the informal fallacies. The problem, however, seems to me that it is hard, if not impossible, for an analyst to determine when exactly a "dialectical shift" has taken place and whether or not it is illicit.

As I have explained more elaborately elsewhere (van Eemeren 2010), all in all, in my view, Walton's approach to the contextualization of the analysis and evaluation of argumentative discourse does not offer a satisfactory perspective. In my search for a more promising alternative I hope to avoid at least some of the obstacles that prevent Walton's approach from offering good prospects. To begin with, after distinguishing first between various types of contexts, I already indicated more precisely with what type of context I am presently concerned with, so that the complicated notion of context does not remain elusive because it is a *mer à boire*. Other alternatives I would like to suggest can be summarized in the following questions. Is viewing the various types of macro-contexts as dialogue types really the most appropriate approach or would it be better to define macro-contexts in relation with the institutionalized communicative environments in which they play a part? Would it not be expedient to avoid mixing empirical description with critical normatively in one and the same notion and distinguish, instead, clearly between, on the one hand, the empirical dimension of describing the argumentative practices that can be distinguished in argumentative reality and, on the other hand, the critical dimension of assessing the quality of the argumentative discourse conducted in the various argumentative practices?

34.3 Contextualization in Institutionalized Communicative Activity Types

In my own dealings with macro-contexts, I start from the observation that "argumentation" is not just a theoretical concept given shape in analytical models such as the ideal model of a critical discussion but also, and even in the first place, an empirical phenomenon that can be observed in a multitude of communicative practices. Because these communicative practices are connected with specific kinds of institutionalized communicative contexts in which they serve a variety of institutionally relevant purposes, they have become conventionalized in accordance with varying kinds of requirements.[12] Due to the context-dependency of communicative practices, the possibilities for strategic maneuvering between dialectical reasonableness and rhetorical effectiveness taking place in the argumentative discourse conducted in such practices are to some extent determined by the institutional preconditions prevailing in the communicative practice concerned. This makes it necessary to situate the analysis and evaluation of strategic maneuvering in the macro-context of the "communicative activity type" in which the maneuvering occurs (van Eemeren and Houtlosser 2005).

The macro-context of a communicative activity type can be characterized by describing, starting from the domain of communicative activity to which the communicative practice concerned belongs, the institutional conventions that are instrumental in realizing, through the employment of a particular "genre" of communicative activity, the "institutional point" of the communicative practice.[13] Assuming that the conventionalization of communicative activity types has come into being for the purpose of realizing the institutional point of the communicative practices concerned, the conventionalization of every speech event which can be recognized intersubjectively as representing a communicative practice may be deemed dependent on the institutional rationale of that communicative practice.[14]

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[12]I use the terms *institution*, *institutional* and *institutionalized* in a very broad sense, so that they refer to any established macro-context in which certain communicative conventions have developed.

[13]This concept of activity type was introduced in van Eemeren and Houtlosser (2005) and is explained in more detail in van Eemeren (2010). Levinson uses the term activity type in the meaning of "fuzzy category whose focal members are goal-defined, socially constituted, bounded, events with constraints on participants, setting, and so on, but above all on the kinds of allowable contributions" (1992, p. 69).

[14]My approach connects with "rational choice institutionalism" within New Institutionalism as practiced in political science, economics, anthropology and sociology. In dealing with the question of how to construe the relationship between institutions and behavior, new institutionalism emphasizes the relative autonomy of political institutions and the importance of symbolic action to understanding institutionalized behavior (March and Olsen 1984, p. 734). According to Hall and Taylor, rational choice institutionalism draws our attention to "the role that strategic interaction between actors plays in the determination of political outcomes" (1996, P. 951). Generally this approach is highly "functionalist" in the sense of explaining the origins of an institution largely in terms of the effects that follow from its existence, "intentionalist" in the sense of assuming that the

Such an institutional rationale reflects the institutional needs the communicative practice aims to satisfy and manifests itself in the domain of communicative activity in which the communicative activity type has developed in concrete speech events. Sometimes we are interested exclusively in one particular historical speech event, as when Peter Houtlosser and I analyzed the Apologia pamphlet that William the Silent published in 1580, in response to the Ban Edict issued by King Philip II of Spain, to justify his role in the Dutch Revolt (van Eemeren and Houtlosser 1999, 2000). Generally, however, when communication and argumentation theorists study speech events they are examining them as "tokens," "instantiations" or "representations" of a communicative activity type.

Viewed in this way, communicative activity types are conventionalized communicative practices whose conventionalization serves the institutional needs of a certain domain of communicative activity through the implementation of a specific genre of communicative activity.[15] The genres of communicative activity prototypically employed in a communicative activity type may vary from "adjudication" in the legal domain, "deliberation" in the political domain, "mediation" in the problem-solving domain, "disputation" in the scholarly domain, et cetera.[16] Realizing the institutional point of a communicative activity type through the use of the appropriate genre of communicative activity amounts to accomplishing the institutional mission undertaken when engaging in this activity type in a certain domain of communication. In some cases, the conventions governing a particular communicative activity type, or "family" of communicative activity types, consist of fully explicit constitutive or regulative rules; in other cases, of rules of that are largely implicit, or are to be derived from established practices.

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(Footnote 14 continued)

process of institutional creation is a highly purposive one, and its analyses are highly "voluntarist" in the sense that they tend to view institutional creation as a quasi-contractual process marked by voluntary agreement among relatively equal and independent actors (Hall and Taylor 1996, p. 952).

[15]As explained by van Eemeren and Houtlosser (2005), communicative activity types are not on a par with theoretical constructs such as the pragma-dialectical ideal model of a critical discussion. While these theoretical constructs are based on analytic considerations concerning the best way of reaching a certain (abstract) objective such as resolving a difference of opinion on the merits, the various communicative activity types are empirically-based prototypes of conventionalized communicative practices. Unlike theoretical constructs such as the model of a critical discussion, which are designs for identifying the constitutive parts of a problem-valid procedure for achieving a specific normative objective, the various communicative activity types and their associated speech events represent communicative practices that have come into being and have been conventionalized in the culturally established pursuit of realizing the institutional point of a communicative activity. By distinguishing in this way between an ideal model and argumentative activity types, and making a fundamental theoretical distinction between these two categories of concepts, we deviate in an essential way from approaches to argumentative discourse types such as Walton's (1998) and Walton and Krabbe's (1995).

[16]Such genres can also be viewed as "families" or "conglomerates" of communicative activity serving certain clusters of communicative activity types.

Among the communicative activity types that have come into being in the legal domain, where arbitration is the dominant genre, are—to mention just a few disparate examples—court proceedings, arbitration and summoning. Communicative activity types in the political domain, where the genre of deliberation is most prominently used, are, for instance, the General Debate in Dutch parliament, American Presidential Debates and Prime Minister's Question Time in British Parliament. The general institutional point shared by the communicative activity types I just mentioned for the adjudicatory legal activity types is guaranteeing that justice will be done, and for those mentioned for the deliberative political activity types that democracy is preserved. More specifically, a General Debate in Dutch Parliament, for instance, has the institutional aim of confronting the government of the day with the views of the elected representatives of the people concerning policy plans and their financial backing. The institutional conventions of the communicative activity type of a General Debate are established by parliamentary tradition and its format is laid down in parliamentary procedure. The more specific institutional aim of Prime Minister's Question Time, to give another example, is to hold the Prime Minister to account for his government's policies. The institutional conventions of this communicative activity type and its format are determined by existing regulations of the House of Commons Procedure Committee and the parliamentary rule of order. Other individual activity types can be characterized in a similar way by describing the specific aims they are supposed to serve, the institutional conventions that need to be taken into account, and the procedural format.[17]

To illustrate the relationship between communicative activity types. Certain genres of communicative activity, and certain concrete speech events, I have listed in Fig. 34.1 on your handout the communicative activity types just mentioned together with some other communicative activity types from other domains of communicative activity. I have mentioned *in italics* for the italicized communicative activity types some concrete speech events in which the activity types have manifested themselves. Communicative activity types may be non-argumentative, but in a great deal of them—directly or indirectly—argumentation plays a part, whether structurally or incidentally, so that the activity types concerned are partly or wholly argumentative. A parliamentary debate, for instance, is inherently

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[17]In "Accusing someone of an inconsistency as a confrontational way of strategic manoeuvring," Andone (2009a) demonstrates that the argumentative activity type of a political interview creates, through a set of rules and conventions, certain contextual preconditions for the performance of confrontational argumentative moves in strategic maneuvering. Besides Andone's (2009b) study of strategic maneuvering in political interviews, which I here briefly discuss, other pragma-dialectical studies of political communication making use of deliberation are Mohammed (2009), who examines Prime Minister's Question Time in British parliament, Tonnard (2009), who concentrates on the general debate in Dutch parliament, and Lewinski (2010), who analyzes Internet Forum discussions. Ihnen (in preparation) focuses on law-making debates in British parliament. Pragma-dialectical studies regarding communicative activity types making use of other genres of communicative activity are carried out by Feteris (2009) for adjudication in the legal domain and Pilgram (in preparation) and van Poppel (in preparation) for consultation in the medical domain.

domains of communicative activity	genres of communicative activity	communicative activity types	concrete speech events
Legal communication	Adjudication	- *court proceedings* - arbitration - summoning	*defense pleading at O.J. Simpson's murder trial*
Political communication	Deliberation[a]	- *Presidential debate* - General Debate in parliament - Prime Minister's Question Time	*1960 Nixon-Kennedy television debate*
Problem-solving communication[b]	Mediation	- *custody mediation* - counseling - informal intervention	*mediated talks between Richard and Tammy about custody Vanessa*
Diplomatic communication	Negotiation	- *peace talks* - trade treaty - diplomatic memorandum	*Israeli-Palestinian exchanges at Camp David* [c]
Medical communication	Consultation	- *doctor's consult* - prescription - health rubric	*Bart's February 13 visit to his doctor*
Scholarly communication	Disputation	- *book review* - scientific paper - conference presentation	*Dr. Apt's critique of the* Controversy and Confrontation *volume*
Commercial communication	Promotion	- *advertorial* - sales talk - classified ad	*Shell's newspaper message about its role in Nigeria*
Interpersonal communication	Communion	- *chat* - love letter - apology	*Dima's talk with Corina about how they spent the weekend*

Fig. 34.1 Examples of communicative activity types implementing certain genres of communicative activity in particular speech events in various domains of communicative activity. [a]My conception of the genre of deliberation, which is different from Walton and Krabbe's (1995) and Walton's (1998b) conception, includes Auer's (1962, p. 146) *debate*, defined as: "(1) a confrontation, (2) in equal and adequate time (3) of matched contestants, (4) on a stated proposition, (5) to gain an audience decision," but is also allows for the possibility of communicative activity types such as television debates which do not always start from a stated proposition and an explicitly decisive audience (Martel 1983, p. 3). Cf. Perlof (1998, pp. 380–381). [b]In contradistinction with legal dispute resolution by adjudication, problem-solving by mediation is also known as *Alternative Dispute Resolution* (ADR), but I avoid using this terminology because negotiation and certain types of adjudication, such as arbitration, are also reckoned to belong to ADR, in spite of vital differences between them and mediation. My division of domains of communicative activity is certainly not mutually exclusive and there may be combined or overlapping communicative activity types, such as "arb-med" (Ross and Conlon 2000). [c]As an illustration of the problems of classification it might be mentioned that the peace talks leading to the Camp David Accords in 1978 are sometimes treated as a case of mediation, but this goes against some major characteristics of these talks as they are described by the participants and it requires the mediator to have a completely different set of qualifications than the usual ones in mediation: those of being neutral and disinterested

argumentative, a political interview argumentative in essence, whereas a love letter or a prayer is as a rule not argumentative, although at times even they might be argumentative. Communicative activity types which are inherently or essentially argumentative are called "argumentative activity types," but in analytic practice the term *argumentative activity type* is used for all communicative activity types that have an argumentative dimension (van Eemeren and Houtlosser 2005).

The ideal model of a critical discussion developed in pragma-dialectics can be instrumental in characterizing a communicative activity type as an argumentative

critical discussion	Confrontation stage	opening stage	argumentation stage	concluding stage
genres of communicative activity	*initial situation (empirical counterpart of confrontation stage)*	*procedural and material starting points (empirical counterpart of opening stage)*	*argumentative means and criticism (empirical counterpart of argumentation stage)*	*possible outcome (empirical counterpart of concluding stage)*
adjudication	dispute; 3rd party with jurisdiction to decide	largely explicit codified rules; explicitly established concessions	argumentation from facts and concessions interpreted in terms of conditions for the application of a legal rule	settlement of the dispute by a motivated decision 3rd party (no return to initial situation)
deliberation	Mixed disagreement; decision up to a non-interactive 3rd party audience	largely implicit intersubjective rules; explicit and implicit concessions on both sides	argumentation defending incompatible standpoints in critical exchanges	resolution difference of opinion for (part of) 3rd party audience (and/or deliberate return to initial situation)
mediation	conflict at deadlock; 3rd party intervening without jurisdiction to decide	implicitly enforced regulative rules; no explicitly recognized concessions	argumentation conveyed in would-be spontaneous conversational exchanges	mutually accepted conclusion by mediated arrangement between conflicting parties (or provisional return to initial situation)
negotiation	conflict of interests; decision up to the parties	semi-explicit constitutive rules; sets of conditional and changeable explicit concessions	argumentation incorporated in exchanges of offers, counteroffers and other commissives	conclusion by compromise parties as mutually accepted agreement (or return to initial situation)

Fig. 34.2 Argumentative characterizations of communicative activity types making prototypically use of certain genres of communicative activity

activity type. In argumentative reality, the four stages of a critical discussion are "realized" in different fashions in the various argumentative activity types, depending on the prevailing institutional requirements. For each communicative activity type at issue in an analysis it must therefore be determined in what way it can be characterized argumentatively by describing the distinctive features of the empirical equivalents of the four stages of a critical discussion: the initial situation, the procedural and material starting points, the argumentative means and criticisms, and the possible outcome. To illustrate what such argumentative characterizations involve, I have indicated in Fig. 34.2 on your handout the argumentatively relevant institutional conventions defining the families of communicative activity types making prototypically use of adjudication, deliberation, mediation, and negotiation.

34.4   Macro-Contextual Conventionalization and the Identification of Fallacies

Argumentation theorists are out to develop tools for judging the quality of argumentative discourse. Finding a theoretically-based method for identifying the fallacies that may occur in argumentative discourse plays a crucial role in this endeavor. The way in which the fallacies are tackled can even be seen as the acid test for any normative theory of argumentation.

In my view, the treatment of the fallacies has to start from a general and coherent theoretical perspective on argumentative discourse that provides a common rationale for the identification of the fallacies.[18] The starting point of the pragma-dialectical theory, that argumentative discourse is always aimed at resolving a difference of opinion on the merits, puts the study of argumentative discourse in such a general and coherent perspective. This perspective provides a common rationale to the study of the fallacies because the reason for considering an argumentative move as fallacious is in each particular case that this move is in some

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[18]A fundamental problem that threatens fallacy theory, in particular when each fallacy gets its own theoretical treatment, is that not only the treatments of the various fallacies are at variance with each other, but also the general perspectives from which these treatments start. Although in principle giving each fallacy its own treatment does not prevent the theorist from making all fallacy judgments from the same perspective (say a formal perspective as favored by Woods (1992) or an epistemological perspective as favored by Biro and Siegel (1992)), in practice often one perspective is used in one case and another in an other case, and different perspectives may even get mixed up. In such cases, ethical or moral considerations, for instance, all of a sudden get the upper hand over logical (or other) considerations relating to the perspective claimed to have been chosen. Wagemans (2003) provides a good illustration when he discusses Walton's (1999) treatment of the *argumentum ad ignorantiam*. In his analysis, Walton introduces an epistemic norm to condemn such "arguments." Next, however, he starts classifying exceptions to this norm, and mentions, instead of epistemic considerations, practical considerations relating to the consequences of applying the norm.

way or other prejudicial or harmful for the realization of the general goal of resolving a difference of opinion on the merits.

Because a theory of errors cannot be constructed independently of a theory of correctness,[19] a unified theory of the fallacies must be incorporated in a normative theory of argumentation that defines the standards or rules for sound argumentative discourse. Only in this way can it be made clear in what sense a fallacy represents a kind of wrongness and can all fallacies be related to the observation of certain general norms of soundness. In the pragma-dialectical theory of argumentation, this requirement is realized by relating all fallacies systematically to the soundness norms expressed in the rules for critical discussion. In principle, each of the rules constitutes a distinct standard for critical discussion. Any argumentative move that is an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of the difference of opinion and must therefore (and in this particular sense) be regarded as fallacious. In this way, fallacies are defined as speech acts that prejudice or frustrate efforts to resolve a difference of opinion on the merits.

When it comes to the identification of fallacies, the pragma-dialectical evaluation procedure starts with identifying the moves made in the discourse as particular kinds of speech acts creating certain sets of commitments for the participants. Next it is to be determined whether the performance of these speech acts agrees in every particular case with the rules for critical discussion. If a (reconstructed) speech act proves to violate any of the pragma-dialectical rules, it must be determined precisely what kind of norm violation this entails. In practice, this determination can be achieved only if it is clear exactly which soundness criteria for satisfying the critical norm pertain in that particular stage of the resolution process to the case concerned. The implementation of these criteria may vary to some extent depending on the macro-context of the communicative activity type in which the argumentative discourse takes place.

In tackling the "demarcation problem" of how to distinguish in actual argumentative discourse between sound and fallacious moves I have proposed to view fallacious moves as derailments of strategic maneuvering in which a rule for critical discussion has been violated. This means that in such cases the dialectical criteria pertaining to carrying out the mode of strategic maneuvering concerned have not been satisfied and the pursuit of rhetorical interests has gained the upper hand.[20]

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[19]Jacobs (2002, p. 122) correctly observes that "no list of categories will ever exhaustively enumerate all the ways in which argumentation can go wrong."

[20]This approach differs considerably from how the demarcation problem is dealt with by other argumentation theorists. On the one hand, there are argumentation theorists, such as Biro and Siegel (1992) and Johnson (2000), who give precedence to epistemological considerations and view fallacies as argumentative moves that obstruct in some way or other the search for the truth. On the other hand, there are rhetorically-minded theorists such as Willard (1995) and Leff (2000) who go primarily by empirical standards and view the fallacies in a more relativistic way as argumentative moves that are not accepted in a certain communicative community. Although in some cases the results of the theorizing may be virtually the same, these perspectives from which the fallacies are approached are fundamentally different from each other and from ours.

When reflecting upon the criteria that can be brought to bear to distinguish between sound and fallacious strategic maneuvering, I make a distinction between general criteria for judging fallaciousness that are context-independent and more specific criteria that may be dependent on the macro-context in which the strategic maneuvering takes place. The specific context of the communicative activity type requires an implementation of the general criteria that is geared with the communicative activity type concerned. In any particular case it must be determined to what extent, and in what way, in the macro-context of the communicative activity type the general soundness criteria for using the mode of strategic maneuvering at issue need to be further specified, amended or supplemented with context-dependent specific soundness criteria. In some particular cases—among them are most textbook examples and similar clear-cut cases of fallacious maneuvering—there is no real need to take the conventionalization of the macro-context into account because it is already clear that the context-independent general soundness criteria pertaining to that mode of strategic maneuvering have not been satisfied.

As a case in point, I would like to discuss the demarcation of non-fallacious and fallacious moves in the mode of strategic maneuvering known as appealing to an authority to defend a standpoint. Like using other symptomatic arguments, using arguments from authority is potentially a sound mode of strategic maneuvering. In a great many cases, we are fully justified in supporting our claims by referring to an authority who is supposed to know—in argumentative reality this is in fact often the only sensible thing we can do. If, however, one or more of the "critical questions" for checking if the general criteria for judging arguments from authority have been fulfilled cannot be answered satisfactorily, an appeal to authority is not justified. Among the general soundness conditions are, for instance, that the parties in the discussion should agree in principle on appealing to an authority,[21] that the source referred to does indeed have the professed authority, that this authority is pertinent to the topic at issue in the difference of opinion, that the source was serious when he made the statement that is quoted, that he is quoted regarding correctly, and on a point where this is relevant to resolving the difference of opinion (cf. Woods and Walton 1989, pp. 15–24; van Eemeren and Grootendorst 1992a, pp. 136–137). If there are good reasons to think that any of these conditions has not been fulfilled (e.g. when the authoritative source is evidently misquoted), the strategic maneuvering by an appeal to authority has derailed because it violates the Argument Scheme Rule and must be viewed as an *argumentum ad verecundiam* (van Eemeren and Houtlosser 2003).[22]

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[21]In argumentative practice it may happen that one of the parties does not agree with appealing to an authority or with appealing to this particular authority because, for instance, this party is interested only in learning what the other party himself has to say on the matter ("Why do you refer to Professor Schama? You said yourself that this is such a beautiful painting and now I would like to hear what *your* arguments are for giving such a positive judgment").

[22]Woods and Walton (1989, pp. 17–21) formulated, for instance, the following general "adequacy conditions" for the argument from authority: (1) "The authority must be interpreted correctly"; (2) "The authority must actually have special competence in an area and not simply glamour,

More often than not, in the end, fallacy judgments are—or should be—contextual judgments that depend on the specific conventionalization of the communicative activity type in which the argumentative discourse takes place. In those cases, it is necessary for determining whether or not a dialectical norm incorporated in the rules for critical discussion has been violated to resort to specific soundness criteria that depend on the institutionalized conventions of the specific communicative activity type in which the argumentative moves concerned are made. Basically, these specific soundness criteria indicate how the general soundness criteria need to be interpreted, amended or supplemented in the specific macro-context of this communicative activity type.[23]

Let us return to the argument from authority to illustrate the case I am making. Imagine that you and I are playing a game of scrabble and have decided to do this in English. You know that I am a Dutchman who cannot be trusted with the English language. On top of that, you also know that I am always eager to win such inconsequential games. At a certain moment I claim to have compiled a *word*, but you doubt that the combination of letters I have laid out really constitutes an English word. Now I use an argument from authority to defend my claim: "This is an English word, because it is in the dictionary." Whether my appeal to authority is in this case a sound strategic maneuver or a fallacy depends in the first place on the existing agreement as to the testing procedure for deciding whether or not a combination of letters that is claimed to be an English word does indeed count as an English word.

If you and I had agreed—or if this was an existing agreement in this macro-context—that a combination of letters would be regarded as an English word if both of us recognized it as an English word, it would be hard for me to defend my claim that the combination of letters I laid out constitutes an English word by means of a reference to the dictionary. However, if we had agreed that in case of doubt we let the dictionary decide, and I cite the dictionary correctly, then there is nothing wrong with my argumentative move. The move "This is an English word, because it is in this dictionary" would even be conclusive, unless you and I had also agreed in advance that the *Concise Oxford Dictionary* would be the ultimate judge while in my argument I am referring to *Webster's*. If nothing had been agreed upon between the two of us concerning how to decide a case like this, my appeal to the authority of the dictionary could not be considered "fallacious," because there would be no decision criterion that could be applied—or ignored, for that matter. If there is no decision criterion available that we explicitly or implicitly agree upon, it has to be decided in the second instance whether I referred to an admissible source of

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(Footnote 22 continued)

prestige, or popularity"; (3) "The judgment of authority must actually be within the special field of competence"; (4) "Direct evidence must be available in principle"; (5) "A consensus technique is required for adjudicating disagreements among equally qualified authorities.".

[23]Because the general soundness criteria need to be applied in widely diverging macro-contexts in which different institutional needs must be satisfied, the exact meaning of the general criteria and the ways in which their fulfillment can be checked may vary. Who or what counts as an authority, for instance, will be different in a scientific debate than in a political interview.

expertise when appealing to the dictionary, or whether this would only be so if I referred (correctly) to the *Concise Oxford Dictionary*.[24]

In the scenarios just sketched, different specific criteria are used for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. This illustrates how the specific soundness criteria for judging arguments from authority may vary depending on the agreements reached (or implicitly accepted) in the opening stage of the discussion taking place in a certain communicative activity type. In a great many macro-contexts the conventionalization of a particular communicative activity type preconditions such agreements, and they affect not only the use of arguments from authority but also the use of other modes of strategic maneuvering. This means that the specific soundness criteria for judging the various modes of strategic maneuvering may vary —at least to some extent—from communicative activity type to communicative activity type. The examples I have just given concern explicit agreements made between the parties, but such agreements between the parties could just as well remain implicit. In actual practice, more often than not such agreements are not really made between the parties but imposed upon them when they engage in a particular communicative activity type, so that for certain modes of strategic maneuvering the specific soundness criteria can be regarded as given. For some communicative activity types, such as a chat or an apology, they will have been acquired in primary socialization when becoming familiar with these communicative activity types; for other communicative activity types, such as an academic review or a writ, they will be known only to those who chose to make themselves familiar with them in secondary socialization.

In the various communicative activity types constituting the macro-contexts of strategic maneuvering in argumentative discourse, different implementations of the general soundness criteria have developed to realize the institutional point of the communicative activity type concerned in an optimal way. These different implementations may result in different sets of specific soundness criteria for the same mode of strategic maneuvering in different communicative activity types. The specific soundness criteria pertaining to strategic maneuvering by appealing to an authority, for instance, will be different in some respects in the macro-context of a criminal trial in the legal domain, where arguments from authority may take the special form of eyewitness testimony and require authenticity, compared to those in the macro-context of a scientific dispute in the scholarly domain, where arguments the use of from authority consists in quoting qualified experts and is governed by mutually recognized conventions.[25]

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[24]A precondition for being allowed to consider this appeal to authority (and the other appeals to authority I have mentioned) fallacious is, of course, that the criterion applied may be considered problem-valid in the first place.

[25]According to de Groot (1984), ideally, the Scientific Forum will keep considering the decision and may eventually come to a different decision in the future. See also de Groot (1969). Together with the problem-validity requirement this continuity of the assessment process is to protect

34.5 Conclusion

My conclusion is that in analyzing and evaluating argumentative discourse we need to take account not only of the intrinsic dialectical and rhetorical aims of strategic maneuvering but also of the extrinsic conventional constraints imposed on the strategic maneuvering by the macro-context of the institutionalized communicative activity type in which the argumentative discourse takes place, because the conventionalization of the communicative activity type disciplines the strategic maneuvering. By viewing contextualization in this way, my approach to context differs crucially from Walton's. To start with, my notion of institutionalized communicative activity types is purely empirical, and sharply distinguished from normative ideal models such as a critical discussion, whereas the theoretical status of Walton's notion of dialogue types is not clear, but the notion lays claim to both a normative and a descriptive status, because dialogue types are at the same time defined as "normative ideal models" and as "conventionalized activities."[26] This conflation of normative and descriptive perspectives obscures the status of the goals Walton ascribes to the various dialogue types,[27] and indicates that he ignores a distinction pertinent to the study of rule-governed linguistic behavior.

(Footnote 25 continued)

scientific and scholarly claims to truth from being based merely on a temporary consensus of a momentary collection of experts.

[26]One of the reasons why it does not become clear that Walton and Krabbe's types of dialogue are —contrary to their normative claims—empirical categories is that the norms pertaining to the various dialogue types are not unequivocally related to the goals of the activity types concerned. On the one hand, normative concerns are given priority, which is made explicit when Walton and Krabbe emphasize that "structures or systems of dialogue are normative models that represent ideals of how one ought to participate in a certain type of conversation if one is being reasonable and cooperative" and warn that they should not be confused with "an account of how participants in argumentation really behave in instances of real dialogue that take place […] in a speech event" (1995, p. 67). On the other hand, however, their concept of dialogue types has unmistakably a strong empirical flavor, as is evident in Walton's characterization of the various types of dialogue. When, for instance, he makes his case for the context-dependent fallaciousness of *ad baculum* arguments, he supports his position by observing that "during a negotiation type of dialogue, threats and appeals to force or sanctions are quite typical and characteristic" (1992, p. 141). In this case, and in many more cases adduced by Walton, the observation of an empirical regularity— describable in quantitative terms such as "often," or quantifiable terms such as "typically" and "characteristically"—creates in his approach the normative basis for giving a fallacy judgment.

[27]Are they formulated based on empirical analyses or are they stipulated based on theoretical considerations? In other words, are these goals familiar, or at least reflectively recognizable, to the discussants or are they formulated by some theorist, in this case Walton and Krabbe themselves? The enormous diversity of the goals Walton and Krabbe assign to the various dialogue types raises the additional question of which of these dialogue types are really argumentative: what definition of "being argumentative" is applied in determining this quality? Whichever interpretation Walton and Krabbe may have intended to enforce, it seems to me that the point has to be made that there must be a theoretical rationale for considering discourses or verbal moves to be argumentative that is independent of the specific empirical environment—or type of dialogue—in which they occur.

In studying linguistic behavior, it must be clearly distinguished between, first, behavioral regularities or patterns of language use, second, the norms underlying these regularities as they have been internalized by ordinary language users, and, third, the external norms for judging language use as they are stipulated on analytic grounds by the theorists. Next to a first corresponding research tradition in linguistics and the study of language use concentrating on describing regularities in language use, there is a second corresponding research tradition in "emic" descriptive pragmatics and discourse analysis focussing on tracing internal normatively shared by language users, and a third one in "etic" normative pragmatics and critical discourse analysis focussing on developing external norms for judging the quality of language use. In the study of argumentation, the last kind of focus is chosen by all dialecticians, whether formal, pragma-dialectical or other—just as logicians and lawyers have done in other fields. These dialecticians have a similar general aim: to develop ideal models that point out what optimally reasonable argumentative behavior amounts to, so that argumentative behavior that falls short of this ideal can be characterized as the commitment of some kind of fallacy. To which of the three traditions Walton's research on dialogue types belongs is a question that is hard to answer.

Granting that intersubjective agreement concerning the acceptability of argumentative moves is indeed a prerequisite for reaching in argumentative reality a resolution of a difference of opinion, in order to reach a resolution of the difference of opinion *on the merits*, as pragma-dialecticians have in mind, the "problem-solving validity" of the norms applied in judging the acceptability of these moves comes first —that is, before their "conventional validity." On the meta-level too, before external norms such as those incorporated in the rules for critical discussion can be tested for their conventional validity, their problem-solving validity is to be established first.[28] A prerequisite for being able to do so is that the "emic" and the "etic" study of the norms for sound argumentative discourse are clearly kept separated. Apparent acceptability and institutional appropriateness cannot be automatically equated with external reasonableness which has passed the problem-validity test. Nevertheless, this is what Walton seems to do—with a certain kind of "postmodern" relativism as a result. I think that, instead of being decided on dubious grounds in advance, the issue of the extent to which the criteria for judging the quality of argumentative discourse may be context-dependent should be dealt with on the basis of a careful analysis of the various communicative activity types in which argumentation plays a part. Rather than a postmodern relativization of reasonableness, I go for a contextual specification of general criteria for judging whether "universal" dialectical norms of reasonableness have been fulfilled.

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[28]See van Eemeren et al. (2009).

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Chapter 35
The Role of Logic in Analyzing and Evaluating Argumentation

Frans H. van Eemeren

35.1 Introduction

What is the relationship between logic and argumentation theory? The answer to this question depends, of course, to a large extent on the way in which logic and argumentation theory are conceived and defined. Opting for different concepts of logic and argumentation theory could result in the view that there is no relationship at all, that logic and argumentation theory are the same, that logic is part of argumentation theory, that argumentation theory is part of logic, or that some more complex variant of either of these possibilities prevails. Acknowledging that other choices can be made, I start my attempt to answer the question about the relationship between logic and argumentation theory with a general indication of my understanding of logic and argumentation theory.

I am fully aware of the fact that the term *logic* is also used in other ways, but I use this term—in accordance with modern parlance—to refer to the study of reasoning which can be more precisely specified as *formal logic*. In addition, although I know that formal logic may be thought to cover a broader academic enterprise, when I am talking of *logic*, I am referring to the study of the *formal validity of argument forms*. In agreement with what is explained in the introductory chapter of the handbook *Fundamentals of Argumentation Theory* (van Eemeren et al. 1996, 5–12), I consider the study of the validity of argument forms the "core business" of logic. Fortunately, I am by no means alone in taking this view. The prominent logician Johan van Benthem, for one, characterized logic in a recent contribution to the journal *Cogency* as "a normative mathematical study of valid inference patterns" (2009, 14).

Argumentation theory is, in my view, the name of the descriptive and normative study of argumentation aimed at resolving a difference of opinion on the merits. According to the provisional version of the first chapter of the new *Handbook of Argumentation*, the general objective of argumentation theory can be specified as follows (van Eemeren et al. 2012, Sect. 1.2):

- Providing a descriptive account of the elements in argumentative discourse that constitute the point of departure of argumentation and providing a normative account of the standards for evaluating this point of departure;
- Providing a descriptive account of the elements in argumentative discourse that constitute together the layout of argumentation and providing a normative account of the standards for evaluating argumentation as it is laid out in the discourse.

In my understanding, the division of labour between logic and argumentation theory is as follows. Logic is concerned with reasoning and concentrates primarily on the formal validity of the argument forms underlying particular products of reasoning. Argumentation theory is concerned with argumentation and concentrates primarily on the procedural form and soundness of argumentative discourse in resolving a difference of opinion on the merits.[1] Because argumentation always incorporates reasoning, argumentation theory necessarily includes certain aspects of the study of reasoning, but not just the formal ones. In addition, together with other pragmatic factors pertinent to an argumentative exchange, informal aspects of reasoning need to be taken into account which can only be considered "formal" in a procedural sense. It goes without saying that I highly value the contributions to the study of reasoning and argumentation made by my colleagues who call themselves *informal logicians*.[2] However, in view of the definitions I start from, for my purposes, their contributions can be reckoned to be part of argumentation theory. After all, like other argumentation theorists, next to (formal or informal) validity, informal logicians also take qualities of argumentative discourse such as *relevance*, *sufficiency*, and *truth* or *acceptability* into account (Johnson and Blair 1994).

In my paper, I start from the pragma-dialectical perspective on argumentation we developed in Amsterdam (van Eemeren and Grootendorst 1984, 1992, 2004; van Eemeren 2010). This means that I regard argumentation as a communicative and interactional act complex consisting of speech acts aimed at convincing a rational judge who judges reasonably of the acceptability of a standpoint at issue. In the pragma-dialectical perspective, argumentation is part of a critical exchange aimed at resolving a real, anticipated or projected difference of opinion on the merits. The argumentative discourse that develops in this exchange can be analyzed and evaluated with the help of our model of a critical discussion, which specifies the stages argumentative discourse must pass through in order to resolve a difference of opinion on the merits, the speech acts that are pertinent to the resolution process in the various stages, and the discussion rules that are instrumental in this endeavour. I will indicate in this paper which role is played by logic in reconstructing argumentative discourse systematically in the analysis of the discourse in terms of a critical discussion and in evaluating the argumentative moves that are made according to their agreement with the rules for critical discussion.

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[1]Van Benthem (2009, p. 19) observes that "modern logic just studies some products of […] acts, such as inference forms, or static instantaneous knowledge and beliefs of agents. It does not study those acts themselves, even though only the latter create the products, and make sense of them".
[2]See, in particular, Johnson (2000).

35.2   The Role of Logic in Reconstructing Unexpressed Premises

In ordinary argumentative discourse it is perfectly normal that argumentation and other argumentative moves remain partly implicit or contain speech acts that are performed indirectly. There may be unexpressed premises which are indispensable components of the argumentation, but it may also be the case that the standpoint that is defended by the argumentation has been left unexpressed. From a pragmatic point of view this does not automatically mean that in such cases the discourse is defective. To establish precisely what the arguer can be held to, a careful analysis must then be carried out.

The identification of unexpressed standpoints is sometimes quite simple. For example, a woman who argues "All academics are curious and Peter is certainly a real academic" can clearly be held to the proposition that Peter is curious. By adding "Peter is curious" as a conclusion to the argument whose expressed premises are "Alle academics are curious" and "Peter is (certainly) a real academic" we arrive at a logically valid argument.[3] If it may be assumed that the woman who says "All academics are curious and Peter certainly is a real academic" is advancing argumentation and that in doing so she wishes to abide by the pragmatic rules of communication,[4] she can also be held to the standpoint that Peter is curious. In principle, unexpressed premises can be reconstructed in a similar way with the help of the pragmatic rules for communication and the use of logic. In many cases, however, it is not so easy to see exactly which unexpressed premise can be added to an incomplete argument, because there are various possibilities.

Like in the reconstruction of other implicit or indirect speech acts that may be considered understood in the discourse, in determining—starting from the explicit premises and standpoints—what can reasonably deemed to be premises left unexpressed in the discourse, we rely on pragmatic insights concerning the rules of communication. An extra heuristic tool, however, that can be brought to bear in the reconstruction of unexpressed premises is the logical validity criterion, because argumentation always involves a reasoning process. Taken literally, as it is presented in the discourse, the argument underlying argumentation in which a premise has been left unexpressed is invalid. If the argumentation is analyzed as conveying an indirect speech act, however, the missing premise of the argument can be added, so that the invalidity is corrected. In this way, using the validity criterion provided by logic as a heuristic tool for the reconstruction of unexpressed premises results in

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[3]It may also be the case that for other reasons it is immediately apparent which premise has been left unexpressed. The communicative activity type in which the argumentation takes place, for instance, might provide the solution. Then logic does not play a part in the reconstruction process.

[4]For the rules of communication, which integrate Gricean maxims and speech act conditions, see van Eemeren and Grootendorst (1992, pp. 49–55).

a well-considered point of departure for further pragmatic reflection on what is to be regarded as the unexpressed premise in the case concerned.[5]

If the reconstruction of unexpressed premises in argumentative discourse is carried out in this way, the analysis takes place both at a pragmatic level and at a logical level, the logical analysis being a heuristic procedure that is instrumental for the pragmatic analysis. At the pragmatic level, the analysis is directed toward reconstructing the complex speech act performed in advancing argumentation, while at the logical level the reasoning underlying the argumentation is reconstructed. Although in reconstructing the reasoning involved we resort to a logical validity criterion, this does not automatically commit us to any dogmatic "deductivism", as some concerned colleagues seem to fear (Govier 1987, pp. 81–104). I would be proud to be a "deductivist", but—alas—I am not.[6] In dealing with some illustrative cases of unexpressed premises I restrict myself, just for the sake of simplicity, to the use of widely familiar first order propositional and predicate logic. For dealing with certain other cases, however, other types of deductive or non-deductive logic may be more appropriate.

A speaker who performs the complex speech act of argumentation does so to convince the listener that his standpoint is acceptable. Because of the responsibility condition of this speech act, the listener is entitled to assume that the speaker himself believes that the argumentation is an acceptable defense of his standpoint; if the speaker does not believe this, he is guilty of manipulation or deceit. Because of the preparatory condition of the speech act, the listener is also entitled to assume that the speaker believes that the listener will accept his argumentation; if the speaker does not believe this, the performance of the speech act is, seen from his angle, pointless. If the speaker is sincere and does not believe that his argumentation is pointless, this also means that he assumes that the listener will be inclined to apply the criteria of acceptability that he applies. These criteria will include the criterion of logical validity: because of the responsibility condition the speaker may be assumed to believe that the argument underlying his argumentation is valid, and because of the preparatory condition he may be assumed to believe that the listener will believe this too.

If a literal interpretation of the argumentation produces an invalid argument, as is the case when unexpressed premises are at issue, the speaker appears to have performed a futile speech act, thus having violated the fourth rule of communication, "Keep to the point". He may also appear to have been insincere, thus having violated the second rule of communication, "Be honest". However, argumentative

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[5]The heuristic starting point of the pragma-dialectical procedure for making unexpressed premises explicit consists in reconstructing the reasoning underlying the argumentation as a logically valid argument, whose conclusion cannot be false if the premises are true. In practice, it is not always fully clear whether the argument should indeed be validated. The speaker may, after all, have argued in an invalid way. Unless there are good reasons for not doing so, it is for reason's sake nevertheless pragma-dialectical policy to follow the procedure.

[6]I am not certain that it is up to argumentation theorists to give a specific and definitive answer to the general question of exactly what kind of logical validity criterion is to be preferred.

discourse must be analyzed on the basis that the speaker observes the Principle of Communication and wishes, in principle, to abide by all the rules of communication. Therefore, the analyst must examine whether it is possible to complement the invalid argument in such a way that it becomes valid. If it is indeed possible to add a proposition to the invalid argument which validates it, the violations of the second rule and fourth rule are undone. The violation is then made undone by treating the unexpressed premise as a special sort of indirect speech act which is conveyed implicitly by the argument.

Of course, there are various ways of augmenting an incomplete argument to validate it. However, an unexpressed premise is only pragmatically appropriate if the reconstruction conforms to *all* the rules of communication. So, it is not enough that the added premise renders the argument valid. When identifying an unexpressed premise, the question of how to choose from a variety of different candidates can be more easily answered if, as part of the heuristic procedure—realizing that in some cases other heuristics might be more appropriate—a distinction is made between a "logical minimum" and a "pragmatic optimum". Cast in propositional logic mold, the logical minimum may be defined as the "if… then…" sentence constructed by taking the explicit premise of the argument as the antecedent and the conclusion as the consequent. So, the logical minimum amounts to connecting pieces of information that are already there. All it does is to state explicitly that it is permitted to infer the given conclusion from the given premise, because the valid argument resulting from the addition has the form of *modus ponens.*

If this logical minimum were identified as the unexpressed premise, a violation of the third rule of communication, "Be efficient", would be unnecessarily ascribed to the speaker, because the logical minimum contributes nothing new. From the very fact that he advances this particular argumentation for his standpoint it is already clear that the speaker assumes that this conclusion follows from this premise. Pragmatically, this addition is therefore superfluous. If the context and the situation allow for it, this violation should be remedied by means of a reconstruction of a pragmatic optimum that is fully in agreement with the rules of communication. Starting from the logical minimum, the pragmatic optimum can be reconstructed by taking all textual, contextual, inferential, and background information into account that helps to prevent a violation of rule 3 or any other rule of communication.[7] Basically, this is a matter of rephrasing the logical minimum in such a way that it becomes as clear ("Clarity Rule"), succinct ("Efficiency Rule") and to the point ("Relevancy Rule") as possible without ascribing any commitments to the speaker that cannot be accounted for ("Responsibility Rule"). In "Peter is a real academic, therefore, he is curious", for instance, these requirements can be met by adding "Real academics are curious". Here, the logical minimum on the basis of

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[7]For these empirical sources, see van Eemeren (2010, pp. 16–19), who distinguishes between the text, the micro, meso, macro and textual contexts, logical and pragmatic inferences, and general and specific background information.

which the pragmatic optimum ("Real academics are curious") is reconstructed, is "If Peter is a real academic, then he is curious".

In "pragmatizing" the logical minimum, the decisive factors are the background against which and the context in which the argumentation takes place, because they determine in the first place whether a certain generalization or specification of the logical minimum as the pragmatic optimum is justified. If in an ordinary conversation the speaker says that Peter is a real academic and that he is, therefore, curious, he has, at the same time, committed himself to the proposition that real academics are curious. To assert the first and deny the second would lead to a pragmatic inconsistency. There is always a danger, however, that the premise that is added goes too far, so that more is attributed to the speaker than he can be held responsible for. The analyst must determine what the speaker can be held to on the basis of what he has said in the context concerned and whether the unexpressed premise ascribed to the speaker actually belongs to his commitments.

In some cases, the context will allow the analyst to attribute more detailed or more far-reaching commitments to the speaker than envisaged in the logical minimum. At an earlier stage in the conversation, the speaker may, for example, have said something that warrants a much more specific reconstruction of the pragmatic optimum. Unfortunately, the context and the other pragmatic sources do not always provide enough clarity to decide about a reconstruction of the pragmatic optimum which goes further than the logical minimum. In some cases it is difficult to find more informative candidates to which the speaker may be held committed, so that the analyst has to sail between the rocks of triviality and lack of commitment. Although this does not happen too often in contextualized argumentative discourse, he may even be forced to consider the logical minimum as the pragmatic optimum.[8]

To facilitate the reconstruction of unexpressed arguments, the problem of validating incomplete arguments can be simplified for heuristic reasons by assuming initially that every argument, whether it is part of a chain of reasoning or not, consists of two premises and a conclusion. For its logical reconstruction, the reasoning underlying more complex argumentation can then be split up in separate arguments, each of which consists of two premises and a conclusion. In reality, this need not necessarily be accurate, but—unless it is obvious from the beginning that the argument is, for instance, more appropriately treated as a Constructive Dilemma[9]—there is little harm in starting from this assumption. Usually, in the presentation of these arguments in the argumentation one of the two premises is left unexpressed.

An advantage of this simplification is that the analyst can work with small, manageable units. Following, for once, syllogistic logic in handling these units, he might take it that each argument is supposed to have a *major* premise (containing the *major* term) and a *minor* premise (containing the *minor* term). In some contexts,

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[8]For a summary of the general procedure to determine the pragmatic optimum, see van Eemeren and Grootendorst (1992, pp. 64–68, pp. 142–144).

[9]A Constructive Dilemma neither has two premises nor can it be easily reconstructed as an argument with two premises.

the major premise may be missing, in others the minor premise. In either case, it is pragmatic, not logical, factors that determine what a speaker leaves out (and *can* leave out without any communicative problems). Someone who defends the standpoint that Johnny is to die young with the explicit premise that he is a Down's syndrome sufferer assumes that the listener does not know who Johnny is but *is* aware that Down's syndrome sufferers always die young, whereas someone who defends the same standpoint with the explicit premise that all Down's syndrome sufferers die young assumes that the listener knows that Johnny is a Down's syndrome sufferer. Although the argumentation using the explicit premise that Johnny is a Down's syndrome sufferer is different from that using the explicit premise that all Down's syndrome sufferers die young, in both cases the same logically valid reasoning is expressed.

35.3   The Role of Logic in Evaluating Argumentation in Discourse

In a critical discussion, the protagonist and the antagonist try to find out whether the protagonist's standpoint is capable of withstanding the antagonist's criticism. A procedure regulating the conduct of a critical discussion cannot be exclusively confined to the logical relations used to infer conclusions from premises, but must cover all speech acts that need to be carried out to resolve a difference of opinion on the merits. This means that the procedure should relate to all the stages that are to be distinguished in the resolution process: the confrontation stage, in which the difference of opinion is developed; the opening stage, in which the procedural and other starting points are established; the argumentation stage, in which the argumentation is put forward and subjected to critical reactions; and the concluding stage, in which the outcome of the discussion is determined. Following our basic model of the distribution of speech acts in the different stages of a critical discussion, Grootendorst and I developed in *Speech Acts in Argumentative Discussions* a pragma-dialectical discussion procedure consisting of a system of rules for the performance of speech acts in a critical discussion (van Eemeren and Grootendorst 1984).[10]

The discussion stage pertinent to the role of logic in evaluating argumentation in discourse is the *argumentation stage*. In the argumentation stage, the discussant who has assumed the role of protagonist tries to defend the standpoint at issue in accordance with the rules for critical discussion against the discussant who has assumed the role of antagonist. The protagonist has not defended the standpoint definitively until the antagonist has fully accepted his argumentation. The acceptance of argumentation implies that the propositions expressed in the argumentation

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[10]Each of our rules for critical discussion makes it possible to satisfy a necessary condition for the resolution of a difference of opinion. As a whole, the rules are conducive to the resolution of a difference of opinion by means of argumentative discussions.

are accepted and that the argumentation is regarded as legitimizing (in the case of pro-argumentation) or refuting (in the case of contra-argumentation) the proposition to which the standpoint pertains. The antagonist who does not accept the argumentation of the protagonist can thus call its *propositional content* into question, but he can also call into question its *force as a justification or refutation*. The discussion rules for the argumentation stage lay down in which case the defense of the protagonist is to be regarded as successful. This means that the rules indicate when the antagonist is obliged to accept the argumentation put forward by the protagonist as an adequate defense of the standpoint.

I will first concentrate on the regulations that apply when (part of) the propositional content of an argumentation is called into question. By doing so, the antagonist creates a new point of contention. Since the protagonist has adduced the argumentation in support of the standpoint, he will adopt a positive standpoint with regard to a proposition that is called into question and is obliged (by virtue of some other discussion rules) to defend it. Beside the *initial* dispute, bearing on the *initial standpoint* of the protagonist, a *sub-dispute* then arises, bearing on this positive sub-standpoint. A whole chain of sub-disputes, sub-sub-disputes, and so on can arise in this way. In this case the argumentation required of the protagonist is subordinatively compound.

The discussants that fulfill the roles of protagonist and antagonist have to agree in the opening stage on how they will decide on the acceptability of propositions advanced by the protagonist in his argumentation. In the theoretical model of a fully externalized exchange, the discussants must to this end lay down *which propositions they both accept* in the discussion and *how they will decide together on the acceptability of other propositions*. In practice, the propositions on the list will usually not be explicitly agreed upon but function as a mutually presupposed point of departure of shared starting points. If the antagonist calls a proposition that is part of the argumentation into question, the protagonist can successfully defend the proposition against the attack of the antagonist by pointing out that the proposition in question is included in the list. This method of defense by determining whether propositions that have been called into question are included in the list of accepted propositions is referred to as the *Intersubjective Identification Procedure*. If the application of this procedure yields a positive result, the antagonist is obliged to accept the proposition involved in the argumentation put forward by the protagonist.

Of course, the protagonist is also allowed to make use of propositions on which *no prior agreement* has been reached. In order to make use of *new information* in a critical discussion, it is necessary for the discussants to agree on how they will determine whether a proposition should be accepted or not. The methods agreed on may consist of consulting oral or written sources (encyclopedias, dictionaries, reference works) or of joint perception (by way of experiment or not). As in the case of the list of accepted propositions, both discussants must consider the method that is chosen adequate. The discussants can, for instance, decide in the opening stage to start a *sub-discussion* in which it is determined whether the proposition on which agreement was first lacking can be accepted in the second instance. The protagonist will then have to take a positive *sub*-standpoint with regard to the

proposition concerned and defend it against possible objections and criticisms of the antagonist. The consequences of the recommended regulations of the protagonist's opportunities for defense are laid down in rule 7:

RULE 7

(a) *The protagonist has successfully defended the propositional content of a complex speech act of argumentation against an attack by the antagonist if the application of the Intersubjective Identification Procedure yields a positive result or if the propositional content is in the second instance accepted by both parties as a result of a sub-discussion in which the protagonist has successfully defended a positive sub-standpoint with regard to this propositional content;*

(b) *The antagonist has successfully attacked the propositional content of the complex speech act of argumentation if the application of the Intersubjective Identification Procedure yields a negative result and the protagonist has not successfully defended a positive sub-standpoint with regard to this propositional content in a sub-discussion.*

The antagonist may call an argumentation into question not only for its propositional content, but also for its force of justification or refutation. If the protagonist adopts a positive standpoint, the question can be raised of whether the reasoning "*propositional content of the argumentation, thus proposition to which the standpoint refers*" is valid as it stands. If the protagonist adopts a negative standpoint, it is necessary to determine whether the reasoning "*propositional content of the argumentation, thus not proposition to which the standpoint refers*" is valid. The validity of the reasoning in the argumentation needs to be judged only if this reasoning is completely externalized and the protagonist can be regarded committed to the claim that the soundness of the argumentation depends on its *logical validity*. Checking whether the arguments of the protagonist are logically valid calls for *logical rules*, such as the dialogue rules of the Erlangen School, to evaluate the validity of the arguments by examining whether a contended proposition is defensible in relation to the premises (viewed as concessions) that constitute the argumentation. Since checking the validity of the arguments is a matter of determining whether the protagonist's inferences are acceptable, this procedure is referred to as the *Intersubjective Inference Procedure*.

If the reasoning in the argumentation is *not* completely externalized—and for that reason cannot be valid as it stands—the question will be whether the argumentation makes use of an argument scheme that both parties consider admissible and that has been correctly applied. Generally, the argument schemes employed in argumentation are not made explicit in the discourse, but have to be reconstructed. To this end, an *Intersubjective Explicitization Procedure* needs to be carried out, which is based on similar principles as the procedure that we have developed for

rendering unexpressed premises explicit. This must lead to a definite answer at to the kind of argument scheme that is used in the argumentation.[11]

Once the argument scheme employed has been reconstructed, it must be determined whether both parties consider the use of this argument scheme admissible and whether it has been applied correctly. In certain communicative activity types there may be specific (institutionally motivated) conditions in force that prohibit the use of certain schemes. The use of argumentation by analogy, for example is in the Netherlands inadmissible in criminal law cases. Of course, discussants themselves may also conclude that it is better to exclude certain types of argumentation. They might, for instance, decide that the type of exchange they have does not lend itself to use of argumentation based on authority regarding the subject under discussion, or that drawing comparisons is not appropriate in a certain communicative activity type because they do not constitute decisive arguments. Only when there is agreement concerning the nature of the argument schemes to be used does it make sense to determine which applications of the schemes adopted are admissible. This involves determining which critical questions these argument schemes require to be answered.[12] If in the institutional context concerned a comparison is in principle an admissible type of argumentation, it may, for instance, be stipulated that argumentation of this kind will only be regarded decisive if no single relevant difference can be demonstrated between the cases under comparison. Since checking the acceptability of the argument scheme boils down to scrutinizing the step from the proposition(s) expressed in the argumentation to the proposition expressed in the standpoint, this procedure, which is introduced in rule 8, is referred to as the *Intersubjective Testing Procedure*.

RULE 8

(a) *The protagonist has successfully defended a complex speech act of argumentation against an attack by the antagonist with regard to its force of justification or refutation if the application of the Intersubjective Inference Procedure or (after application of the Intersubjective Explicitization Procedure) the application of the Intersubjective Testing Procedure, yields a positive result;*

(b) *The antagonist has successfully attacked the force of justification or refutation of the argumentation if the application of the Intersubjective Inference Procedure or (after application of the Intersubjective Explicitization Procedure) the application of the Intersubjective Testing Procedure yields a negative result.*

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[11]In certain cases, as in argumentation by analogy, the soundness of the reasoning involved in the argumentation does not play a prominent part in the process of convincing the antagonist, so that logic is not pertinent to the assessment of the use of the argument scheme employed.

[12]See van Eemeren and Grootendorst (1992, pp. 92–102).

We can now indicate when the protagonist has *conclusively* defended an initial standpoint or a sub-standpoint by means of argumentation and when the antagonist had *conclusively* attacked this standpoint. For a *conclusive defense* of a standpoint, the protagonist must have defended both the *propositional content* of the argumentation (as prescribed in rule 7) and its *force of justification or refutation* with regard to the proposition on which the standpoint bears (as prescribed in rule 8). For a *conclusive attack* on a standpoint, the antagonist must have successfully attacked either the *propositional content* of the argumentation or its *force of justification or refutation* (as prescribed in rules 7 and 8). The antagonist may try to do both (by virtue of rule 6), but for a conclusive attack on the standpoint it is sufficient to succeed in one of the two attempts. This is laid down in rule 9:

RULE 9

(a) *The protagonist has conclusively defended an initial standpoint or sub-standpoint by means of a complex speech act of argumentation if he has successfully defended both the propositional content called into question by the antagonist and its force of justification or refutation called into question by the antagonist;*

(b) *The antagonist has conclusively attacked the standpoint of the protagonist if he has successfully attacked either the propositional content or the force of justification or refutation of the complex speech act of argumentation.*

I have concentrated here on the Intersubjective Identification, Explicitization,

Inference and Testing Procedures, because they are crucial to the smooth running of the argumentation stage. It goes without saying that the pragma-dialectical procedure for conducting a critical discussion encompasses more rules and covers all the discussion stages. When taken together, these rules constitute a discussion procedure that indicates which norms the speech acts performed by either of the parties in a difference of opinion must satisfy in order to contribute to the resolution of a difference of opinion on the merits. Their problem-validity is based on the fact that they prevent fallacies from occurring, because each traditional fallacy can be characterized as a violation of one or more of the rules for critical discussion. In order for the rules to be of any practical significance, however, there also must be potential discussants that are prepared to play the game by these rules, because they accept them intersubjectively—so that the rules acquire conventional validity as well.[13]

As formulated in *A Systematic Theory of Argumentation*, the procedure for conducting a critical discussion is too technical for immediate use by ordinary discussants. For practical purposes, we have therefore complemented this theoretical model for examining argumentative discourse with a simpler code of conduct

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[13]See van Eemeren, Garssen and Meuffels for a report of experimental empirical research into the agreement between the pragma-dialectical code of conduct for reasonable discussions and the argumenative position adopted by the parties. See also Mohammed (2009) and Andone (2010).

for reasonable discussants who want to resolve their differences of opinion by means of argumentation. This code of conduct is based on the critical insights expressed in the pragma-dialectical discussion procedure and lists ten basic requirements for reasonable behavior in argumentative discourse. The requirements are formulated as prohibitive rules aimed at preventing any argumentative move from occurring in the discourse that obstructs or hinders the resolution of a difference of opinion. The rules that are most pertinent to explaining our view of the relationship between logic and argumentation theory are rule 5, called the Unexpressed Premise Rule, rule 7, called the Validity Rule, and rule 8, called the Argument Scheme Rule.

The Unexpressed Premise Rule ensures that every part of the protagonist's argumentation can be critically examined by the antagonist—including those parts that have remained implicit in the discourse:

Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.

A difference of opinion cannot be resolved if the protagonist tries to evade his obligation to defend an unexpressed premise, or if the antagonist misrepresents an unexpressed premise, for example, by exaggerating its scope. If the difference of opinion is to be resolved, the protagonist must accept responsibility for the elements that he has left implicit in the discourse; and in reconstructing as part of a critical discussion what the protagonist has left unexpressed, the antagonist must try as accurately as possible to determine what the protagonist can be held to.

The Validity Rule is designed to ensure that protagonists who reason explicitly in resolving a difference of opinion use only reasoning that is valid in a logical sense:

Reasoning that in an argumentation is presented in an explicit and complete way may not be invalid in a logical sense.

It is possible for the antagonists and protagonists to determine whether the standpoints that are defended in a discourse do indeed follow logically from the argumentation that is advanced only if the reasoning that is used in the argumentation is indeed verbalized in full. If not every part of the reasoning has been fully expressed, a reconstruction of the unexpressed premises is called for in an analysis of the argumentative discourse or text. Then the Validity Rule does not apply and there cannot be a question of invalid reasoning that involves a violation of rule 7.

The *Argument Scheme Rule*, finally, is designed to ensure that, if the soundness of argumentation cannot be decided on purely formal grounds, the protagonist and the antagonist agree on a pragmatic method for testing the soundness of argumentation. By asking the appropriate critical questions they try to find out whether the standpoint concerned has indeed be conclusively defended:

Standpoints may not be regarded conclusively defended if the defense does not take place by means of appropriate argument schemes that are applied correctly.

A difference of opinion can only be resolved if the antagonist and the protagonist agree on how to determine whether the protagonist has adopted appropriate argument schemes and has applied them correctly. This implies that they must examine which argument schemes are used and whether they are admissible in the light of what has been explicitly or implicitly agreed upon in the opening stage, and have been correctly fleshed out in Canadian and other North American the argumentation stage.

35.4   Conclusion

In this paper I have indicated in which ways logic as the study of the formal validity of argument forms plays a part in argumentation theory by explaining its role in the pragma-dialectical methods of analysis and evaluation. It transpires that the role of logic in the analysis its limited to its heuristic function in identifying unexpressed premises in argumentation. In identifying unexpressed premises the reasoning involved in argumentation in which a premise has been left implicit is first made valid by formulating the simplest completion that makes the argument formally valid. Starting from the premise that represents this 'logical minimum', taking account of the pragmatic context in which the argumentation takes place, the 'pragmatic optimum' is then determined that can be regarded as the unexpressed premise. In the evaluation of argumentative discourse a functional variety of norms play a part and formal validity is only one of them if the reasoning involved in the argumentation is fully explicit. This means that the role of logic is limited to the argumentation stage and vital only in certain well-defined cases. Otherwise the evaluation hinges in the argumentation stage on the correct use of argument schemes that are admissible in the context concerned.

I realize, of course, that this outcome is dependent on my view of argumentation and the way I put argumentation in a theoretical perspective. I have chosen to define argumentation as a communicative and interactional act complex which involves advancing a constellation of propositions that makes an appeal on reasonableness. My approach of argumentation involves functionalizing, socializing, externalizing and dialectifying the theoretical treatment of the exchange of argumentative moves that takes place in argumentative discourse. The outcomes are also dependent on the view of logic I have started from and the theoretical scope I have ascribed to the logical theorizing. If I had started from a view of logic as informal logic, the outcomes would have been considerably different. Next to validity, relevance, sufficiency and truth or acceptability would then also have been taken into account. As a consequence, (informal) logic would have become a specific kind of argumentation theory.

The outcome would also have been considerably different if a theoretical scope was ascribed to logic as broad as van Benthem (2009) suggests to dream of. Logic would then include dealing with both formal and procedural validity. This means that "logic" becomes a label that covers a great many prominent theoretical

approaches to argumentation. A notable disadvantage of this view, however, is that "logic" would then not include the rhetorical approaches which are indispensable to developing a full-fledged argumentation theory. As a consequence, just like before the International Society for the Study of Argumentation started to promote a reconciliation between dialectical and rhetorical perspectives in the 1980s, there would, again, be a division between two mutually isolated paradigms in the study of argumentation. Viewed from my practical interests in argumentative discourse and my theoretical preference for an integration of dialectical and rhetorical insights, this would not be acceptable. Therefore I think it better to maintain the relationship between argumentation theory and logic which I have sketched it in this paper.

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Chapter 36
Dialectical Profiles and Indicators of Argumentative Moves

Frans H. van Eemeren, Peter Houtlosser and A. Francisca Snoeck Henkemans

36.1 A Pragma-Dialectical Perspective on Argumentative Discourse

The study of argumentation is prospering. After its brilliant start in Antiquity, highlighted in the classical works of Aristotle, after an alternation of ups and downs during the following millennia, in the post-Renaissance period its gradual decline set in. Revitalization took place only after Toulmin and Perelman published in the same year (1958) their landmark works *The Uses of Argument* and *La nouvelle rhétorique* (co-authored by Olbrechts-Tyteca and translated into English in 1969). The model of argumentation presented by Toulmin and Perelman's inventory of argumentation techniques inspired a great many scholars in various ways to take up the study of argumentation in a serious manner. Nowadays there are well-established (formal as well as informal) logical approaches to argumentation, but also social and socio-psychological, linguistic, juridical and other approaches. In most of these approaches traces can be found of the influence of the classical and neo-classical argumentation theories just mentioned.[1]

The most important characteristic of the pragma-dialectical approach to argumentation that we represent is that argumentation is studied from a communicative perspective. Argumentation is viewed as a type of communication aimed at resolving a difference of opinion by critically testing the acceptability of the standpoints at issue. Generally, this communication will take place by verbal means, whether oral or written, but non-verbal elements (such as gestures and images) may also play a part. In practice, the term *argumentation* is used in two ways at the same time: it refers to a process ("I am still in the middle of my argumentation") as well as to its result ("Let's examine what her argumentation amounts to"). Because argumentation is not just part of reality, but can, and should,

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[1] For a more elaborate description of the history of the study of argumentation and the current state of the art, see van Eemeren et al. (1996) and van Eemeren (Ed. 2002).

also be judged for its quality, the study of argumentation has not only a descriptive but also a normative dimension. According to pragma-dialecticians, the quality of argumentation and its possible flaws are to be measured against norms of reasonableness that are suited to its purpose.

Logicians, whether they are in favor of a formal or an informal approach, tend to concentrate on the problems involved in the regimentation of reasoning. Social scientists and linguists, particularly discourse and conversation analysts, generally focus on empirical observation of argumentative discourse and its effects. In the pragma-dialectical view, however, these two approaches must be closely interwoven. Both the limitations of non-empirical regimentation and those of non-critical observation need to be systematically transcended. Pragma-dialecticians make it their business to clarify how the gap between normative and descriptive insight can be methodically bridged. This objective can only be achieved with the help of a coherent research program in which a systematic connection— a *trait d'union*—is created between well-considered regimentation and careful observation.

Following a classical tradition, the study of the regimentation of critical exchanges is called *dialectics*. The study of language use in actual communication, which belonged in the past largely to the domain of rhetoric, is nowadays generally called *pragmatics*. Hence the choice of the name *pragma-dialectics* for the approach to argumentation that aims for a sound integration of insight from these two studies. Pragma-dialectics combines a dialectical view of argumentative reasonableness with a pragmatic view of the verbal moves made in argumentative discourse.[2]

Pragma-dialectics starts from four meta-theoretical principles, functionalization, socialization, externalization, and dialectification of argumentation, in which pragmatic and dialectical insight are systematically combined. Functionalization is achieved by making use of the fact that argumentative discourse occurs through— and in response to—speech act performances. Identifying the complex speech act of argumentation and the other speech acts involved in resolving a difference of opinion makes it possible to specify the relevant 'identity conditions' and 'correctness conditions' of these speech acts.[3] In this way, for instance, a specification

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[2]The dialectical conception of reasonableness is inspired by critical rationalists and analytic philosophers, such as Popper (1972, 1974), Albert (1975), and Naess (1966), and by formal dialecticians and logicians, such as Hamblin (1970), Lorenzen and Lorenz (1978), and Barth and Krabbe (1982). The pragmatic conception of argumentative discourse as consisting of making regulated communicative moves is rooted in Austin (1962) and Searle's (1969, 1979) ordinary language philosophy, Grice's (1989) theory of rationality in discourse, and other studies of communication by discourse and conversation analysts. It is in the first place the combination of dialectical and pragmatic insight that distinguishes pragma-dialectics from 'formal dialectics' as developed by Barth and Krabbe (1982) that incorporates dialectical insight in a formal (logical) approach.

[3]For a definition of argumentation as a complex speech act, see van Eemeren and Grootendorst (1984, 39–46, 1992a, 30–33). For the speech act of advancing a standpoint, see Houtlosser (1994). And for the distinction between identity conditions and correctness conditions, see van Eemeren and Grootendorst (1992a, 30–31).

can be given of what is "at stake" in advancing a certain 'standpoint,' so that it becomes clear what the 'disagreement space' is and how the argumentative discourse is organized around this context of disagreement.[4] Socialization is achieved by identifying who exactly take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. By extending the speech act perspective to the level of interaction, it can be shown in which ways positions and argumentation in support of positions are developed. Externalization is achieved by identifying the specific commitments that are created by the speech acts performed in a context of argumentative interaction.[5] Rather than being treated as internal states of mind, in a speech act perspective notions such as 'disagreement' and 'acceptance' can be defined in terms of discursive activities. 'Acceptance,' for instance, can be externalized as giving a preferred response to an arguable act. Finally, dialectification is achieved by regimenting the exchange of speech acts aimed at resolving a difference of opinion in a model of a perfect critical discussion. Such an idealized modeling of the systematic exchanges of resolution-oriented verbal moves, defines the nature and distribution of the speech acts that play a part in resolving a difference of opinion.

The pragma-dialectical model of a critical discussion is a theoretically motivated system for resolution-oriented discourse. In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether or not these standpoints are defensible against doubt or criticism. The dialectical procedure for conducting a critical discussion is in the first place a method for exploring the acceptability of standpoints. In a critical discussion, the protagonist and the antagonist of a particular standpoint try to establish whether this standpoint, given the point of departure acknowledged by the parties, is tenable in the light of critical responses.[6] To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion should not deal only with inference relations between premises and conclusions (or 'concessions' and 'standpoints'), but cover all speech acts that play a part in examining the acceptability of standpoints. In pragma-dialectics, the concept of a critical discussion is therefore given shape in a model that specifies all the various stages the resolution process has to pass and all the types of speech acts instrumental in any of these stages. When pointing out the roles that various types of speech acts can fulfill in resolving a difference of opinion it is important to emphasize, right from the start, that in argumentative discourse a great many speech acts are performed implicitly or indirectly, so that a certain role in a critical discussion may be fulfilled by different speech acts.

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[4]The term *disagreement space* was introduced in Jackson (1992, 261).

[5]A kindred approach to argumentation in which commitments as well as other basic concepts of pragma-dialectics also play a crucial role is Walton and Krabbe (1995).

[6]In accordance with their critical rationalist philosophy, dialecticians place great emphasis on the consequence of the fact that a proposition and its negation cannot both be acceptable at the same time. The testing of standpoints is thus equated with the detection of inconsistencies (Albert 1975, 44).

In pragma-dialectics, the critical norms of reasonableness authorizing the speech acts performed in the various stages of a critical discussion are accounted for in a set of dialectical rules. Taken together, the model and the rules constitute a theoretical definition of a critical discussion. In a critical discussion, the protagonists and the antagonists of the standpoints at issue not only go through all stages of the resolution process, but they must also observe in every stage all the rules that are instrumental in resolving a difference of opinion.[7] The dialectical procedure proposed by van Eemeren and Grootendorst (1984, 2004) states the rules that are constitutive for a critical discussion in terms of the performance of speech acts.[8] They cover the entire argumentative discourse by stating all the norms that are pertinent to resolving a difference of opinion, ranging from the prohibition to prevent each other from expressing any position one wishes to assume in the confrontation stage, to the prohibition to unduly generalize the result of the discussion in the concluding stage.

In principle, each of the pragma-dialectical discussion rules constitutes a distinct standard or norm for critical discussion. Any move constituting an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore (in this particular sense) be regarded as fallacious.[9] The use of the term *fallacy* is then systematically connected with the rules for critical discussion and a fallacy is defined as a discussion move that violates in some specific way a rule for critical discussion applying to a particular discussion stage.

For various reasons, argumentative reality does not always resemble the ideal of a critical discussion. In order to be able to give a sound evaluation of argumentative discourse with the help of the model of a critical discussion, an analysis is needed that makes it clear which elements in the discourse can be considered potentially relevant for he resolution of the dispute. According to the ideal model, for example, in the confrontation stage antagonists of a standpoint must state their doubts clearly

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[7]If the rules of the pragma-dialectical discussion procedure are regarded as first order conditions for having a critical discussion, the internal conditions for a reasonable discussion attitude can be viewed as 'second order' conditions relating to the state of mind the discussants are assumed to be in. In practice, people's freedom to satisfy the second order conditions is sometimes limited by psychological factors beyond their control, such as emotional restraint and personal pressure. There are also external, 'third order' conditions that need to be fulfilled in order to be able to conduct a critical discussion properly. They relate to the social circumstances in which the discussion takes place and pertain, for instance, to the power or authority relations between the participants and to the discussion situation. Together, the second and third order conditions for conducting a critical discussion in the ideal sense are *higher order conditions* for resolving differences of opinion. Only if these conditions are satisfied critical reasonableness can be fully realized in practice.

[8]An improved version of the pragma-dialectical rules for critical discussion is to be found in van Eemeren and Grootendorst (2004, Chap. 6).

[9]The pragma-dialectical identification of fallacies is always conditional. An argumentative move may be regarded as a fallacy only if the discourse is correctly viewed as aimed at resolving a difference of opinion.

and unambiguously, but in practice doing so can be "face-threatening" for both parties so that they have to operate circumspectly.[10] Analyzing argumentative discourse pragma-dialectically amounts to interpreting the discourse from the theoretical perspective of a critical discussion. Such an analysis is pragmatic in viewing the discourse as essentially an exchange of speech acts; and dialectical in viewing this exchange as a methodical attempt to resolve a difference of opinion. A pragma-dialectical analysis is aimed at reconstructing all those, and only those, speech acts that play a potential part in bringing a difference of opinion to a conclusion. In accomplishing a systematic analysis the ideal model of a critical discussion is a valuable tool. By pointing out which speech acts are relevant in the various stages of the resolution process the model has the heuristic function of indicating which speech acts need to be considered in the reconstruction.

van Eemeren, Grootendorst, Jackson and Jacobs further developed the analytical component of pragma-dialectics in *Reconstructing Argumentative Discourse* (1993). They emphasize that it is crucial that the reconstructions proposed in the analysis are indeed justified. The reconstructions should be faithful to the commitments that may be ascribed to the participants on the basis of their contributions to the discourse.[11] In order not to "over-interpret" what seems implicit in the discourse, the analyst must be sensitive to the rules of language use,[12] the details of the presentation, and the contextual constraints inherent in the speech event concerned. So as to go beyond a naïve reading of the discourse, empirical insight concerning the way in which oral and written discourse are conducted will be beneficial.[13] The analyst's intuitions can thus be augmented by the results of (qualitative and quantitative) empirical research.[14]

In the analysis of argumentative discourse linguistic indicators of the various moves that are potentially relevant for the resolution of a dispute play a crucial role. During the past decade we have carried out a research project that we dubbed the "indicator project." The central question of the indicator project was what verbal means arguers use to indicate the functions of the various moves that are made in an argumentative discussion or text. The aim of the research was to identify these words and expressions, to classify them in accordance with the argumentative function they can have in argumentative discourse and to determine under which

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[10]Expressing doubt may also create a potential violation of the 'preference for agreement' that governs normal conversation. See Heritage (1984, 265–280), Levinson (1983, 332–336), and van Eemeren et al. (1993, Chap. 3).

[11]Only in exceptional cases, when interpreting a move as a potential contribution to the resolution process is the only charitable option left, an unsupported reconstruction may be warranted "for reason's sake". See van Eemeren and Grootendorst (2004, Chap. 5).

[12]An integration of the Searlean speech act conditions and the Gricean conversational maxims in a set of 'rules of language use' is proposed in van Eemeren and Grootendorst (1992a, 49–55; 2003, Chap. 4).

[13]See, e.g., Jackson and Jacobs (1980) and Jacobs and Jackson (1981, 1982, 1983).

[14]For a brief survey of the various approaches to the analysis of discourse and their empirical basis, see van Eemeren et al. (1993, 50–59).

conditions they will fulfill a certain function. In this paper, we intend to explain the main theoretical and methodological premises of the indicator project. Starting from these premises we also want to illustrate by means of some examples how we conducted our research (van Eemeren et al. 2000, 2005; Houtlosser 1997, 2002; Snoeck Henkemans 2001, 2003a, b).

36.2 Argumentative Indicators and the Model of a Critical Discussion

For three reasons the pragma-dialectical model of a critical discussion constitutes an appropriate starting point for the description of argumentative indicators. First, starting from the assumption that argumentative discussions and texts are always—at least to some extent—aimed at resolving a difference of opinion on the merits, the model of a critical discussion can be considered a blue-print of the crucial tasks that the participants have to carry out in order to resolve a difference of opinion in a critical testing process. All the tasks specified in the model are functional in a critical testing process and should ideally be carried out in some way or other, even if in practice they are sometimes only fulfilled in an implicit or incomplete way, or even not at all. It is in fact precisely in those cases where the fulfillment of these tasks is not explicitly or completely manifest in the discourse that the model has a special function. Second, precisely because the model provides a specification of all speech acts that can play a constructive role in the various stages of resolving a difference of opinion on the merits, apart from indicators of standpoints and arguments, such as 'therefore' and 'because,' also indicators of other moves that play a part in critically testing the acceptability of the standpoint at issue can thus be included in the research. Which linguistic indicators signal, for example, that an arguer accepts the burden of proof for a standpoint or tries to evade the burden of proof? Which indicators refer to the point of departure of the discourse? And which indicators point to the result of the discussion? Third, the ideal model of a critical discussion enables the analyst to classify the various kinds of indicators in a systematic way, because the argumentative moves they refer to are systematically connected with the various stages in the resolution process.

Methodologically, we take the model of a critical discussion as our point of departure in identifying argumentative moves in argumentative practice, even in cases in which the moves concerned are potentially or actually fallacious. The model can be used as a frame of reference in identifying argumentative moves that are analytically relevant but may be irrelevant from an evaluative perspective, i.e., fallacious.[15] As we explained earlier (e.g., van Eemeren and Houtlosser 2002), arguers who aim to resolve a difference of opinion make use of 'strategic

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[15]For the conceptual distinction between analytical relevance and evaluative relevance, see van Eemeren and Grootendorst (1992b).

manoeuvring': the rhetorical exploitation of the margins for verbal action left by the arguers' dialectical obligations in the various stages of a critical discussion. The strategic manoeuvring is sound as long as it remains in agreement with the rules for critical discussion, but it may also derail and become fallacious. In practice it can, of course, not always be predicted in advance whether a particular instance of strategic manoeuvring will be sound or fallacious.

How do we envisage the process of identifying moves that are analytically relevant for resolving a difference by way of a critical discussion to take place? In the various overviews of the model of a critical discussion that have been given, the tasks a critical discussion requires the participants to perform are presented in a general way; not every potential contribution to the critical testing process is specified.[16] In the overview of the opening stage, for example, the participants in a critical discussion have to come to an agreement about their mutual material and procedural starting points, but it is not specified which moves exactly they have to make to come to such an agreement. For our present purposes, however, a specification of these moves is needed, because it is not possible to identify the indicators of the various moves if their dialectical function has not been fully defined.

Instead of specifying *all* the moves a critical discussion could possibly consist of, out of necessity, we opt for a piecemeal approach and start specifying—in an exemplary way—those moves that can be instrumental in realizing some particular tasks the discussants have to perform at some particular stages or sub-stages of the discussion. In order to be able to do so, we have developed a heuristics consisting in the application of *dialectical profiles*. Our dialectical profiles are inspired by the idea of *profiles of dialogue* developed by Walton and Krabbe and presented in several publications (Walton 1989; Walton and Krabbe 1995; Krabbe 1992, 1999). Walton and Krabbe describe a profile of dialogue as "a connected sequence of moves and countermoves in a conversational exchange of a type that is goal-directed and can be represented in a normative model of dialogue" (Walton 1999, 53; Krabbe 1999, 2). Our *dialectical* profile is from the outset a purely normative concept and can be defined as a sequential pattern of the moves that the participants in a critical discussion are entitled—and in some sense obliged—to make to realize a particular dialectical aim in a particular stage or sub-stage of the discussion. In the next section we shall further explain what we mean by dialectical profiles by showing how they can be used as a design for capturing the moves that are instrumental at a particular stage or sub-stage of a critical discussion. Our next step is to illustrate how we exploit the dialectical profiles methodically for identifying the verbal expressions that can be indicative of any of these moves in argumentative practice.

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[16] In van Eemeren and Grootendorst (1984, 1992a, 2004) and van Eemeren et al. (1996) the stages are specified that the critical testing process has to go through and the crucial obligatory moves are represented. Snoeck Henkemans (1992) gives a specification of the first round of moves in the argumentation stage.

36.3   Dialectical Profiles of Sequences of Moves in a Critical Discussion

To get to a first example of a dialectical profile, we focus on the way in which in the opening stage of a critical discussion agreement is reached as to who will assume the burden of proof. In the simplest case, i.e., that of a single non-mixed dispute with one standpoint that meets with doubt,[17] agreement about who will assume the burden of proof may consist in either a confirmation or a disconfirmation of the conditional obligation of the party that advanced the standpoint to defend this standpoint. In order to determine which of these two results has been achieved, it is helpful to have an understanding of the kind of deliberation that can lead to either of these results, and the moves that are made to achieve it.[18] Such an understanding can be achieved with the help of a dialectical profile of the deliberation process.

In designing this dialectical profile, the first issue we have to deal with is which party is to start the deliberation and what kind of move this party must make. According to the pragma-dialectical procedure for conducting a critical discussion the party (let's say P) that has advanced a standpoint in the confrontation stage of the discussion may in the opening stage be challenged by the other party (let's say A) to defend this standpoint (van Eemeren and Grootendorst 2004). Once the challenging move has been made, it is up to P to respond. This response can consist of one of the following alternatives: P may either accept the challenge or refuse to accept it. If P accepts the challenge, this particular deliberation is over: it is agreed that in the argumentation stage of the discussion P will defend his standpoint. If P refuses to accept the challenge, A may react to this refusal in two ways. A's first option is to claim his right to maintain his doubt. Then, again, the deliberation is in fact over. A's second option is to ask P why he does not want to defend his standpoint. Then P must either retract his standpoint or initiate a procedural discussion in which he explains his reasons for not defending his standpoint here and now. The deliberation may then still go on with a discussion of P's reason-giving. As a reason for not wanting to defend his standpoint here and now, P can for instance say that A is such a well-skilled arguer that it might be a good idea if he played the devil's advocate and made an attempt to defend P's standpoint. A should, in turn, react to this proposal, etc. For now, we leave it at the following 'starting profile':

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[17]See van Eemeren and Grootendorst (1984, 2004) for the distinction between non-mixed disputes, in which the other party merely doubts the first party's standpoint but has no standpoint of his own, and mixed disputes, in which the other party counters the first party's standpoint by advancing an opposite standpoint.

[18]We use the (non-technical) term *deliberation* to refer to the parties' (sub-)discussion about the point of departure for the discussion. Some authors prefer to label such deliberations 'meta-dialogues' (see Krabbe 2003; Finocchiaro 2005; Mackenzie 1981).

(1)

1 A:	Defend your Standpoint!	
2 P:	OK. I accept the challenge No! I refuse to accept the challenge	
3 A:	I maintain my doubts	Why 'No'?
4 P:	...	Reason-Retraction giving
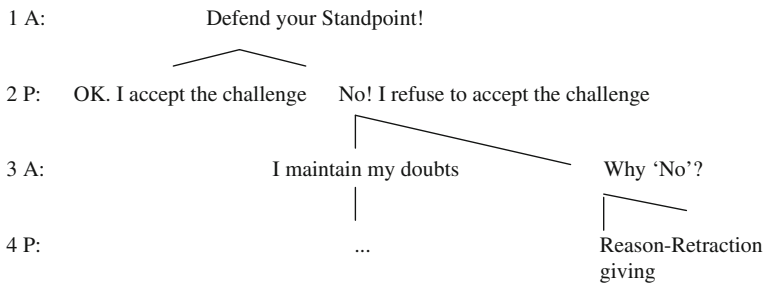
In this way, the design of the profile provides the analyst with a systematic sequential representation of the moves that are analytically pertinent to the process of coming to an agreement about whether or not to accept a burden of proof for the standpoint at issue in the opening stage of the discussion.

36.4   Determining the Material Point of Departure for the Discussion

With the help of three extended examples we shall now explain how we make use of dialectical profiles for identifying indicators of argumentative moves. In this section we concentrate on indicators of moves that can—or have to—be made in the opening stage of a critical discussion to determine the material point of departure for the discussion.

Just as deliberations on the division of the burden of proof, deliberations aimed at achieving a material point of departure for the discussion that is shared by both parties need a beginning. Who has to make the first move and what kind of move should this be? Unlike the deliberation on accepting the burden of proof, the deliberation on the material point of departure for the discussion does not have a procedural rule that prescribes which party is to initiate the deliberation. This decision is left to the parties concerned. Let us assume that the party (P) that advanced the standpoint initiates the deliberation. How can he proceed? If we imagine the material point of departure for the discussion to consist of a set of mutually accepted propositions that comes about in a step-wise process in which all the propositions are in turn negotiated by the participants in the discussion, then the initial move in the deliberation on determining the point of departure consists in making a proposal to treat a certain proposition (X) during the discussion as a common point of departure.

How can A respond to P's proposal to treat proposition X as a point of departure for the discussion? Given that it is in the interest of both parties to have a joint point of departure for the discussion, A's response to P's proposal would be most efficient

if it consisted in acceptance. It will be clear, however, that A may have all kinds of reasons not to accept X as a joint starting point. To be sure, A is under no obligation to give such a 'preferred' response. The alternative response for A is to refuse P's proposal. There is, however, still a third possibility. Instead of accepting P's proposal or refusing it, A can accept P's proposal *conditionally*. By 'accepting P's proposal conditionally' we mean that A is prepared to accept proposition X as a starting point for the discussion on the condition that P will do something in return —for instance, adopt yet another proposition, say Y, as a starting point. There can be all kinds of reasons why the acceptance of Y by P would be expedient for A, the most obvious reason being that A can use Y to counterbalance X. The latter is, for example, the case if Y can serve to impose restrictions on the argumentative use that P can make of proposition X in defending his standpoint or, in a mixed dispute, if Y can be used by A to defend the opposite standpoint.[19]

The initiating proposal and the three possible reactions we have just discussed form together the first round of the deliberation concerning the material starting point for the discussion. In a dialectical profile this first round can be represented as follows:

(2)

1 P: Proposal: X

2 A: OK, X   No, not X   OK, X, on condition that Y
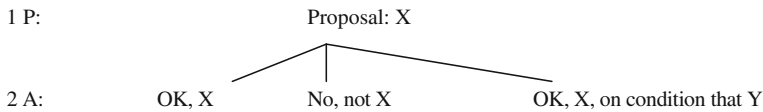
This profile of this first round of moves provides the analyst with a set of theoretically motivated options for the critical reconstruction of deliberations about the material starting point in a piece of argumentative discourse. In order to exploit this theoretical guidance, the analyst must, of course, be able to identify the manifestations of these moves when they occur and to provide an empirical, i.e., linguistic, justification for his analysis. This is where the examination of possible indicators of argumentative moves becomes important. Rather than discussing all potential indicators of the moves represented in the dialectical profile, we concentrate on making some general observations that are pertinent to all of them.

Our first observation concerning the expressions that are potential indicators of the moves in the profile—and argumentative moves in general—is that in argumentative practice not every move is necessarily accompanied by an indicator, let alone an unambiguous one. Imagine a scale that runs from linguistic indicators that are fully straightforward (e.g., 'I hereby pronounce the standpoint that …')

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[19]The rationale for not including party A' questioning P's proposal ("Why X?") as a fourth possible response is that asking such a question would initiate a sub-discussion and for practical reasons we would like to restrict ourselves here to the discussion at the main level. For the distinction between discussions at the main level and discussions at a sub-level, see van Eemeren and Grootendorst (1984, 1992a, 2004).

through implicit linguistic indicators (e.g., 'by my book') and functional and grammatical indicators (force of the speech act and mood of the sentence) to a complete lack of indicators.

A good example of the type of move that is as a rule not accompanied by a straightforward or even an implicit linguistic indicator is the first move in the profile: P's proposal to adopt proposition X as a starting point for the discussion. Explicit proposals to adopt a particular proposition as a starting point are in practice hardly ever made. A more likely way of suggesting one's interlocutor to adopt a proposition as a starting point would be to ask him whether he agrees that something is the case or is not the case, or that something should be done or should not be done. The only feature of the type of move that is indicative is then the interrogative mood. The interrogative mood, however, is a very weak indicator: it can also be used for a great variety of other types of moves, so that some very specific contextual information is required to justify the reconstruction as a proposal to adopt a proposition as a starting point for the discussion.[20] A case in point are the questions asked by the doctor in the dialogue below, which is taken from van Eemeren et al. 1993:

(3)
Patient: I don't want them ((my parents)) to have anything to do with my life, except (…) security
Doctor: You live at home?
Patient: Yes
Doctor: They pay your bills?
Patient: Yeah
Doctor: How could they not have anything to do with your life?

The doctor's first two moves are both questions; that is all the interrogative form of these moves tells us. The idea that these questions are asked to elicit concessions from the patient that enable the doctor to refute the patient's initial claim cannot be justified by merely referring to the interrogative mood. Because any straightforward or implicit linguistic indicators are lacking, this reconstruction can only be justified with the help of other sources, such as pragmatic insight in the standard patterns of such kinds of (critical) exchanges, in this case the pattern of punch-line refutation, as provided by discourse analysis.

There are, of course, also cases in which an implicit proposal to adopt a proposition as a starting point is functionally indicated in a more outspoken way. This is, for instance, the case when the proposal is presented as a rhetorical question, as in the following example (taken from Houtlosser 1995):

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[20]For the analyst, the degree of implicitness of the communicative 'force' of a speech act corresponds conversely to the degree of contextual information that is needed to justify the reconstruction of the communicative function of that speech act. See, for instance, van Eemeren and Grootendorst (1992a).

(4)   Is it my fault that my looks are better than Ellen van Langen's?
      (Stella Jongmans, *de Volkskrant*, January 10, 1994)

Asking a rhetorical question is a quite common means of proposing to adopt a proposition as a starting point. The problem with rhetorical questions, however, is that they are also used for other purposes, for instance to advance standpoints. The last question in the dialogue between the doctor and the patient is a case in point. There the standpoint is that the patient cannot afford to have nothing to do with his parents. Here is another example, taken from a conversation about going on holiday that we recently overheard:

(5)   How should Hank know? He's never been there

In this example it is decisive for the interpretation of the rhetorical question as a standpoint that the statement following the rhetorical question can be plausibly viewed as an argument in favor of the assertion that is indirectly conveyed by the rhetorical question, i.e., that Hank does not know anything about the place concerned (van Eemeren 1986; Slot 1993; Houtlosser 1995).

Asking a rhetorical question is in fact already half-way between making a proposal to adopt a proposition as a starting point and *attributing* this status, without any ado, to a proposition. A party P that does the latter is in fact ahead of events and acts as if his proposal to treat proposition X as a starting point for the discussion was already accepted by A without P having made any such proposal. Roughly speaking, two kinds of cases can be distinguished: (a) the proposition concerned is just *used* by P as an argument in the argumentation stage without any sign that it would not be acceptable to the other party; (b) the proposition is explicitly *presented* by P as if it were an already accepted starting point that can therefore be used as an argument. In case (a), the fact that X is used as an argument is in fact the only indicator that—at least according to P—X was already accepted by A as a starting point. Case (b) can also be indicated explicitly. The funny thing is, however, that these indications are pre-eminently used in a perverted way: more often than not, they make it clear that what was presented as a common starting point is in reality not a common starting point at all: 'There is no doubt that …,' 'It will be clear that ….' and 'Everybody knows that …'. If it would indeed be the case that everyone, including A, agreed that X is the case, why then 'propose' the interlocutor to accept X as a starting point (Houtlosser 1995)?

What about the indicators of reactions to a proposal to adopt a proposition as a starting point for the discussion? Unlike the proposal itself, the reactions to the proposal specified in the dialectical profile regularly contain verbal elements that— under certain conditions—can be regarded as indicators of these moves. Of the three kinds of reactions that we specified, those of acceptance can be accompanied by markers such as 'OK,' 'sure,' 'I agree' and 'that is true' and those of refusal by markers such as 'I don't think so' and 'no.' However simple these markers may seem, they are certainly not simple in the sense that the analyst can always rely on

them. Obviously, expressions such as 'OK' and 'no' are used for a lot of other purposes than accepting or refusing a proposal to treat a certain proposition as a common starting point for a discussion.

The indicators accompanying reactions of conditional acceptance are more reliable. In the dialectical profile the move of conditional acceptance is specified as combining the adoption of one proposition (X) with a proposal to adopt simultaneously another proposition (Y). Odd as it may seem, in argumentative practice this combined move is not only often made but, on top of that, usually explicitly indicated. The indicator that is used (examples are the connectives 'although,' 'nevertheless,' and 'but') indicates in such cases that there exists a conditional relationship between the propositions that the move combines.

The connective 'but' is a word that has been subjected to a host of linguistic analyses; the most well-known of these is probably Ducrot's (1980) standard analysis, which supports our description.[21] In the construction 'X but Y,' 'but' (in Ducrot's analysis 'mais') connects a pro-argument, X, that, from a certain viewpoint, favors a certain type of conclusion and a counter-argument, Y, that, from a different viewpoint, tells against that same type of conclusion; in addition, 'but' conveys that the counter-argument Y overrules the pro-argument X. This analysis applies to the combined move of conditional acceptance that is represented in our dialectical profile. After all, the main reason why party A only agrees to accept party P's proposal to adopt proposition X as a starting point on the condition that proposition Y is adopted as a starting point as well, is that Y can be used to overrule—or at least neutralize (Snoeck Henkemans 1995)—the argumentative use that P can make of X. Thus, if 'but' is employed in the way described in Ducrot's analysis, it indicates the move that in our profile is labeled a conditional adoption of a starting point.

Our analysis of 'X but Y' as an indication of a move in which a proposition is conditionally adopted as a starting point has the interesting spin-off that it sheds more light on Ducrot's analysis of 'X but Y' in at least six ways. First, it explains how it is possible for a speaker to accept both X and Y, in spite of their contradictory argumentative 'orientation' (as Ducrot puts it)—in our analysis X and Y are not accepted *as arguments* but simply as propositions. Second, our analysis explains why the use of 'but' is needed to 'reconcile' two propositions that are content-wise not contradictory—although X and Y are accepted as propositions in the opening stage of the discussion, they are not accepted for their propositional content, but for their *argumentative potential*, which is to be exploited in the argumentation stage. Third, our analysis explains why in Ducrot's analysis the argument X and the counter-argument Y presuppose different viewpoints—X is in our analysis proposed by one party and Y by the other party. Fourth, our analysis makes it clear that there exists a specific *relationship* between the viewpoints—the parties that represent these viewpoints are opponents in one and the same dispute. Fifth, as a consequence, Y can be said to be not only argumentatively relevant to X,

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[21]A difference with the situation envisioned in Ducrot's analysis is that in Ducrot's analysis Y is not first proposed but simply *used*.

as it is in Ducrot's analysis, but also *interactionally* relevant—the party who proposes Y *responds*, after all, to the other party's proposal to accept X. Sixth, our analysis explains why counter-argument Y in Ducrot's analysis is supposed to overrule pro-argument X—or at least to neutralize it: because X is accepted while having a certain argumentative potential in favor of the other party's standpoint, it must be assumed that the condition to accept Y as well is set because Y is supposed to have at least an equally large argumentative potential in favor of the party's own standpoint as X has in favor of the other party's standpoint. It would, after all, be useless to propose a starting point that has *less* argumentative potential than the starting point responded to.[22]

36.5   Indicators of Causal Arguments and Critical Reactions to Causal Arguments

Our next observations pertain to indicators of moves that play a part in the actual testing procedure. First, we focus on moves in the procedure that applies when causal argumentation is presented and reacted to. The type of causal argumentation we are concerned with here consists of cause-consequence argumentation. In this type of argumentation, it is claimed that an event mentioned in the argument has led, leads, or will lead, to the event represented in the standpoint. The first move in the procedure is the presentation of such an argument by the protagonist of the standpoint that is to be defended. In response to this move, the antagonist can (1) accept the argument, (2) question whether the proclaimed cause of the event really causes that event, (3) question whether the proclaimed cause does not cause a different event than the one referred to in the standpoint, or (4) question whether the event that is supposedly caused by the proclaimed cause is not caused by something completely different. [23]

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[22]'But' can also play a part in rejecting a proposal to adopt a proposition as a starting point. When 'but' is used in a dialogue to introduce a direct reaction to such a proposal in a dialogue, it indicates without any exception that an objection to this proposal is about to be advanced.

[23]These questions were earlier formulated and accounted for in the pragma-dialectical theory (van Eemeren and Kruiger 1985). (2) questions the supposed causal relation as such ("How on earth could you believe that smoking (automatically) causes lung cancer?"), while (3) and (4) can be viewed as specifications of (2). In (3) the antagonist suggests that the cause that is mentioned is not a sufficient cause to effectuate the consequence represented in the standpoint: there could be consequences that are different from, and perhaps even incompatible with, the one that is mentioned (as in "Couldn't it be the case that people like you precisely because you are sometimes a bit unfriendly to them?" in response to "I am sure they hate me, because I'm so unfriendly sometimes"). In (4), the antagonist suggests that the supposed cause is not necessary to effectuate the consequence mentioned in the standpoint: apart from the cause that is mentioned in the argument, there could be, or there are, only other causes that have this consequence (as in "You become schizophrenic because of genetic features, not because of having had a cold-hearted mother, don't you?" in critical reaction to "That one will become a schizophrenic, having the cold-hearted mother he has!"). (3) and (4) may, of course, subsume more specific critical reactions in which particular nuances of the mentioned aspects of the supposed causal relation are questioned.

This is the dialectical profile of cause-consequence argumentation, where 'A' is the argument, whose content consists of an accepted starting point 'X,' 'S' is the standpoint that represents the caused event, 'T' represents a different event, and 'U' represents a different cause, '=>' means 'leads to,' '?/' preceding a proposition means 'I doubt whether' and '?' following a proposition refers to the interrogative mood:

(6)

1 P:			(A &) A => S		
2 A:	OK	?/(A => S)		A => T?	U => S?
3 P:		...		...	...
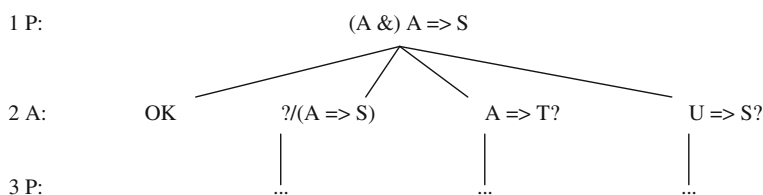
There are a great many expressions referring to a causal relation that can serve as linguistic indicators of the move presenting a cause-consequence argument (Snoeck Henkemans 2001). Some expressions, such as 'cause,' 'effect,' 'means,' 'end,' 'makes that,' and 'leads to,' mention the causal relation explicitly. Other expressions refer only implicitly to the causal connection, mentioning just an aspect of the causal relationship. Among the latter are expressions such as 'cultivate' that represent a process that produces a particular effect or result, expressions such as 'suddenly' and 'in one blow' that refer to the sudden way in which something has happened or come about, expressions such as 'will yield' and 'is a guarantee for' that allude to a future result, and expressions such as 'necessarily' that emphasize the inevitability of an event. One example suffices to make it clear that such an indicator can be implicit and strong at the same time:

(7) [It is no small wonder that X was expelled. His approach was not subtle enough.] In Chinese politics, based as it is on prudence and strictness, a less-than-subtle approach is almost a guarantee for a rapid down-fall. (*de Volkskrant*, March 18, 1998)

The next moves in the profile we need to discuss are the critical questions that can be asked in response to cause-consequence argumentation. It is noteworthy that it is not always the critical questions that are represented in the discourse, but the critic's *negative answers* to these questions. Apparently, critics have a hard time keeping the difference non-mixed at the sub-level. A likely negative answer to the first critical question associated with cause-consequence argumentation would be that the cause mentioned in the argument did not cause or will not cause the event referred to in the standpoint. Among the expressions that—straightforward or implicitly—indicate such an answer are 'does not lead to,' 'you don't get … from/by,' 'it has not been proven that,' and 'has nothing to do with.' (8) is a—self-invented—example:

(8)   Don't you know that it has never been proven that smoking kills, son?

Expressions that indicate a negative answer to the second critical question are 'leads rather to,' 'is rather the cause of,' and 'has on the contrary everything to do with.' Expressions that indicate a negative answer to the third critical question are 'has a different cause,' and 'is rather caused by.'

In our dialectical profile we have left the protagonist's reply to the antagonist's critical questions unspecified. One obvious substantiation of this move is, of course, the protagonist's refutation of the antagonist's criticism. In practice, the protagonist's refutation of such criticism is generally anticipated in the argumentation. In written texts this will even be the standard procedure, because then there is no antagonist available to ask critical questions.

36.6   Indicators of Complementary Coordinative Argumentation

In an argument scheme, an individual argument is related to the standpoint it is supposed to support or refute. As a rule arguments also have a certain relationship with other arguments that are adduced to support or refute the same standpoint. Together, the arguments are then characterized by a certain more or less complex argumentation structure. The complexity of the argumentation structure depends to a large extent on the reactions that arguers get (or expect to get) to their argumentation (van Eemeren and Grootendorst 1984, 1992a, 2004; Snoeck Henkemans 1992). What structure the resulting complex of arguments will have, depends on the criticism and on the way in which the protagonist defends himself against this criticism (Snoeck Henkemans 1992).

Complex argumentation can take several forms. When the propositional content of an argument advanced by the protagonist is not accepted by the antagonist, the protagonist can support this argument by advancing another argument. Then the argumentation structure becomes *subordinative*.[24] The argumentation structure becomes *coordinative* when the protagonist's argument is not doubted as such but deemed insufficient, or when the antagonist makes a specific objection to the protagonist's argument. In the first case, the protagonist may supply an additional argument in response, which makes the coordinative structure of his argumentation

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[24]Strictly speaking, the content of the argument that the protagonist has advanced can at this stage of a critical discussion no longer be subjected to critical scrutiny because, if all has gone well, it has been accepted (or not accepted) by both parties as a common starting point at the opening stage of the discussion. In practice, however, starting points are not always proposed as such, but simply *used* as arguments in the argumentation stage of the discussion. We therefore include the questioning of the content of a starting point that is used in an argument in the argumentation stage in our dialectical profiles.

cumulative. In the second case, the protagonist may attempt to meet the objection, which makes his coordinative argumentation *complementary*. Finally, the argumentation structure may also become *multiple*. This happens when the antagonist rejected the protagonist's argument or the defense it is supposed to give of his standpoint and the protagonist decides not to defend this argument, but to defend his standpoint with a completely different argument.

The various possible ways of not accepting a protagonist's argumentation are represented in the dialectical profile below, where 'A1,' 'A2' and 'A1.1' are the protagonist's arguments or sub-arguments, '–>' means 'supports' or 'refutes,' 'S' is the protagonist's standpoint, '?/' means 'I have doubts with respect to,' '&' means 'and,' '[A1 = A1a &]' means that the antagonist considers A1 only as a beginning of a defense of S, 'C' is an objection or counterargument, '//' means 'pleads against,' '|' means 'or,' '~' means 'it is not the case that,' '+' means that the arguments must be taken together, and 'DS!' means that a renewed challenge is made with regard to the initial standpoint.

(9)

P: A1 & (A1–>S)

A: ?/ A1   [A1=A1a &] ?/(A1a–>S)   C & (C//A1| C//(A1–>S)) –> ~(A1–>S)

P: OK   A1.1& (A1.1–>A1) OK   A1b & (A1a + A1b–> S)   OK   ~C & (A1+ ~C–>S)

A: DS!   ...   DS!   ...   DS!   ...

P: ...   A2& (A2–>S)   ...   A2& (A2–>S)   ...   A2& (A2–>S)
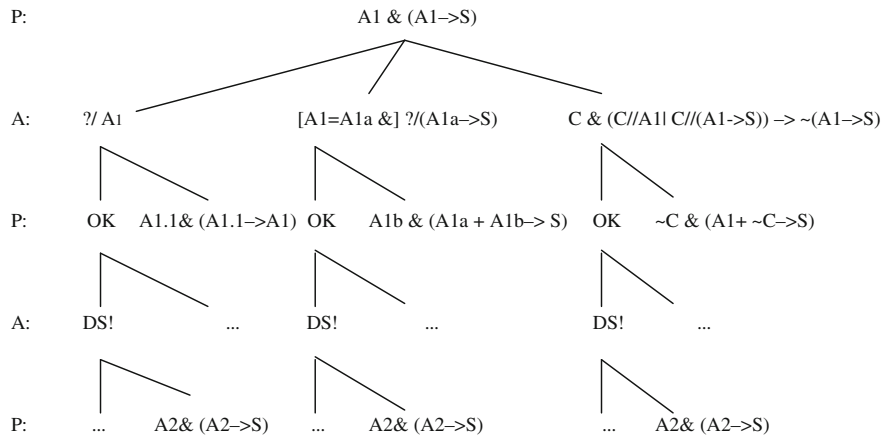
We here shall concentrate on some indicators of complementary coordinative argumentation. First we give an example of the way in which complementary coordinative argumentation emerges in a dialogical situation, then we focus on indicators of complementary coordinative argumentation in implicit discussions or monologues.

In dialogue (9), overheard at Paula's place at lunch, Anton regards Paula's argument that the last bus had already left an inadequate argument for Paula's staying the night at Eric's. He counters this argument by saying that Paula could have asked Anton to come and pick her up. Paula refutes Anton's counterargument by saying that she did not want to wake him up. In this way, a complementary coordinative argumentation is brought about:

(10) Paula: I had no choice but to stay the night at Eric's because the last bus had
       already left
       Anton: But you could have asked me to come and pick you up.
       Paula: But I didn't want to wake you up.

In monologues, complementary coordinative argumentation is put forward by
the protagonist if he anticipates that an objection against one of his arguments may
be advanced that attacks the justificatory potential of this argument. Anticipating
this criticism, the protagonist adds another argument that is supposed to parry the
criticism. In combination, the argument that supports the standpoint directly and the
refutation of a possible objection to this argument constitute, again, a comple-
mentary coordinative argumentation.

There are a number of expressions that an arguer can use to indicate that a
possible objection against an earlier argument will be refuted. Among these are
'while,' 'whereas,' 'whereas normally,' 'whereas otherwise,' 'not even' and 'and
yet'. Expressions such as 'whereas,' 'while' and 'and yet' can be used by the
protagonist to signal a contrast between the views or criticism of a potential
opponent and the way he thinks things are in reality. The following argument is an
example of this use of 'whereas':

(11) I wrote a letter to the administrative council, saying I can't tell you how much
       I appreciate the stipend. It has allowed me to dedicate so much of my time to
       SG, whereas otherwise I would have worked a campus job to pay the bills.
       (www.studentleader.com/sal_r.htm)

In this example, a student defends the standpoint that his stipend has been a great
help because it has allowed him to dedicate a lot of time to student government.
A critical opponent might wonder: but couldn't you have devoted that time to
student government without the stipend? The arguer makes clear that this criticism
does not hold, because then he would have had to take a campus job to pay the bills
and that would have interfered with his involvement in extracurricular activities.

Just like happens in the student example, 'whereas' or 'while' can be easily
combined with expressions such as 'otherwise' or 'normally'. This is in particular
so in cases where the arguer is defending a positive or negative judgment or
qualification and needs to take into account that his opponent might come up with
criticisms such as 'But does your argument really justify that judgment?' 'Is the
situation or event that you mention in your argument not something that is always
or normally the case, so that the judgment that there is something special about the
case (i.e. something negative or positive) cannot be justified?' By indicating that
otherwise things would have gone differently, or that normally something would
not have been the case, the arguer can make it clear that the potential objections
against the first argument do not hold and that the positive or negative judgment is
therefore indeed justified. In example (11) 'and yet' is used to make it clear that a
possible objection does not hold:

(12) We, at Breton Bikes, are based in Brittany. This is the Celtic homeland of
      France, and having cycle toured all over France we can say that this is the
      best bit. Why? Because here the countryside is small scale, perfect for
      cycling, and yet within easy reach of us you will find beautiful unspoiled
      countryside, two different and quite stunning coasts and a heartland of forests
      and lakes, canals and chateaux (www.bicycletouring.biz).

   The protagonist first claims that Brittany is the best part of France for cycling,
because the countryside there is small scale and then anticipates the objection that if
the countryside is small-scale, it will probably not be very interesting. The antici-
pated objection is signaled by 'and yet' and the protagonist counters this objection
by mentioning examples of interesting scenery and culture in Brittany, thus giving a
complementary coordinative structure to his arguments in the process.

36.7 Conclusion

In this article, we have shown how the use of dialectical profiles can be instrumental
in determining which moves can be made in a particular stage of a critical dis-
cussion and in identifying the expressions that are indicative of these moves. We
conclude by mentioning some other applications of dialectical profiles. In addition
to their heuristic function in the identification of indicators of argumentative moves,
dialectical profiles also have an important heuristic role in the analysis of strategic
manoeuvring. Because strategic manoeuvring may be sound but can also derail, it is
necessary to determine the soundness conditions that apply to the various ways of
strategic manoeuvring the arguers may resort to. In this endeavor the design of
dialectical profiles can be of help. Because every dialectical move specified in a
dialectical profile allows for rhetorical exploitation, every move in the dialectical
profile can be an occasion for strategic manoeuvring. This makes the dialectical
profile not only the best source for identifying the dialectical moves that the parties
must make in conducting a critical discussion but also for identifying the ways of
strategic manoeuvring the arguers can deploy to steer the critical resolution process
into their own direction.

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Chapter 37
Identifying Argumentation Schemes

Frans H. van Eemeren and Tjark Kruiger

37.1 Argumentation Schemes and Argumentation Assessment

Argumentation is always a defense of a point of view:

(a) Mother:
"I don't think five pounds pocket money is at all necessary; your sister always got two pounds a week."

Daughter:
"That was years ago, and Betty, Monica, and all my other girlfriends get five or six pounds."

(b) History teacher:
"Funny that you don't want members of the National front working for the police, you were, after all, against the German *Berufsverbote* at the time?"

English teacher:
"Yes, but at the time it wasn't about people who are fundamentally undemocratic which is certainly the case with the *National Front*."

(c) Policeman:
"Will you put these tables and chairs back where they belong immediately?"
Publican:

"Why can't I put tables and chairs outside? Across the street they put everything outside and you don't pick on them."

Policeman:
"Well, Sir, they pay council rates for doing so, and you don't!"

In these three examples a point of view is discussed which is defended with the aid of argumentation. Mother defends the view that she need not give her daughter five

pounds a week pocket money, the history teacher defends the point of view that it is strange that his colleague doesn't want National Front members in the police force, and the publican defends the (indirectly presented) point of view that he ought to be able to put tables and chairs outside. The three argumentations do differ in content, but they share *the drawing of a comparison*. The mother compares the daughter with the other sibling, the history teacher compares the members of the National Front with the victims of the German *Berufsverbote*, and the publican himself with another publican. The comparison in these three examples is a means of making the point of view being defended acceptable to the other party. By using an already accepted fact of the same nature of the point of view being disputed, an attempt is made at making the argument acceptable by virtue of it becoming that point of view. This means that the argument and the point of view are related to one another specifically. The way in which arguments and points of view are related in argumentation is the *argumentation scheme* used in the attempt to convince.

There are many argumentation schemes. Each one may be filled in differently. Just like the various contents which are possible when filling in argument forms like the *modus ponens*, an argumentation scheme has an infinite number of substitution instances. All argumentation which appears in practice, may be seen as specific content for a certain argumentation scheme. The argumentations of the mother, the history teacher and the publican are all examples of substitutions of the general argumentation scheme of the *comparative relationship*.

Congruent argumentation schemes provoke, if everything is O.K., similar sorts of responses from those assessing the argumentation. This is obvious as the arguments are related to the defended points of view in the same way, and this means that a similar kind of criticism may be made. Such criticism, may, for example, express itself in questions fired at someone as a result of argumentation. This appeared to be the case with the argumentation of the mother, the history teacher and the publican. They are confronted with similar responses from the other party in which the comparison, made in the argumentation, is challenged.

It is frequently unclear which argumentation scheme is used in a certain argumentation. This provides a problem for the assessment because it is then also unclear what kind of criticism is then relevant. That is, given the argumentation, which questions can best be asked. Discovering argumentation schemes belong among the tasks of the critical reader or listener. The following paragraphs discuss which points are important in identifying argumentation schemes.

37.2   A Typology of Argumentation Schemes

Identifying argumentation schemes is an activity within a certain theory. Just as reptiles are only reptiles in a certain zoological conception of the animal kingdom, a specific argumentation scheme is only that argumentation scheme by virtue of a certain theoretical conception of the kingdom of reason. Just as reptiles can only be identified when it is known that they are creeping animals, with scaly skins and a

body temperature subject to change, breathing with the aid of lungs, egg-laying and sometimes giving birth to live young, then it must also be known what the characteristics are of any given argumentation scheme, when it needs to be identified. This means that it must first be clear what argumentation schemes exist, in theory, and how they are distinguished.

Argumentation schemes can be categorised in many different ways. A typology which is interesting for assessing argumentation needs to be aligned with the critical questions posed by an adequate assessment.[1] That is, distinguishing argumentation schemes as an aim, is directly connected with the assessment criteria for argumentation.[2] Given the fact that the assessment criteria for argumentation are dependent upon the argumentation type being assessed the argumentation schemes vary for each argumentation type.[3] In a previous publication we distinguished temporarily three argumentation types, each with its own argumentation scheme.[4]

(a) An initial argumentation type we can distinguish is, convince symptomatically. An argumentation scheme is used which is based on one or other sign relationship. This entails the argumentation being presented as though that which is stated in the argumentation is a symptom, phenomenon, an expression or other kind of sign of that which is stated in the point of view. In this way "The Christian Democrats are untrustworthy", by means of the argument "Religiously based politicians are untrustworthy", is connected by a sign relation with "The Christian Democrats are a religiously based party".

The Christian Democrats are untrustworthy. After all they are religiously based (and religiously based politicians are untrustworthy).

The argumentation scheme of the sign relationship looks like this:

For X, Y is valid because
for X, Z is valid, and
Y is symptomatic for Z.

In assessing this type of argumentation the kind of critical questions need be asked which belong especially to this argumentation scheme:

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[1]With this the typology is embedded in the framework of a dialectical argumentation theory in which the quality of the argumentation is measured against the contribution made towards the solution of a difference of opinion with a critical antagonist. See van Eemeren and Grootendorst (1984).

[2]An other kind of typology of argumentation schemes is for example given by Perelman and Olbrechts-Tyteca (1969), who use a rhetorical effectivity criterion, but who do not succeed within those paramaters in arriving at a satisfying division (see van Eemeren et al. 1984a, 208–259).

[3]For a simple explanation of this view of the assessment of argumentation, see van Eemeren et al. (1984b, 137–142). The validity of the arguments used and the acceptability of the argumentative statements made are also discussed, including embedding simple argumentation in a more complicated whole.

[4]See van Eemeren et al. (1984b, 137–141). The exact merits of this approach to a typology and the ratio of the various questions are not gone into further here.

Is Z valid for X?
Is Y really symptomatic for Z?
Can Z not have other symptoms?
Can Y not be a symptom of something else?

(b) A second argumentation type is to convince by comparison. The argumenta-
     tion scheme is in this case based on the comparative relationship. The pre-
     sentation is such that the similarity is made clear between that which is stated
     in the point of view and something about which there are no problems of
     acceptability. The previous paragraph contains a few examples, like the
     utterance made by the mother to her daughter:

It is not necessary to give you five pounds of pocket money, because your sister
only ever got two pounds fifty a week (and the one sister ought to be treated in the
same way as the other sibling).
    The argumentation scheme of the comparative relationship looks like this:

For X, Y is valid because
for Z, Y is valid and
X is comparable to Z.

    In assessing argumentation of this type certain critical questions are important in
connexion with the argumentation scheme:

Is X valid for Z?
Is Z really comparable with Z?
Is Z also not in relevant terms incomparable with Z?
Can X not be better compared with something else?

(c) A third argumentation type in convince by the causal. This type is based on a
     certain causal relationship. The point of view is made acceptable by indicating
     that the one is a necessary effect of that mentioned in the argument, or *vice
     versa*. This occurs for example in this utterance:

Ella can get any man she wants, because she looks fantastic (and if a woman looks
fantastic, all men are attracted).
    The argumentation scheme for the causal relationship is as follows:

For X, Y is valid because
For X, Z is valid, and
Z leads to Y.

    The critical questions which are relevant to this argumentation scheme in con-
nexion with the assessment of argumentation of this type, are like the following:

Is Z valid for X?
Does Z really lead to Y?
Can Z lead somewhere else?
Can Y not be the result of something else?

37.3   Verbal Indications of the Argumentation Types

The argumentation schemes which have been distinguished form the commencement for a typology of argumentation schemes geared to the assessment of argumentation. Each argumentation scheme has its own assessment criteria, expressed in specific critical questions. Which argumentation scheme is present in any given case depends on the argumentation type. Therefore it is important in identifying the argumentation scheme that the type of argumentation be determined.

The problem is, how can the argumentation type be recognised? The advantage of this shift of problem is that the indications for the solution may rightly be looked for in the manner in which the argumentation is presented. The speaker, or writer presenting the argumentation does not need to be aware of the abstract scheme to which the argumentation belongs, and through which it can be reconstructed but nevertheless the sort of argumentation has to be clearly brought to consciousness, the presentation of the argumentation must in any case be such as to be recognisable to the listener or reader inasmuch as the kind of argument is concerned, otherwise no assessment can be made with regard to the convincingness of the argument. To this end, there must be awareness as to which argumentation type is at work.[5]

Among the argumentation types which are known in a university setting for example, if not always by name, belong presenting something like exemplary or a characteristic part of something more general. These argumentation types are based on a sign relationship. Known argumentation types based on a comparative relationship are, for example, reasoning by analogy, naming a terrible example and pointing to a model as a pattern. Argumentation types based on a causal relationship include pointing to the consequence of a certain course of action, introducing a pragmatic argument, and allowing the goal to justify the means.

Recognising the type of argumentation in any given case is something made easier by the presence of verbal indications. Then the use of whatever argumentation scheme can be directly derived from the literal presentation, that is what kind of conceptual relationship exists between the arguments and the point of view involved. The sign relationship, the comparative relationship and the causal relationship can each be used in a number of inter-dependently related argumentation types.[6] For a number of these argumentation types there are expressions which can be used to indicate what type is concerned, so that it is immediately clear which argumentation scheme is used.[7]

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[5]This congrues with the concept of argumentation described in van Eemeren et al. (1984a, 7) and the concept of rationality laid out in van Eemeren and Grootendorst (1984), in which argumentation is seen as a means of showing the difference of opinion resolved in an acceptable way.

[6]There is also a possible point of view in which the argumentation schemes are seen as major types of argumentation and the various argumentation types which we take here to mean sub-types as sub-sub-types, but we however see no practical improvement in this.

[7]For such expressions see any thesaurus.

The following belong to those expressions which are the verbal means, in a variety of forms, used to convince by their systematic use in order to establish a sign relationship between argument and point of view:

I think that Mary is pig-headed, because she is a teenager and

- it is characteristic for teenagers that they are pig-headed.
- teenagers *are* pig-headed.
- being pig-headed is a mark of being a teenager.
- teenagers are pig-headed by nature.
- teenagers are by nature pig-headed.
- pig-headedness is typical of teenagers.
- pig-headedness is a typical characteristic of teenagers.
- being pig-headed is part of being a teenager.
- teenagers are essentially pig-headed.
- teenagers are all potentially pig-headed.
- in fact teenagers are pig-headed.

As is clear from the latter three examples not all the mentioned expressions are equally applicable. In some cases one expression is more likely to be used than in others. Furthermore, the list can easily be increased. It is only used here as a way of providing some few examples of expressions which assist in identifying a certain argumentation scheme.

The variant of the type convince by comparison also have verbal means at their disposal in order to express a comparative relationship between argument and point of view:

The democratic movement of the sixties had to flop, because the French revolution also flopped and the democratic movement of the sixties

- is comparable to the French revolution.
- congrues with the French revolution.
- reminds one of the French revolution.
- is the same as the French revolution.
- is analogous to the French revolution.
- is related to the French revolution.
- corresponds in a crucial way to the French revolution.
- is defined along major lines (criteria etc.), as the French revolution.
- is just like the French revolution an enterprise doomed to fail.
- is also a revolutionary movement.

This list can also be extended and certain expressions match the chosen expressions better than others. The same holds true for the verbal help used by the variant of the type convince by the causal, where a causal relationship between argument and point of view can be indicated.

The victim must have had sexual contact, because she appeared to be pregnant and

- pregnancy is caused by sexual contact.
- pregnancy results from sexual contact.
- pregnancy is the result of sexual contact.
- sexual contact leads to pregnancy.
- from sexual contact you get pregnant.
- sexual contact ends with pregnancy.
- sexual contact ends up with pregnancy.
- sexual contact is the cause of pregnancy.
- sexual contact is the means of getting pregnant.
- sexual contact contributes to pregnancy.

37.4   Contextual Indications for the Type of Argumentation

The part of the argumentation which can make it clear which type is concerned is often smoothed over.[8] In many cases this is because it appears not to need saying and therefore does not need to be mentioned, sometimes for even more noble motives. But even when one doesn't know exactly what the motives were, then one can for example easily imagine that a speaker makes do the following:

The victim must have had sexual contact, because she appeared to be pregnant.

The listener barely needs further data in order to fill in the argument which has been unexpressed, although some knowledge is needed in order to opt for the addition "Sexual contact is the cause of pregnancy" rather than for "Sexual contact contributes to pregnancy".

It is clear that when filling in the unexpressed argument fewer errors will be made according to the number of indications held by the verbal or non-verbal context. And, given that especially the part of the argument concerned with the argumentation type is readily unexpressed, one is frequently at an advantage in determining the argumentation type when the context is clear.

In general it is true that the more specific the context is the more indications there are as to the type of argumentation concerned. That is, the possibility of determining the argumentation type in the absence of direct verbal indications is as a rule dependent upon the degree of definiteness of the context. In the one context the type may differ from another, while in an indefinite context sometimes establishing the type is impossible. This may be illustrated, although in a forced manner by one and

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[8]Here we are concerned with a statement made by Toulmin (1969) when the term "warrant" (to distinguish it from data) was used. The manner in which unexpressed arguments ought to be precisely and explicitly explained we do not concern ourselves here.

the same argumentation being placed in varying contexts. To keep matters simple contexts have been chosen which consist of one single sentence. Let's begin with an indefinite context:

Susan: "What did you say?"
Jane: "Cora will certainly come, John is always there."

Based on so little information it is difficult to formulate the argument which is unexpressed and which goes much further than the logical minimum "As John will come so will Cora". This means that without a more informative context it is impossible to use the unexpressed argument as the basis for determining the argumentation type. In a more clearly defined context this is easier:

Susan: "How do we get Cora to come?"
Jane: "Cora will certainly come, John is always there." (and John's presence will get Cora there)

The unexpressed argument makes it clear that there is used argumentation of the end and means type in which the argumentation scheme uses the causal relationship.

   In a context which is determined as follows, the unexpressed argument indicates the same argumentation as an analogous argumentation, in which a comparative relationship is used:

Susan: "Is it really necessary that Cora also come?"
Jane: "Cora will certainly come, John is always there." (and Cora has to be dealt with in the same way as John)

But the context can also be such that there is an unexpressed argument which need to be filled in which indicates that the argumentation is of the symptomatic type, in which a sign relationship is expressed:

Susan: "I hope that I don't run into Cora tonight."
Jane: "Cora will certainly come, John is always there." (and John's presence automatically means that Cora will also come)

The more definite the context is then the better the indications are for determining the type of argumentation used in any given case. Even though the interpretation of informal language use will go on presenting problems, a pragmatic explicit explanation of the unexpressed argument can give the context such an important role in identifying argumentation schemes in an adequate manner. It goes without saying that especially longer and non-verbal contexts offer many problems in interpreting the context itself. There are often other auxiliaries available which are not mentioned here, such as general and specific background knowledge. This background knowledge may for example, be concerned with the general framework

in which the argumentation is brought to our attention, and the argumentative and other procedures which are used, but this holds also true for the specific facts which are pertinent to the argumentation. Examples will be given of both cases.

A general framework within which arguments are carried out is for example that of a criminal trial, a political debate or a job interview. Each have their own rules and usage. On the one hand argumentation is partly constitutive for the character of such institutions, on the other hand the institution also determines in part the character, perhaps even the type, of the argumentation which is used within the institution. In this way one can well imagine, without further knowledge about frames, scripts, material schemes and other relevant theoretical notions, why the following argumentation, when appearing in the framework of winding up a job interview, appears almost automatically as as a comparative argumentation:

Let's not take Mrs. Hodge. The very self-opiniated Mr. Wilkinson has already lost weight because of his shorthand.

Without any knowledge of the framework within which this was said, it is not clear that between both sentences there is an argumentative connexion. Now we know that the unexpressed argument contains a comparative relationship.

Sometimes, general background knowledge is not sufficient and specific knowledge is needed concerning some issues. Whoever does not know that "Leo" means "lion" and that this sign of the zodiac entails domination, will not be as convinced by the following argumentation as a result of the symptomatic matters being recognised, but will rather see a causal argumentation:

Leo tried to boss everyone all the time, so he lives up to his name.

The specific background knowledge in this case is rather accidental by nature. That is why argumentation specialists cannot treat specific background knowledge systematically. In connexion with this they need to concentrate on the way in which general background knowledge can be used in typifying argumentation and identifying argumentation schemes. In our opinion not only must use be made of analysis instruments like those in the argumentation theory developed for making unexpressed arguments explicit, but also using insights about background knowledge (existing knowledge) taken from the modern word-processing theories which have merely been alluded to here. Perhaps this combination of insights will be used in the future for a deeper understanding of the problems of identifying argumentation schemes, than has been carried out in this intermediary paper.

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Chapter 38
From Analysis to Presentation: A Pragma-Dialectical Approach to Writing Argumentative Texts

Frans H. van Eemeren and Rob Grootendorst

38.1 Introduction

In much of the literature on writing, more is said about the preconditions for writing and the principles for pedagogy than about the ways in which writing problems can be solved. Authors who do pay attention to writing problems often do not do so in a very systematic way; they mainly try to be practical, and their recommendations are based on common sense rather than theoretical considerations (Elbow 1981; Stewart et al. 1987). Recently, there has been a growing interest in the theory of writing, which is primarily focused on the writing process (see Witte and Cherry 1986, and also Rijlaarsdam et al. 1996). Most prominent in this endeavor is the model of Flower and Hayes (1977, 1981), in which the writing process is schematically represented (see also Hayes and Flower 1980). In her useful textbook, Flower (1981) presents a number of strategic heuristics for improving the writing process, but—as a matter of course—the theoretical problems involved in writing a text are hardly dealt with.[1] Some authors try to provide directions on how to write or rewrite a text by starting from some theoretical conception of the general outline of the kind of text which has to be written. In such an approach, a concept of the desired structure of the text is the basis for text construction.[2]

We think that the writing of argumentative texts can benefit from using the ideal model of 'critical discussion' developed in the pragma-dialectical theory of

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[1]Also process-oriented is the textbook by Murray (1999).

[2]Although some authors with empirical pretensions seem to suggest that the structure that is the basis for text construction is directly derived from reality, such structural outlines fulfill the function of an ideal model. In several studies it has been shown convincingly that structural outlines of, for example, a literary review or a policy document can be useful for improving the presentation of texts. See Hillocks Jr. (1986).

argumentation (van Eemeren and Grootendorst 1984, 1992).[3] In this chapter, we outline a theoretical framework for carrying out research aimed at developing strategies for presenting argumentative texts. These strategies can be used by a writer in order to transform an 'analytic overview' of the argumentation into a comprehensible and acceptable text. We first explain in an abstract way what one should imagine the various 'presentation transformations' to be, and show by way of concrete examples exactly how such strategies are put into practice. In this chapter, it is indicated where the transformation of 'deletion' would lead us If presentation transformations were systematically linked with 'analytic transformations'. Thus it is made clear that the pragma-dialectical approach provides an opportunity to develop a methodical perspective which, so far, is lacking in the practical literature on writing. It is intrinsic to the educational pedagogy of this approach that any methodical perspective can only be put into practice if first a reflection-minded attitude is stimulated among would-be writers that enables them to discover the rationale of the proposed procedure (see van Eemeren and Grootendorst 1992, 3–9; also Couzijn 1995; Couzijn and Rijlaarsdam 1996; Couzijn 1999).

38.2 The Analysis of Argumentative Texts

In the pragma-dialectical model we have developed for resolving differences of opinion, argumentative texts are regarded as crucial components of a (partially implicit) critical discussion (see Sect. 38.7 of our chapter on 'Developments in argumentation theory' in this volume, and also van Eemeren and Grootendorst 1984). When dealing with an argumentative text, a careful analysis is required in which the text, with the help of the ideal model, is reconstructed as a critical discussion. In this way, one gets an analytic overview of the argumentative text in which only those elements which are relevant for resolving a difference of opinion are included. An analytic overview of an argumentative text mentions exactly which difference of opinion is to be resolved in the text, how the various stages of a critical discussion are represented, and what the structure of the argumentation is.

In order to get an adequate analytic overview of an argumentative text, one or more transformations, whether or not in combination, have to be applied to the text. These transformations are aimed at bringing together the elements that are dialectically relevant (van Eemeren 1984; van Eemeren et al. 1993, 1996, 28–298).

The first *analytic transformation* that must be carried out in making an analytic overview is *deletion*. It consists in leaving out all elements which are not

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[3]We agree with Beale (1986) that argumentation is fundamental to all writing, but this is, of course, not to say that all writing problems can be dealt with by concentrating on argumentative texts. The advantage of developing a method for (re)writing argumentative texts is that we have an ideal model available that can serve as a starting-point. To develop methods for (re)writing the various types of non-argumentative (parts of) texts, other models are needed.

immediately relevant to resolving the difference of opinion, such as repetitions, digressions, asides, clarifications, and anecdotes.

The second analytic transformation is *addition*. Elements are added which were left implicit but which are immediately relevant to the resolution, of the difference of opinion, such as unexpressed arguments, standpoints, or any other unexpressed elements.

The third analytic transformation is *permutation*. It amounts to a (re)arrangement of elements that reveals which steps are taken in the resolution process. The various steps are clearly distinguished, overlapping steps are separated, and anticipatory or retrogradatory steps are reordered.

The fourth analytic transformation is *substitution*. It consists in replacing formulations which do not make sufficiently clear what the function of an element is in resolving the difference of opinion, by means of formulations which indicate this function unequivocally. Elements which have the same function are formulated in the same manner: a rhetorical question which serves as an argument is represented in exactly the same way as an argument which was formulated immediately as an argument.

An analytic overview based on these four transformations contains relevant information—and nothing but relevant information—in its most relevant place, and formulated in a way which explicitly expresses its relevance.

38.3   The Presentation of Argumentative Texts

While argumentation theorists have carried out a lot of research regarding the analysis and evaluation of argumentative texts, the problems of writing an argumentative text have not yet been properly Investigated (for a survey in the study of argumentation, van Eemeren et al. 1996). From the literature on argumentative writing skills one gets the impression that advice that is based on common sense is usually thought to suffice. In practice, however, this proves to be a false assumption.

In our opinion, the pragma-dialectical approach to argumentation enables us to develop more adequate insights concerning the construction of argumentative texts. These insights are, to some extent, analogous to those concerning the analysis of argumentative texts. In both cases, *the ideal model of a critical discussion* serves as a methodical starting point. It provides a systematic framework for determining which is the relevant information presented, or to be presented, in the argumentative text. The main problem in writing or rewriting the argumentative text is therefore how this information can be presented as comprehensibly and acceptably as possible.

So, a pragma-dialectical approach to writing starts from an analytic overview which contains all of the information that is regarded to be dialectically, relevant and which is based on an analysis of an existing text or on a plan for such a text. On the basis of this analytic overview, an argumentative text is to be written in which

this information is presented in such a way that optimal comprehensibility and acceptability are ensured.

As a text is never either absolutely incomprehensible and unacceptable or absolutely comprehensible and acceptable for everybody, but always more or less comprehensible and acceptable for certain readers, the notions of comprehensibility and acceptability are both gradual as well as relative.[4] We consider the presentation of an argumentative text to be sufficiently comprehensible and acceptable if it enables the intended readership to carry out a normative reconstruction that leads to an accurate analytic overview of the critical discussion the text is dealing with.

Generally, the comprehensibility and acceptability of argumentative texts can be diminished in four ways: first, by redundancy; second, by implicitness; third, by disarrangement; and, fourth, by lack of clarity. Therefore, in order to aim systematically for comprehensibility and acceptability, four kinds of dialectical presentation transformations must be distinguished. These presentation transformations refer to the step from the analytic overview of an existing or planned text, to the eventual argumentative text. They mirror, as it were, the analytic transformations, which refer to the step from the text to the analytic overview.

38.3.1   A Simple Approach to Rewriting

For the sake of clarity, when dealing with presentation transformations we shall concentrate on the situation in which there is a provisional version of an argumentative text that requires rewriting due to a lack of comprehensibility and acceptability. In order to characterize our point of departure more clearly, we shall make use of the following terminology. The text that requires revision is called the *primary text* (T0*), the text that results from the revision, the *revised text* (TR*). A *normative reconstruction* (NR) of the *primary text* (T0*) leads to an *analytic overview* (AO). The *analytic transformations* (AT) that are carried out in creating an analytic overview are part of the *analytic transformation route* ($\longrightarrow$). *Systematic rewriting* (SR) of the analytic overview (AO) into a revised text (TR*) leads to an *adequate presentation* (AP). The *presentation transformations* (PT) that are carried out in creating an *adequate presentation* (AP) are part of the *presentation transformation route* ($\Longrightarrow$).

The simplest characterization of the rewriting procedure is as follows:

$$T_0 \xrightarrow{\text{SR}} T_r \tag{1}$$

In most writing methods, this is taken to be an adequate description of the situation we start from. Without a particular perspective of the rewriting procedure,

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[4]As Naess (1975, 48–51) observes, writing for different purposes and for different audiences can involve a difference in 'Intentionstiefe' (depth of intention).

all kinds of factors are—in random order or simultaneously—dragged, into the process of rewriting. Of course, this approach is unsystematic and ad hoc.

38.3.2 A More Sophisticated Approach to Rewriting

A more sophisticated approach to rewriting, in which textual analysis is taken into account, is the following:

$$
T_0 \quad \overset{NR}{\longrightarrow} \quad AO \quad \overset{AP}{\longrightarrow} \quad T_0 \\
\quad ========> \\
\quad SR
\tag{2}
$$
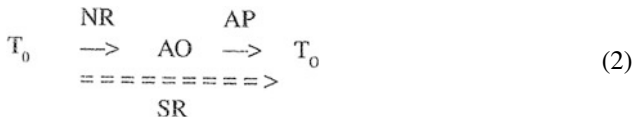
First, an analytic overview is made of the text which requires improvement. Then, on the basis of this analytic overview, the revised text is written. One important advantage of this approach is that it starts from the relevant information. There is a risk, however, that the revised text does not actually relate anymore to the primary text. As it is this primary text which requires revision, in the rewriting procedure all pointers provided by the primary text should be duly taken into account. By doing this, the rewriting process can also be considerably facilitated. Evidently, the primary text is not altogether adequate, but that does not automatically mean that it does not contain any elements, which, though they do not play a part in the analytic overview, can be helpful in improving the presentation.

38.3.3 Our Approach to Rewriting

If, in rewriting the analytic overview, feedback from the primary text is systematically ensured, then the presentation in the revised text can be improved in a way which can be accounted for. The analytic overview guarantees that the dialectical line remains clear, whereas a comprehensible and acceptable presentation is furthered by information from the primary text. This procedure can be represented as follows:

$$
\quad SR \\
\quad <=== \\
\quad NR \qquad AP \\
T_0 \quad \longrightarrow \quad AO \quad \longrightarrow \quad T_r \\
\quad ========> \\
\quad SR
\tag{3}
$$
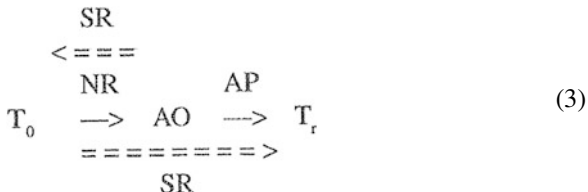
Our opting for this last approach to rewriting procedures does not mean that we think it always necessary, in order to rewrite adequately, to first have a primary text which can be the basis for an analytic overview (and for the revised text). It is quite

possible for the writer to start by making a text plan that contains exactly the sort of information that is otherwise included in an analytic overview. In fact, our approach is neutral with respect to the question whether it is preferable to start the writing process with writing out an elaborate draft version, which can then be improved upon, or with first developing a text plan, which can then be worked out. Thus, we do not take a stance in the 'thinking while writing' or 'think first, then write' controversy.

38.4   From Analytic Transformations to Presentation Transformations

In our approach, rewriting an argumentative text entails applying presentation transformations to an analytic overview of the text which needs improvement. These presentation transformations are aimed at increasing the comprehensibility and the acceptability of the text. In pursuing this objective, we have to make sure that the presentation transformations get appropriate feedback from the primary text. We can try to achieve this by systematically checking the ways in which the analytic transformations that are applied to the primary text when making the analytic overview, though dialectically indispensable, may or may not reduce the comprehensibility and acceptability of the text.

38.4.1   *Four Ways of Dealing with Feedback from the Primary Text*

There are four possibilities to be distinguished for getting feedback from the primary text. With the help of the analytic transformation of deletion, we shall clarify what we mean.

1. An analytic transformation, which is carried out in the normative reconstruction of the primary text, is maintained in transforming the analytic overview into a rewritten text. This would, for instance, mean that an element, which is deleted in the normative reconstruction, remains deleted. Such a case may be characterized as *confirmation of deletion*.
2. An analytic transformation, which has not been carried out in the normative reconstruction, is also not carried out in transforming the analytic overview into a rewritten text. This would, for instance, mean that an element from the primary text, which is not deleted in the analytic overview, is also not deleted in the rewritten text. Such a case may be characterized as *confirmation of non-deletion*.
3. An analytic transformation, which is carried out in the normative reconstruction of the primary text, is annulled in transforming the analytic overview into a rewritten text. This would, for instance, mean that an element which, was

Table 38.1 Analytic transformations and presentation transformations

	$T_0 \to AO \to T_r$		
	AT	PT	
1	+	+	AT-confirmation
2	–	–	Non-At-confirmation
3	+	–	AT-compensation
4	–	+	PT-introduction

AT = analytic transformation
PT = presentation transformation

deleted in the normative reconstruction reappears unmodified in the rewritten text, or is replaced by another element which is added to the analytic overview. In both cases, a (presentation) addition replaces an (analytic) deletion. The first case may be characterized as *identical deletion compensation* and the second as *non-identical deletion compensation*.

4. An analytic transformation, which had not been carried out in the normative reconstruction, is nevertheless carried out in transforming the analytic overview into a rewritten text. This would, for instance, mean that an element from the primary text—for example, an argument—which has not been deleted in the analytic overview, *is* deleted in the rewritten text—and functions as an unexpressed premise. This case may be characterized as *deletion introduction*.

The four possibilities, which have been distinguished here, can be summarized as follows. Either a transformation which is carried out in the analysis is maintained or not maintained in the presentation (1 and 3 respectively), or a transformation which is not carried out in the analysis is or is not carried out in the presentation (4 and 2 respectively). These options can be represented schematically in Table 38.1.

When applied to the transformation of deletion, this outline will be filled in as follows (Table 38.2).

Table 38.2 Deletion transformations

	$T_0 \to AO \to T_r$					
		AT		PT		
1	X	DEL+	0	[DEL+]	0	DEL-confirmation
2	X	DEL–	X	[DEL–]	X	Non-DEL-confirm
3	X	DEL+	0	ADD+	X/Y	Identical DEL-compensation
4	X	DEL–	X	DEL+	0	DEL-introduction

DEL = deletion
ADD = addition
X, Y = element of T_0 or T_r

38.4.2   Four Questions a Rewriter Has to Deal with

The presentation transformations to be carried out in transforming an analytic overview while taking the primary text into account, correspond roughly to the following four questions which a rewriter has to ask and answer:

1. what can be left out of the analytic overview (presentation deletion);
2. what should be added to the analytic overview (presentation addition);
3. what should be changed in the arrangement of the analytic overview (presentation permutation); and
4. which formulations must be changed in the analytic overview (presentation substitution)?

Although the one sequential order for carrying out the presentation transformations may seem to be more logical than the other, the order is not actually definitively fixed. Sometimes it is better to begin with the deletion transformation, and sometimes the permutation transformation, the addition transformation, or the substitution transformation provides an easier point of departure. Often the one transformation can only be carried out after the other has been carried out first. In practice, as a rule, several transformations are carried out more, or less simultaneously, whether or not in a more or less fixed combination. The various transformations can be carried out several times: in principle, carrying out presentation transformations is a dynamic and cyclic process.

Naturally, the big question is exactly how the execution of each presentation transformation can be accounted for. Here, the analytic transformations can be of help. The clearer it can be explained on the basis of the primary text why certain analytic transformations are carried out, the clearer it will be at which points the primary text should be (re)considered when carrying out presentation transformations. For example, an element from the primary text is left out of the analytic overview because it is a repetition of something that has been said before. It might, on closer inspection, prove better not to maintain this deletion with a view to an adequate presentation in the rewritten text, because the comprehensibility and acceptability of the text for the intended readers would benefit from the deleted passage. In other cases, such as when an elucidation is deleted in the analytic overview, it would not even have occurred to the rewriter to carry out a certain presentation transformation of addition if it were not for the feedback from the primary text.

The analytic overview is the starting point for rewriting. A sound strategy when rewriting is to maintain the analytic transformations of the primary text unless there is a special reason not to do so. It is also recommendable not to carry out presentation transformations of the analytic overview, which do not, in any way, relate to analytic transformations—unless again, there is a special reason to do so. This does not mean, incidentally, that it will ever be not at all necessary to carry out any presentation transformation whatsoever; an analytic overview is, as such, never a presentable text.

It is not easy to answer the question: Which considerations play a part in carrying out a specific presentation transformation? It is clear, however, that each presentation transformation must, directly or indirectly, serve the dialectical goal, but it is equally clear that it can never be motivated purely and exclusively on dialectical grounds. Besides, in principle, a presentation transformation should also make it easier to analyze the revised argumentative text dialectically.

This last demand means that the final presentation of the text must be as comprehensible and as acceptable as possible to the reader. It goes without saying that, in order to achieve this, pragmatic knowledge about the rules and principles that govern verbal communication and interaction—such as the recognizability and correctness conditions for the performance of speech acts, the communicative maxims and the principles of 'face' protection and politeness—is indispensable. The same applies to empirical knowledge about how texts are processed and conversations conducted. Insights from discourse studies, notably speech act theory, psycholinguistics, sociolinguistics and conversation analysis, can be of great help here (see, to start with, Grice 1975; Leech 1983; Levinson 1983; Searle 1969, 1979; van Eemeren and Grootendorst 1984, 1992; van Eemeren et al. 1993).

38.5 Presentation Transformations Concerning Deletion

Transformations of the analytic overview are pragma-dialectically justified only if the presentation transformations concerned further the comprehensibility and acceptability of the argumentative text. The various kinds of considerations, which may lead to the carrying out of a presentation transformation, can be illustrated by considering the relation of presentation transformations to analytic transformations which are carried out in making an analytic overview. Again, we choose deletion as an example. With regard to analytic deletion, four possibilities can be distinguished:

1. *Deletion-confirmation*

   If elements are deleted in the analytic overview because they have no dialectical role to play, and they fulfill no other useful function in making the text more comprehensible and acceptable to the reader, then there is enough reason to maintain their deletion in the presentation of the argumentative text.

   A minimum requirement for a comprehensible and acceptable presentation of an argumentative text is that it should not violate the communicative rules which can be derived from speech act conditions and Grice's Cooperative Principle and maxims (see van Eemeren and Grootendorst 1992). In principle, a writer has to comply with all the communicative rules of the game. A writer would, for example, violate the efficiency rule if he kept repeating an argument, which had already been mentioned several times. Such a superfluous repetition, which is of course deleted in the analytic overview, must therefore also remain deleted in the rewritten text. The same applies to digressions, which are deleted in the

analytic overview because they violate the rule that all contributions must be to the point.

2. *Non-deletion-confirmation*

   If elements are not deleted in the analytic overview because of their dialectical function, then they will, in principle, also have to be maintained in the rewritten text. Otherwise, the comprehensibility and acceptability of the presentation are, as a rule, immediately affected. This would occur, for instance, if a standpoint which is being defended in the primary text, and which is therefore included in the analytic overview, were left out in the rewritten version. As a consequence, it would become difficult, if not impossible, for the reader to determine exactly what exactly the arguments which are put forward refer to. In such a case, the clarity rule is being violated.

3. *Deletion-compensation*

   If the presentation should otherwise lose some of its comprehensibility or acceptability, then the deletion of elements in the analytic overview should be undone in the transformation of the analytic overview into a rewritten version of the argumentative text. Compensation of the analytic deletion can take place by having the deleted elements reappear in the revised version or by adding other elements instead (identical and non-identical deletion-compensation, respectively).

   Identical deletion-compensation is, for instance, called for when a clear explanation, elucidation, clarification, illumination, exemplification, or illustration is required in order to make the text easily and fully comprehensible. Non-identical deletion-compensation is called for when an unclear, or in any other sense inappropriate explanation is required and cannot be missed. If the deleted explanation were not, in some way or other, compensated for in the rewritten text, then the communicative rule of clarity would be violated.

   Because of the clarity rule, it also may be necessary to add some organizational comment to the rewritten version, in order to explain the structure of the text, as in 'First, I shall clarify my point of view and then I shall put forward three arguments to support it'. Such organizational comments are, as a rule, omitted in the analytic overview. In longer and more complex texts, however, it would be helpful to give the reader something to grasp when trying to discover the structure of the text.

4. *Deletion-introduction*

   When transforming an analytic overview into an argumentative text, it is sometimes necessary to delete elements that occur in the primary text and that are maintained in the analytic overview. This procedure deviates from the rule mentioned under (2) that something which is not deleted in the analytic overview should also not be deleted in the rewritten version.

   There is a sound reason to deviate from this rule if applying the rule leads to violating one or more of the communicative rules. This is the case, for example, when a point of departure is explicitly mentioned in the primary text, which is already completely obvious to the reader because it is understood in the way he

is used to dealing with things. Mentioning this starting point, all the same, in the rewritten version would amount to 'stressing the obvious' and therefore to a violation of the efficiency rule.

38.6   Other Presentation Transformations

Similar considerations apply to the question of whether or not corresponding presentation transformations are required in order to deal adequately with the analytic transformations of addition, permutation, and substitution which are carried out, or not carried out, in drawing up the analytic overview. What the outcome of these considerations will be, depends, among other things, on the context in which the argumentative text is to function (its institutional surroundings, degree of conventionalization, usage procedures, etc.), and on its intended readers (their language skills, motivation, Interests, background knowledge, etc.). At any rate, each presentation transformation, whether it applies to smaller or to larger text units, to the communicative force of speech acts or to their prepositional content, should always be instrumental in furthering the dialectical goal of the text, and in increasing its comprehensibility and acceptability to the readers in view of the communicative rules.

38.6.1   The Presentation Transformation of Addition

The reasons that apply to the question of whether or not a presentation transformation of *addition* should be carried out, are analogous to those which have been discussed with regard to deletion. In fact, the reasons for maintaining an analytic addition in the revised text are basically the same as those for undoing an analytic deletion, and those for undoing an analytic addition are basically the same as those for maintaining an analytic deletion.

38.6.2   The Presentation Transformation of Permutation

As far as the presentation transformation of *permutation* is concerned, a choice must always be made between the arrangement in the ideal model and some other ordering. Of decisive importance here is what the reader already knows: the writer can link up with this. Sometimes, it may therefore be advisable to have the opening stage precede the confrontation stage, or to have the argumentation stage wholly or partially precede the opening stage. This would, for example, result in mentioning the arguments first and only then indicating which common argumentation

principles ensure the soundness of these arguments, or in establishing the principles first and only then indicating what exactly the difference of opinion is. Eventually, the predominant requisite is that the structure should be transparent to the reader, and that the presentation should be geared to achieving this effect.

38.6.3   The Presentation Transformation of Substitution

As far as the presentation transformation of *substitution* is concerned, the first question is always to what extent the formulations in the rewritten text must agree with the standard phrases in the analytic overview. Exaggerating explicitness can easily be at odds with the efficiency rule and carrying through the standardization too far can lead to a text which is deadly dull.

The real art is to achieve stylistic variation, which combines clarity with avoiding too much formalization. It would do no harm, once in a while, to phrase a standpoint as a rhetorical question instead of in the form of an assertion. Some arguments may even come across better if they are not officially announced as arguments, but presented as expressions of personal feelings.

Incidentally, there is not one clear dimension of style at stake here, but a great number of diverse stylistic dimensions which must be taken into account, such as formality, specificity, and concision. These dimensions can be characterized by pairs of notions which indicate the extremes on a scale (formal/informal, general/specific, lengthy/concise). The appropriateness of a certain stylistic choice always depends on the specific characteristics of the context and the readers. The list of pairs which make up the various stylistic dimensions, include, for instance: formal/informal, abstract/concrete, general/specific, vague/precise, indirect/direct, unfamiliar/familiar, difficult/easy, complex/simple, lengthy/concise, obscure/lucid, unclear/clear, unattractive/attractive, incorrect/correct, dull/vivid, ugly/beautiful. All these dimensions should be subject to systematic research (see, for an introduction, Rowan 1988, who discusses the problem of explaining difficult concepts to lay audiences).

38.7   An Example of Pragma-Dialectical Presentation Strategies

38.7.1   Primary Text

In the following text—a pamphlet distributed door-to-door in the neighborhood— we have indicated some of the analytic transformations which have to be carried out in order to produce an analytic overview.

Hello everybody!

1. If you've got children you'll know me or my wife, Judy, she's the one who works at the library. Because for some time now we've been engaged in a campaign for a safe crossing point for the little ones. You may have heard of it even if you haven't got children.
2. Now it's about something else, or rather it's the same thing really. This time the initiative hasn't come from Judy and me but from a whole club of people, parents that is. The action group 'Ververstraat Play Street'. We want Ververstraat to be a play street and we need your help for it.
3. Together, we should be able to do it. 'Unity is strength', they say, and it's true. Others have realized that quicker than we did and now they've got a full-scale play park complete with climbing frames and all the rest of it. And even there they still say 'if only we'd done it earlier'. It is important that Ververstraat should be a play street. The kids are confined to the park on the corner of Zwanenburgwal, but that's one great pool of mud and a muddy place is no suitable playground. Besides, because of all the dogs, it's full of you know what I mean. It's terrible. Friends, it's obvious. Closing off Ververstraat is in the best interests of the whole neighborhood. It ought to have been done long ago. If we succeed, you'll never be troubled again. The people of Zwanenburgwal and Groenburgwal will be able to take a chair out in the summer and sit in the road together, with a barbecue maybe, in Ververstraat, while the kids are happily playing. Can't you imagine it? Wouldn't that be great?
4. I would say, Ververstraat is not wide enough for traffic. Then the kids can't play there at all and if there's a fire nothing can get through because of all the parked cars. And the stink! Besides, where are you supposed to go if there is a fire?
5. If Ververstraat could be turned into a play street the parents won't have to sit and worry all the time. We won't have to wonder where they've got to all the time. They can romp around as much as they like, they won't have to keep looking out for cars. Not to mention bikes. We'll be able to put out nice plant boxes.

John

Analytic overview of the primary text

An analytic overview (AO) of this primary text (TO) runs as follows:

(*Non-mixed and single*) *difference of opinion*

John and Judy: protagonist of the standpoint that Ververstraat should be a play street.
Neighbors: (potential) antagonist of the standpoint that Ververstraat should be a play street.

Dialectical stages

- *Confrontation:* In paragraph 2, John acknowledges that his neighbors have to be convinced of the standpoint that Ververstraat should be a play street.

- *Opening:* In paragraph 2, John expresses his intention to defend this standpoint by means of argumentation.
- *Argumentation:* In paragraphs 3–5, John puts forward argumentation to support his standpoint.
- *Concluding:* In paragraph 3, John assumes that he has convinced his neighbors of his standpoint.

Argumentation structure
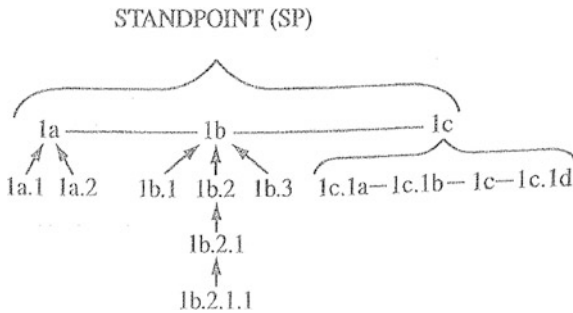
SP Ververstraat should be a play street

1a   The park on the corner of Zwanenburgwal is not a suitable play ground

   1a.1   The park is a pool of mud and a muddy place is no suitable play ground.
   1a.2   The park is full of dog shit

1b   Traffic in Ververstraat is not desirable

   1b.1   Ververstraat is too narrow for a smooth flow of traffic
   1b.2   Traffic in Ververstraat is dangerous in case of fire

     1b.2.1   The fire brigade cannot get through

       1b.2.1.1   There are always too many parked cars

   1b.3   Traffic in Ververstraat causes stink

1c   It would be nice if Ververstraat were a play street

   1c.1a   The children can romp about as much as they like
   1c.1b   The parents won't have to worry about the children
   1c.1c   The neighbors from Zwanenburgwal and Groenburgwal can take a chair out and join the people from Ververstraat for a barbecue
   1c.1d   It would be possible to decorate the street by putting out nice plants

Unexpressed premises

1(a–c)′	If there is no other choice and Ververstraat does not serve other purposes and would be nice as a play street, then Ververstraat should be a play street
1a.2′	A place full of dog excrement is no suitable playground
1b.1′	A traffic road must be wide enough to allow the traffic to flow smoothly
1b.2′	The traffic situation must not be such that it hinders the fire brigade from extinguishing a fire
1b.2.1′	It is dangerous if the fire brigade cannot reach the fire
1b.2.1.1′	Too many parked cars prevent the fire brigade from getting through
1b.3′	A stinking street is undesirable
1c.1(a–d)′	It is nice if children can play in the street without their parents having to worry, while the whole neighborhood socializes and the street is nicely decorated

38.7.2   Revised Text

Starting from this analytic overview, the text can be rewritten into the following revised text (T_r): [5]

Dear neighbors,

1. If you have children, you'll know me and my wife, Judy, because we've been campaigning for a safe crossing point for the little ones. Now, Judy and I, together with a whole club of other parents, have formed the action group 'Ververstraat Play Street'. By way of this letter, we are trying to get your support.
2. 'Why is it so important that Ververstraat should be a play street?', you may ask. 'The kids can go into the park on the corner of Zwanenburgwal, can't they?!' But then, we would say: 'Just go and have a look!' It's one great pool of mud. And it's full of dog shit. We can't let our kids play there!
3. Ververstraat is too narrow for traffic anyway. More importantly, it's dangerous in case of fire: The fire brigade can't get through because of all the parked cars. And the stink all this traffic causes! Imagine having to live there!
4. It would be so nice if Ververstraat could be turned into a play street. Then, the children don't have to look out for cars all the time, so that they can romp around as much as they like. We parents won't have to worry about them. Instead, the Zwanenburgwal and Groenburgwal residents will be able to take a chair out in the summer and join us for a barbecue. We'll be able to put out nice plants, so that the surroundings will be perfect.

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[5]For the sake of simplicity, we assume here that the analytic overview represents an adequate defense of the writer's case, and refrain from going into the problems of dialectical evaluation and detection of fallacies treated in van Eemeren and Grootendorst (1992, 93–217).

5. We're sure that everybody will support us because it must be obvious by now to all concerned that closing off Ververstraat and turning it into a play street is in the best interests of everyone. So support our campaign, 'Ververstraat Play Street'.

John de Wit,
on behalf of 'Ververstraat Play Street'

Some presentation transformations carried out in writing the revised text
Among the presentation transformations, which have been carried out in writing this revised text, are:

1. Deletion confirmation: the first three sentences of paragraph 3 of the primary text remain deleted (superfluous);
2. Deletion introduction: in paragraph 3 of T_0 the unexpressed premise which goes with the mud argument is deleted (obvious);
3. Addition confirmation: the subordinate argument which supports the argument (lb.2) that Ververstraat is dangerous in case of fire—which is left unexpressed in T_0, and which is supported in paragraph 4 of T_0 by the argument (lb.2.1.1) that there are always too many parked cars—is added in paragraph 3 of T_r (clarity);
4. Addition compensation: in the analytic overview, the argument (lb) that traffic in Ververstraat is not desirable is added to paragraph 4 of T_0, but this argument is left out in paragraph 3 of T_r (obvious);
5. Permutation confirmation: the last part of paragraph 3 of T_0, which, in the analytic overview, has been moved to the concluding stage, remains at its new place in T_r: paragraph 5 (appropriate order);
6. Substitution confirmation: the phrase 'you know what I mean' in paragraph 3 of T_0, which has been replaced, by 'dog shit' in the analytic overview, remains 'dog shit' in paragraph 2 of T_r (clarity).

38.8   Conclusion

In this chapter we outlined of a theoretical framework for carrying out research aimed, at developing pragma-dialectical presentation strategies. To be able to formulate the precise strategies a writer can use to transform an analytic overview into a comprehensible and acceptable argumentative text, more detailed research has to be undertaken. We have tried to indicate what one should imagine the various presentation transformations to be, but it goes without saying that it should be shown by way of concrete examples how such strategies are to be put into practice.[6]

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[6]To validate the writing strategies, empirical research will be needed, for example, making use of a pre-test/post-test design.

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Part IX
Experimental Research Concerning Argumentation

Chapter 39
The Skill of Identifying Argumentation

Frans H. van Eemeren, Rob Grootendorst and Bert Meuffels

39.1   A Cognitive Caesura?

This article is a report on empirical research in which two main questions were posed: (1) Can 14-year-old school children in secondary schools recognize argumentation without having received systematic instruction? (2) To what extent is the identification of argumentation an independent skill?[1] The practical relevance of the first question is self-evident. The epistemological relevance of the second question is that it seeks to provide an answer to the question of whether or not the identification of argumentation is based on the traditionally known cognitive intellectual skills "Verbal Comprehension," "Inductive Reasoning," et cetera. Otherwise, it must be a separate skill.

Until recently, little was known about the factors which influence the identification of argumentation. The same can be said about the degree to which language users are able to recognize argumentation as such. For this reason, empirical research was undertaken by us in order to establish to what extent certain factors in the presentation of argumentation facilitate or hamper recognition (van Eemeren et al. 1984, 1985). This research concentrated on the least complicated case: simple argumentation in which one of the two statements which together form the argumentation is left unexpressed. For the time being, additional problems arising in discourses with a more complex structure (multiple, coordinate, subordinate, indirect argumentation, etc.) are not taken into consideration. First, it is important to establish exactly which factors play a part in the recognition of simple argumentation.

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[1]The research which is reported on here is part of project LET 11/102.023. A of the VF programme 'Discourse Analysis' of the University of Amsterdam. It should be noted that in Dutch there is no confusion at all concerning the meaning of the word "argumentation": it is a perfectly normal everyday word for statements offered in support of a claim.

In order to measure the capacity for recognizing argumentation, we constructed a pencil and paper test with text items, some of which contained argumentation and some not. The respondents must indicate which fragments contain argumentation. It may be presumed that the fewer the mistakes made, the easier the process of identification has been.

The pencil and paper test consisted of 150 text fragments, partly argumentative and partly not. The argumentative texts varied in 4 features: (1) marked/unmarked viewpoint, (2) forward/backward referring presentation, (3) charged/not charged topic, and (4) presence/absence of argumentative indicator. When presented to 113 first-year students of Dutch at the Universities of Amsterdam and Leyden, results showed that only the last independent variable, the presence/absence of an argumentative indicator, influenced the identification. Although the first three variables had no significant effect on the identification of argumentation, this by no means proves that they have no actual influence. In this particular case there was a striking *ceiling effect*: an average of 94 argumentations out of 100 were correctly recognized by the students. A pencil and paper test, however, only provides clear indications of the influence of certain variables if the respondents really make mistakes.

In order to avoid the occurrence of ceiling effects, an adapted form was presented to a number of 15-year-old grammar school students (third form). These younger school children probably make more mistakes in identifying simple argumentation. But there was, once again, a ceiling effect. Therefore, the test was replicated among a group of 14-year-old students of a lower educational level within a comprehensive school (second form).[2] Among a large proportion of the latter respondents, an unmistakable *bottom effect* occurred. The majority of them were unable to grasp concepts such as "standpoint" and "argumentation," even after a thorough (20 min) explanation had been given. At the same time there was, once more, evidence of a ceiling effect, albeit among a small minority.

It is striking that a great many students within a lower stream in comprehensive school do not possess any basic understanding of the concept of argumentation whereas others within the same stream do. The concept of argumentation is probably an issue which is simply either understood or not. This phenomenon calls for an explanation. Such an explanation could be found in the fact that at the age of 14–15 a real break-through in cognitive intellectual development takes place. It is our hypothesis that this break-through manifests itself in a clear *caesura* in the understanding of the concept of argumentation. Before this cognitive change has occurred people don't grasp this concept, and after it they do.

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[2]The Dutch educational system is rather different from the Anglo-Saxon systems. Whereas the USA has only high schools for ("eleven plus") secondary education, Dutch schools are differentiated in "gymnasium/athenaeum" (grammar school). "HAVO" (higher streams in comprehensive schools). and "MAVO" (lower streams in comprehensive schools).

Is this hypothesis justified? In other words: is there any evidence of cognitive intellectual development, producing more ceiling effects among 15-year old students within a lower stream in comprehensive school (third form) than among 14-year olds (second form)? Presuming that this development takes place in their understanding of the concept of argumentation, how is this related to other cognitive developments which are then taking place? Intellectual skills such as "Verbal Comprehension," "Inductive Reasoning" and "General Ability to Reason" are known to undergo considerable changes among 13- to 15-year-olds. Is the skill for identifying argumentation, which we are examining, dependent on these other skills, or is it a separate and independent skill which is unrelated to the others?

39.2   Method and Procedure

In order to answer the question whether or not identifying argumentation is an independent skill, 40 second form pupils and 82 third form pupils in a lower stream in 3 comprehensive schools near Amsterdam were given four tests. One test, for measuring the skill of identifying argumentation, we adapted from a test developed in a related study. For the other three tests we made use of the Groninger Intelligence Test, GIT: (1) Word List Test, (2) Matrix Test, (3) Navigation Test. The Word List Test is indicative of "Verbal Ability," the Matrix Test of "Verbal Ability to Reason," and the Navigation Test of "General Ability to Reason." The reliability of these three tests has proved to be relatively high; moreover, the factorial structure is known which is manifested in low mutual correlations (Snijders and Verhage 1962). There is a slight overlap between these three tests with respect to what they profess to measure.[3]

In our study, the three parts of the GIT test fulfill a twofold function. First, they serve as the base-line against which the expected development in the skill of identifying argumentation can be compared. Whether pupils make little or great progress in the relevant skill can only be established reliably if their progress regarding the other skills is known. Research has shown that there is considerable development of these three skills in the 13–15 age group (Piaget and Inhelder 1969; Guilford 1967, 417–438). Second, the three parts of the GIT test should, by means of analysis of the correlations with the argumentation test, provide insight to the question of whether the skill of identifying argumentation may be attributed with an independent status.

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[3]In terms of Guilford's Structure of Intellect Model, the Word List Test, Matrix Test and Navigation Test measure respectively the factors CMU, CMR and CMS. In view of the nature of these factors and their importantance in every predictive study (cf. Hoeks 1985, 5–33) it is only natural to include these three skills in the test.

39.2.1   Instruction and Testing

The group of respondents were instructed in the classroom by being read standard instructions. By means of a number of examples, it was explained to them what they were expected to do. Following this, they were given the opportunity of asking questions. Particular attention was paid to concept of argumentation. Again by means of examples it was explained that argumentation consists of one or more statements put forward to support a particular viewpoint. It was stressed that their personal opinions regarding the various viewpoints and argumentations were irrelevant.

The four tests were given in two separate sessions, with an interval of at least one week. In the first session the Argumentation Test and the Word List Test were carried out, and in the second, the Matrix Test and the Navigation Test.

The process of testing varied from extremely bad to good. In one class, contrary to the instruction given, pupils worked together in groups of two or three. The data of this class were not included in the analysis. After all, the aim of this research is to get insight in (relations between) skills; this means that we are interested in *individual achievements*. In the other three classes the testing posed no difficulties whatsoever.

39.2.2   Description of Tests

39.2.2.1   The Skill of Identifying Argumentation

The test used in this investigation was adapted from one developed and used by van Eemeren et al. (1984, 1985). The original test consisted of 150 items varying on four experimentally manipulated features. For the present study, the 40 texts with the highest item-test correlation were selected. Half of these contained argumentation. The reliability of the original pencil and paper test was .96, and that of the shortened version .92.

The 40 text fragments thus selected each consist of one simple argumentation or a text of equal length and complexity. Each text is reproduced in the form of one compound sentence, divided by commas. Grammatically speaking, there is in each case a main clause and a subordinate clause. For example:

> In my opinion the presence of trees along the road is important, they reduce the tedium.

The respondents had to indicate in each text whether argumentation was present or not, and to underline the argument if present. Each of these two tasks was scored separately for each respondent: establishing the presence of argumentation must be distinguished from determining the argument. Recognizing argumentation covers both aspects, although the first does not necessarily imply the second.

39.2.2.2   Word List Test

The GIT World List Test contains 20 items in varying degrees of complexity. Each item consists of a keyword and a list of five other words from which the respondents had to select the one that is most closely related in meaning. Two examples:

> fast—water quick round eel haste
> frugal—polyphonic hindered sober fragile clear

Virtually every series of tests on intellectual skills contains a vocabulary test; factor studies have shown that this is the most consistent and least ambiguous indicator of what is generally known as *Verbal Comprehension*.[4]

39.2.2.3   Matrix Test

The Matrix Test also consists of 20 items which increase in complexity. Each item consists of five options from which one word is selected which completes the analogue. An example of an item:

paper	—wood	1. cow
cardboard	—straw	2. horse
leather	—…	3. boot
		4. shoe
		5. skin

Just as with vocabulary tests, analogy tests have always been an aspect of intelligence tests (Spearmann 1927; Thurstone 1938; Guilford 1967). Analogy tests indicate the factor *Inductive Reasoning*.

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[4]It should be stressed that vocabulary tests such as the GIT Word List Test do not measure knowledge of vocabulary *tout court*. A vocabulary test is a correlational indicator of Verbal Comprehension: words function as labels for structures of knowledge. The understanding of (the meaning of) a word implies the understanding of many other words and their related ideas and it is precisely this larger set of knowledge which is crucial to Verbal Comprehension. The most important function of a vocabulary test is not so much to estimate a person's knowledge of vocabulary but to estimate a person's ability to acquire new words, ideas and knowledge (cf. Stenberg and Powell 1983, 88 "Vocabulary tests are such good predictors of one's overall intelligence because they reflect one's ability to acquire new information"). Similar considerations apply to the other two tests. These should be regarded as indicators of underlying problem solving procedures and not be taken at face value.

39.2.2.4 Navigation Test

The Navigation Test involves calculating the time required by a ship to sail from one port to another. A nautical chart is provided: a square divided into four equal sections by two perpendicular bisectors. Eight ports are situated on the corners and in the middle of the four sides of the square. The travel time from one port to the next is two hours.

The 20 items gradually increase in complexity. At first, it suffices to calculate the distance (and travel time) after which the effects of the current must be taken into account (crosscurrent: to every two hours one hour must be added; tail current: subtract 1 hour from every 2 hours; side current: no effect). Complexity is increased further by the effects of current and wind and finally by "double strong" current and wind. The arithmetic involved in the Navigation Test has been kept simple so that the items call primarily on an understanding of conceptual problems (such as insight into the fact that a counter-current and wind of equal strength cancel each other out and need not be calculated into the total time). Factor studies show that assignments such as the Navigation Test indicate the factor *General Reasoning*.

39.3 Results

Prior to establishing whether third-form pupils in a lower stream in comprehensive school are substantially more able to identify argumentation than second-form pupils, it must first be established whether the third formers are actually older than the second formers. After all, if no differences were found between the two, this could be attributed to the fact that there is hardly any age difference between them. Of course, it could be that the age differences between the two groups which you would expect are not so clear because of pupils who have remained a year behind. The third-form students (N = 82) averaged 14.8 years of age (s.d. = .86), while the second-form students (N = 40) averaged 13.6 years of age (s.d. = .59). The expected age difference is indeed present (t = 7.89; df = 120; $p < 0.01$). If no differences were found in the skill of identifying argumentation between the second and third form pupils, this could at any rate not be attributed to the variable "age."

Reliabilities for the five measures computed from the four tests are given in Table 39.1. All appear adequate for the present purposes, although the reliability of the Word List Test is rather low.

Table 39.1 Reliability (Cronbach's alpha) per test

Test	Alpha
Argumentation (identification)	.90
Argumentation (underlining)	.92
Word List Test	.54
Matrix Test	.63
Navigation Test	.82

Table 39.2 Frequency distribution of percentages of correctly identified argumentative texts and correctly underlined arguments

% correctly identified	Argumentation		Underlying argument	
	Form 2	Form 3	Form 2	Form 3
0–10	0.0	0.0	0.0	0.0
11–20	0.0	0.0	2.5	0.0
21–30	2.5	1.2	7.5	3.7
31–40	15.0	1.2	15.0	2.4
41–50	15.0	2.4	22.5	8.5
51–60	7.5	9.8	10.0	14.6
61–70	12.5	14.6	20.0	10.9
71–80	17.5	18.3	7.5	22.0
81–90	25.0	18.4	5.0	15.8
91–100	5.0	34.2	10.0	22.0

To check for ceiling and bottom effects, we tabulated the number of students scoring in each of ten percentage ranges (see Table 39.2). As far as the identification of argumentation is concerned, some 33 % of the second-form pupils don't even reach the chance level (<.50); in form 3 this hardly reaches 5 % (see left hand side of Table 39.2). In form 2 ceiling effects are found among 30 % (>.80). This applies to more than half of the pupils in form 3. These differential bottom and ceiling effects are also evident in the test concerning underlining of argumentation (see right hand side of Table 39.2). The comparison of second-form and third-form students for all five measures is summarized in Table 39.3.

Of the tested skills, the argumentation tests discriminate the strongest between form 2 and form 3. In form 2 the average percentage of correctly identified argumentations totals 65 %; in form 3 it is 80 %!

This is a surprising result, particularly if compared with the progress in "Verbal Comprehension" and "General Reasoning" (the progress in "Inductive Reasoning" is not even statistically significant at the 5 % level). When considered in combination with the results in Table 39.2, it looks very much as if in this age group the identification of argumentation is a black or white issue.

From Table 39.4, it is clear that the change in the skill of identifying argumentation cannot be explained in terms of other dimensions of cognitive development. While the intercorrelations of all the measures are positive and moderate (as should be expected for a set of developmental variables), they are not so high as to suggest that any one is a function of the others. Together Verbal Comprehension, Inductive Reasoning and General Reasoning account for only 19 % of the variance in the skill of identifying argumentation. Moreover, the correlation between age and the skill of identifying argumentation (.37) remains relatively strong (partial r = .30), when the other variables are controlled statistically.

Table 39.3 % correct per test, per form: differences (i-ratios) between form 2 and 3 and effect size

Test	% correct	s.d.	t	df	p	Ω^2
Arg/(ident)						
Form 2	65.3	21.0				
Form 3	80.4	16.4				
			4.34	120	.000	.13
Arg/(under)						
Form 2	56.5	21.1				
Form 3	72.8	19.3				
			4.26	120	.000	.12
Word List						
Form 2	43.7	12.3				
Form 3	48.9	12.5				
			2.15	120	.029	.03
Matrix						
Form 2	57.0	14.4				
Form 3	61.0	12.1				
			1.59	120	.112	.01
Navigation						
Form 2	69.4	21.3				
Form 3	78.4	17.8				
			2.45	120	.015	.04

'*Omega squared*' gf. Hays (1973: 413–422)
ARG/(IDENT) = Argumentation (identification)
ARG/(UNDER) = Argumentation (underlining)

Table 39.4 Correlations (PMC) between the examined skills

	Argumentation (id)	Argumentation (und)	Word list	Matrix	Navigation
Argumentation (identification)	…				
Argumentation (underlining)	.87	…			
Word list	.31	.25	…		
Matrix	.33	.34	.18	…	
Navigation	.20	.21	.10	.19	…

39.4   Conclusion

Even after a 20 min explanation of the concepts of "argumentation," "argument" and "viewpoint," a relatively large proportion of second form pupils in a lower stream of comprehensive school were unable to identify simple argumentation.

A large majority of third formers, however, were able to identify arguments. Insight into the concept of "argumentation" appears to be a "matter of yes or no": Argumentation is either understood as such or it is not. Compared with the progress in "Verbal Comprehension" and "General Reasoning," the progress in "Identifying Argumentation" is the greatest.

The skill which must be deployed in identifying argumentation is a relatively independent skill. It is already extremely doubtful that a transfer of knowledge and insight between closely related skills is to be expected (cf. Meuffels 1982: 79–101; 152–156), but such a transfer is simply ruled out with mutually independent skills. This means that one may not expect that people who have not received systematic education and instruction in argumentation analysis will automatically, within the regular curriculum, gain insight into the concept of simple argumentation, let alone more complex forms of argumentation. Moreover, the results may cast some doubt on the effectiveness that systematic education and instruction in argumentation analysis will have among 14-year-old pupils in a lower stream of comprehensive school (unless, perhaps, if one is prepared to spend a lot of time on it).

Although we are convinced that argumentation analysis should be part of the regular curriculum in comprehensive schools as well as grammar schools, the results of our research, suggest that one should be careful and not start this part of the curriculum until it has been firmly established at exactly what age people are really susceptible to it, so that it can be effective.[5]

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[5]Of course, this does not mean that we think that younger children don't use argumentation and that it would be impossible to discuss their arguments with them, but that is quite another matter than the reflective kind of argumentation analysis we have in mind here, as part of the curriculum of secondary education.

Chapter 40
Student Performance in Identifying Unexpressed Premisses and Argumentation Schemes

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40.1 Introduction

An adequate evaluation of argumentation starts from an analytic overview of the argumentative discourse. In such an overview, among other things, the unexpressed premisses and the relevant argumentation schemes are identified (van Eemeren and Grootendorst 1984, 1992). The extent to which ordinary language users are capable of carrying out such identifications can only be answered by the use of empirical research. Here, we report about our empirical investigations on the performances of students in Dutch secondary education.[1]

40.2 Theoretical Background

40.2.1 Unexpressed Premisses

It is perfectly normal for argumentative discourse to contain implicit elements. Implicitness does not necessarily lead to serious problems of interpretation. In many cases, the identification of the implicit elements in an enthymeme is quite simple. For example, in "Amos is pig-headed, because he is a teacher", it is obvious that the unexpressed premiss is the major premiss, or warrant, "Teachers are pig-headed". In specific contexts, it is also possible that the unexpressed premiss consists of a

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[1]For earlier reports, see Oostdam (1990, 1991), Oostdam and Eiting (1991), and Oostdam and Emmelot (1991). Although our research focusses specifically on argumentation, it is in many respects related to empirical studies on persuasion and on logical reasoning.

minor premiss, or data.[2] If it is perfectly clear from his behaviour that Amos is the prototype of a teacher, then it is equally obvious that the premiss "Amos is a teacher" has been left unexpressed if somebody says "[Of course, I am sure that] Amos is pigheaded: teachers *are* pig-headed".

In some cases, there seem to be several possibilities, so that the correct identification of the unexpressed premiss causes more problems. Therefore, in the pragma-dialectical theory of argumentation analytical instruments have been developed for the methodical determination of the premiss that has been left unexpressed. In this connection, a distinction is made between a premiss representing the "logical minimum" and the "pragmatic optimum". The logical minimum consists of the *if…then…sentence* which results from taking the explicit premiss of the argument as antecedent and the conclusion as consequent. The combination of the explicit premiss, the logical minimum and the conclusion constitutes a valid *modus ponens*.

In "Amos is pig-headed, because he is a teacher", for example, the logical minimum is "If Amos is a teacher, then he is pig-headed". The only function of the logical minimum is to connect pieces of information which are already given. The pragmatic optimum is, as a rule, obtained by rephrasing the logical minimum in a more general and informative way: "Teachers are pig-headed". It goes without saying that the generalization should fit in well with the rest of the discourse and that the validity of the argument is to be maintained and no unwarranted commitments may be ascribed to the speaker. For these reasons (and for lack of other evidence), alternatives such as "Teachers are always pigheaded" or "All teachers who are called Amos are pig-headed" do not qualify as the pragmatic optimum in "Amos is pig-headed, because he is a teacher".

40.2.2 Argumentation Schemes

In order to make their standpoints acceptable, arguers rely on *argumentation schemes*.[3] An argumentation scheme suggests a specific relation between what is

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[2]The concepts of 'warrant' and 'data' are taken from Toulmin's procedural model of argumention (1969). Unlike Toulmin, who declares it typical of the "warrant" that it is left unexpressed, we acknowledge that in many cases the warrant is explicit while other elements remain implicit (van Eemeren et al. 1987: 199–207).

[3]Cf. van Eemeren and Grootendorst (1992). The concept of an "argumentation scheme" has been used earlier by authors such as Windes and Hastings (1969) and Perelman and Olbrechts-Tyteca (1969). It does justice to the fact that in assessing the quality of an argumentation, it must not only be determined whether the underlying reasoning is logically valid and starts from acceptable premisses, but also whether the standpoint defended is indeed made acceptable by the premisses. Logicians tend to be concerned with formal implications rather than substantive inferences, concentrating on the transmission of truth rather than acceptance. A full assessment of the argumentation also requires a pragmatic analysis of the use of argumentation schemes.

stated in a premiss and that which is stated in the standpoint.[4] In pragma-dialectics, three main categories of conventionalized argumentation schemes are distinguished, each characterizing a different type of argumentation. If it is not clearly indicated in the discourse which type of argumentation we are dealing with, some interpretation is required to identify the argumentation scheme used to justify the standpoint.

The first argumentation scheme is used when the acceptability of a premiss is transferred to the standpoint by making it understood that there is a relation of *concomitance* between what is stated in the premiss and that which is stated in the standpoint. In this type of argumentation, arguers try to convince their interlocutors by pointing out that something is *symptomatic* of something else. The argumentation is presented as if it describes an expression, a phenomenon, a sign, or some other kind of symptom, of what is stated in the standpoint. For example: "Daniel is an actor [and actors are essentially vain], so he is certainly vain".

The second argumentation scheme is used when arguers try to convince their audience by pointing out that something is *similar* to something else. In this type of argumentation the acceptability of the premisses is to be transferred to the standpoint by making it understood that there is a relation of *analogy* between what is stated in a premiss and that which is stated in the standpoint. The argumentation is presented as if there were a resemblance, an agreement, a likeness, a parallel, a correspondence, or some other kind of similarity, between, what is stated in the premiss and that which is stated in the standpoint. For example: "The measure I would like to take is fair, because the case we had last year was also dealt with in this way [and the one case is similar to the other]".

With the third argumentation scheme arguers try to convince their audience by pointing out that something is *instrumental* to something else. In this type of argumentation the acceptability of the premisses is to be transferred to the standpoint by making it understood that there is a relation of *causality* between a premiss and the standpoint. The argumentation is presented as if that which is stated in the argumentation is a means to, a way of, an instrument for, or some other kind of causative factor for, the standpoint, or vice versa. For example: "As Tom has been drinking an excessive amount of whiskey [and drinking too much alcohol leads to a terrible headache], he must have a terrible headache".[5]

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[4]When referring to the claim that is defended in an argumentation, pragma-dialectics uses the term *standpoint* instead of *conclusion*, restricting the use of the term *conclusion* to the result of the logical reasoning underlying the argumentation. The reasoning from the premisses to the conclusion is analysed at the logical level where the focus is on formal validity, the appropriateness of the argumentation schemes for defending the standpoint is analysed at the pragmatic level.

[5]There are many subcategories of argumentation schemes. Among the symptomatic argumentations are presenting something as an inherent quality or as a characteristic part of something more general. Analogy argumentation includes making a comparison, giving an example and referring to a model. Among the causal argumentations are pointing to the consequences of a course of action, presenting something as a means to a certain end, and emphasizing the nobility of a goal in order to justify the means.

40.3 Hypotheses

In our empirical research we concentrated on the students' skills in correctly identifying unexpressed major premises versus unexpressed minor premises and in the correct identification of symptomatic, analogy and causal argumentation schemes.

As explained by Grice and other theoreticians of communication, something that is considered to be obvious to the addressee is in ordinary discourse, in principle, left implicit. In argumentation with one explicit premiss, the major premiss which makes a transitional connection between the explicit premiss and the standpoint is often implicit. Unless the context requires otherwise, the arguer assumes the major premiss to be understood and mentions only the minor premiss. Therefore, if no contradictory contextual information is provided, the most likely unexpressed premiss is the major premiss, and ordinary language users are aware of this. This leads to the following hypothesis:

1. In a context where no special information is provided, unexpressed major premises are more often correctly identified than unexpressed minor premises.

As soon as one statement is interpreted as an attempt to justify another, implicitly some kind of argumentation scheme is attributed to the argumentation. There is some psychological evidence that relations between propositions tend to be primarily perceived as causal.[6] It is therefore not only to be expected that causal argumentation will be more often correctly identified than other types of argumentation, but also that non-causal argumentation will often—and all too soon—be regarded as causal. Since symptomatic argumentation is closer to causal argumentation than analogy argumentation, and often less clearly marked, this tendency is more likely with symptomatic argumentation than with analogy argumentation. However, analogy argumentation with a strongly temporal aspect may also easily acquire a causal interpretation. This leads to the following hypothesis:

2. Causal argumentation is more often correctly identified than analogy argumentation or symptomatic argumentation, and symptomatic argumentation is less often correctly identified than analogy argumentation.

As yet, we have no precise information as to the extent to which students differ in their skills in identifying unexpressed premises and argumentation schemes. We have recent evidence however, that there are considerable differences in student achievements in the closely related domain of identifying standpoints and explicit premises.[7] Moreover, empirical research has, time and again, revealed strong individual differences in achievement in broad domains of cognitive skill, such as

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[6]See Nisbett and Ross (1980), who discuss not only causal relations, and Rayner and Pollatsek (1989, Chap. 8). A natural explanation for the tendency towards a causal interpretation is familiarity.

[7]See van Eemeren et al. (1989).

reading and writing.[8] We therefore venture to hypothesize the existence of substantial individual differences in identifying unexpressed premises and argumentation schemes:

3. Individual differences in identifying unexpressed premises and argumentation schemes will be substantial: the variance of *true* test scores will be larger than zero.

Individual differences in successfully identifying unexpressed premises and argumentation schemes may have various causes. Generally, such differences in argumentation skills are expected to correlate with differences in general cognitive capabilities and achievement of students. In Dutch secondary education students are referred to different streams on the basis of their general cognitive skills.[9] We therefore hypothesize a substantial correlation between students' school type and their argumentation skills:

4. Individual differences in identifying unexpressed premises and argumentation schemes will be to a substantial degree correlated with schooltype: the medium effect sizes will be at least ($r \geq .30$).[10]

40.4 Design

40.4.1 Test Format

Two paper-and-pencil tests have been constructed in order to test students' skills in identifying unexpressed premises and argumentation schemes. Every test contains a series of multiple choice items which can be objectively scored. The assumption is that the fewer mistakes students make the greater command they have of a specific skill.

Test items have been constructed by means of a facet design.[11] In this design, the facets define cells or structuples, each of which represents a certain form of appearance of an argumentative statement. The use of a facet design optimizes the content validity of a test and makes it possible to examine the effect of the facets systematically. In constructing the items, factors that might influence the identification (e.g. indicators for the standpoint) have been varied among the tests (i.e. the facets). Also, factors that might interfere with the facets were kept under control.

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[8]See, e.g., Thorndike (1973), Applebee et al. (1986), Elley (1992).

[9]The Dutch system of secondary education (from grade 7 until grade 12) is highly streamed. After completing a transition class in grade 7, students are referred to one of the four streams (from low to high: junior vocational, lower general, higher general and academic secondary education) according to their cognitive capabilities and achievement (see Oostdam & Emmelot 1991).

[10]Cf. Cohen (1969).

[11]Cf. Borg (1979) and Mellenbergh et al. (1979).

The items in both tests contain single sentences with two co-ordinated clauses (e.g. "Julian is an actor, so he is vain"). There is little variation in the length of the sentences. The style and level of abstraction are such that students can readily understand the sentence meaning. In order to prevent sequence effects, the presentation of the items has been randomized.

The test instruction had to be read by the students without any interference from the teacher. The concepts of "unexpressed premisses" and "argumentation schemes" were defined with the help of examples. Furthermore, some examples of items were presented to demonstrate the test task. It was emphasized that there was no time-limit.

40.4.2 Identifying Unexpressed Premisses (Test 1)

The test concerning the skill of students in identifying unexpressed premisses contains eighteen multiple-choice items with single argumentation (a standpoint supported by one premiss). For the construction of test items various categories of enthymeme were distinguished (see Table 40.1).

The first category includes fallacies of circular reasoning that do not have an unexpressed premiss. In the other three categories the character of the unexpressed premisses depends on whether the referent of the standpoint is or is not identical with the referent of the premiss, and whether the predicate of the standpoint is or is not identical with the predicate of the premiss. For each of the three categories of enthymemes six items were constructed: three items in which the standpoint precedes the premiss and three items in which the standpoint follows the premiss. As a consequence, the facet design contains six structuples (see Table 40.2).

Table 40.1 Categories of enthymeme

	Referent standpoint is referent premiss	Referent standpoint is not referent premiss
predicate standpoint is predicate premiss	1. This is my bike, because it is mine, (circular reasoning)	2. She must be a Catholic, because her parents are Catholics too. (unexpressed minor)
predicate standpoint is not predicate premiss	3. John is English, therefore he is brave (unexpressed major)	4. I have to walk, because Yvonne has taken the car (unexpressed non syllogistic premiss)

Table 40.2 Facet design identifying unexpressed premisses

	Minor premiss	Major premiss	Non-syllogistic premiss
position premiss	a b	a b	a b

6 structuples, 3 items per structuple, *a* premiss following standpoint, *b* premiss preceding standpoint

Each multiple-choice item has four alternatives: the correct answer and three distractors constructed according to a preconceived construction plan: (1) a conversion of the right alternative, (2) a limited or blown-up variation of the right alternative, and (3) a paraphrase of the converted/limited/blown-up right alternative or a stereotype that fits in with the context. The following item is an example of a structuple with an unexpressed major premiss and the premiss following the standpoint ("A" is the right alternative, "B" the conversion, "C" the limited version and "D" a stereotype):

He is a bad singer, because he cannot keep time.

A. *One who cannot keep time is a bad singer.*
B. *Bad singers cannot keep time.*
C. *Singers sometimes cannot keep time.*
D. *One who cannot sing, is also unable to keep time.*

The test is designed to measure students' skill in identifying unexpressed premisses. The test should be reliable: the test scores should provide precise and stable estimates of individual skill levels. The test should also be unidimensional: the scores should represent only the intended skill dimension; other systematic sources of individual differences should not be measured.

The test reliability was satisfactory (Cronbach alpha = .65). The test appears to measure a single performance dimension. Factor analysis according to the Fabin 2 method reveals that the data closely correspond to a one factor model.[12] The goodness of fit of a one factor model (gfi = .96) is hardly improved by the introduction of a second factor (gfi = .97).[13]

40.4.3 Identifying Argumentation Schemes (Test 2)

The test of students' skill in identifying argumentation schemes contains twenty-four items with single argumentation, equally distributed over three categories: symptomatic, causal and analogy. Only the position of the premiss (preceding or following the standpoint) is manipulated. Therefore, the facet design has six structuples, each filled with four items (see Table 40.2). This is an example of a structuple with the argumentation scheme of analogy in which the premiss precedes the standpoint:

I do not have to be present at each birthday in your family, because your brothers in law do not come to each birthday either.
Which argumentation scheme is employed?

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[12] 12 Cf. Hägglund (1982).

[13] Correspondingly the Fabin reliability for the one factor model is .65; the Fabin reliability for the two factor model is .66.

Table 40.3 Sample size (N of schools, N of students for Test 1 and 2), modal student age and intra-class correlation for main sample

Sample	School type	Grade	Modal age	N schools	N students	
					Test1	Test2
Main	J-VOC	9	15	34	310	293
Main	LO-GEN	9	15	27	398	390
Main	HI-GEN	10	16	39	461	456
Main	ACA	11	17	32	338	338
Additional	HI-GEN	9	15	9	117	107
Additional	ACA	9	15	7	89	81

- *symptomatic*
- *causal*
- *analogy*
- *do not know*

The reliability of the test was good (Cronbach alpha = .82). The test appears to measure a single performance dimension. Factor analysis according to the Fabin 2 method yields a good fit of the one factor model (gfi = .98). The introduction of a second factor gives no meaningful improvement of the model fit (gfi = .99).[14]

40.4.4   Subjects

The tests were administered within the context of a national assessment in the pre-final grades of secondary education.[15] Representative samples of students were tested: grade 9 students in the junior vocational (J-VOC) and lower general (LO-GEN) streams, grade 10 students in the higher general stream (HI-GEN), and grade 11 students in the academic stream (ACA). For the purpose of this study additional samples of grade 9 students from the higher general and the academic stream were tested, thus allowing for a unbiased test of hypothesis 4.[16] Hypotheses 1, 2 and 3 are tested on the data of the main sample (Table 40.3).

Three-stage random, samples were drawn: within each sampled school, one classroom was sampled and within each classroom the tests were administered to a sample of at least 10 students.

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[14]Correspondingly the Fabin reliability for the one factor model is .82; the Fabin reliability for the two factor model is .82.

[15]Cf. Oostdam (1991).

[16]Hypothesis 4 will be tested, on the four strata of grade 9 students only, thus excluding age differences as a source of variation.

40.5 Results

40.5.1 Identifying Unexpressed Premisses

Hypothesis 1 was tested by means of analysis of variance. The proportion of correct responses for the four strata of the main sample was calculated for each item. The resulting item level data (n = 72, i.e. 18 items × 4 groups) were input to an analysis of variance with the type of unexpressed premiss, position of the premiss and schooltype as fixed factors (see Table 40.4).

The proportion of correct responses is clearly affected by the type of premiss (F = 16.214). The effect of the type of premiss is strong; the factor explains 23 % of the total variance at the item level.[17] As predicted, argumentation with an unexpressed non-sylogistic or major premiss is more often correctly identified than argumentation with an unexpressed minor premiss (see Table 40.5). According to the Scheffé test in a one-way analysis of variance with type of premiss as a fixed factor this contrast is significant at the .05 level.

There is no significant main effect of the position of the premiss. The main effect of the school type is considerable (F = 13.803, 29 % explained variance). There is a substantial interaction (F = 8.94, 13 % explained variance) between the position of the premiss and the type of premiss that is not expressed. Argumentation with an unexpressed minor premiss or an unexpressed major premiss is more correctly identified when the premiss follows the standpoint. The reverse holds for argumentation with an unexpressed non-syllogistic premiss (see Table 40.5).

40.5.2 Identifying Argumentation Schemes

In order to test hypothesis 2, an analysis of variance on the proportions correct responses for the four strata of the main sample for each of the 24 items of test 2 was carried out. The item level data (n = 96, i.e. 24 items × 4 groups) were input to an analysis of variance with type of argumentation scheme, position of the premiss and school type as fixed factors (see Table 40.6).

The proportion correct responses is clearly affected by the type of argumentation scheme (F = 24.608). The effect of the type of scheme is strong; the factor explains 26 % of the variance at the item level. Contrary to our expectation, the causal scheme and the analogy scheme are identified with equal correctness. The causal scheme and the analogy scheme are identified more correctly than the symptomatic scheme (see Table 40.7). According to the Scheffé test in a one-way analysis of variance with type of argumentation scheme as a fixed factor this contrast is significant at the .05 level.

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[17]The ratio of the SS for a given source of variation to the total SS is used as an index of the proportion of variance accounted for.

Table 40.4 Analysis of variance with the type of premiss, position of premiss, and school type as fixed factors (n = 72)

Source of variation	SS	df	MS	F	P
Type of premiss	.508	2	.254	16.214	.000
Position of premiss	.011	1	.011	.729	.397
School type	.649	3	.216	13.803	.000
Type × Position	.280	26	.140	8.938	.001
Type × School	.020	6	.003	.213	.971
Position × School	.001	36	.000	.016	.997
Type × Position × School	.010	6	.002	.106	.995
Explained	1.479	23	.064	4.104	.000
Residual	.752	48	.016		
Total	2.230	71	.031		

Table 40.5 Proportion correct responses (pc) per type of premiss and position of premiss

Factors	pc
Type of premiss	
Minor premiss	.46
Major premiss	.62
Non-syllogistic premiss	.65
Position of premiss	
Preceding the standpoint	.56
Following the standpoint	.59
Type × position of premiss	
Minor premiss preceding standpoint	.48
Major premiss following standpoint	.44
Minor premiss preceding standpoint	.66
Major premiss following standpoint	.58
Non-syllogistic premiss preceding standpoint	.55
Non-syllogistic premiss preceding standpoint	.75

There is a significant main effect of the position of the premiss (F = 6.881, 4 % explained variance). When the premiss follows the standpoint, argumentation is more correctly identified. School type has again a considerable main effect (F = 16.205, 26 % explained variance). As in test 1, there is an interaction (F = 4.638, 5 % explained variance) between the position of the premiss and the type of argumentation scheme. For the causal scheme the sequence premiss-standpoint is slightly easier.

Incidentally, the distribution across response alternatives differs between item types. The symptomatic scheme is very often identified as a causal scheme: two-thirds of the misidentifications pertain to this alternative. For the scheme of analogy there is a similar, though less marked, tendency. In case of the causal scheme, errors are distributed equally across distractor types (see Table 40.8).

Table 40.6 Analysis of variance with the type of argumentation scheme, position of the premiss and the school type as fixed factors (n = 96)

Source of variation	SS	df	MS	F	P
Type of argumentation scheme	.504	2	.252	24.608	.000
Position of premiss	.070	1	.070	6.881	.011
School type	.498	3	.166	16.205	.000
Type × Position	.095	2	.048	4.638	.013
Type × School	.006	6	.001	.096	.997
Position × School	.001	3	.000	.028	.994
Type × Position × School	.001	6	.000	.021	1.000
Explained	1.176	23	.051	4.990	.000
Residual	.738	72	.010		
Total	1.913	95	.020		

Table 40.7 Proportion correct responses (pc) per type of argumentation scheme and the position of the premiss

Factors	pc
Type of argumentation scheme	
Analogy scheme	.84
Causal scheme	.85
Symptomatic scheme	.69
Position of premiss	
Preceding the standpoint	.77
Following the standpoint	.82
Type of argumentation scheme × Position of premiss	
Analogy scheme, premiss-standpoint	.88
Analogy scheme, standpoint-premiss	.80
Causal scheme, premiss standpoint	.84
Causal scheme, standpoint premiss	.87
Symptomatic scheme, premiss-standpoint	.75
Symptomatic scheme, standpoint-premiss	.64

As regards the analogy scheme and the causal scheme, the distribution across response alternatives is highly similar for the different student groups in the main sample. As regards the symptomatic scheme, the relative frequency of students interpreting the symptomatic scheme as a scheme of analogy decreases from group 1 to group 4.

40.5.3 Individual Differences

A test of hypothesis 3 was performed through computing standard errors of measurement for individual test scores. For each of the strata from the main sample

Table 40.8 Identifying argumentation schemes: distribution across response alternatives (percentages)

Item clusters	Percentage
Analogy scheme	
1. Symptomatic	4.4
2. Causal	8.1
3. Analogy	85.2
4. Do not know	2.4
Causal scheme	
1. Symptomatic	4.8
2. Causal	86.7
3. Analogy	5.2
4. Do not know	3.3
Symptomatic scheme	
1. Symptomatic	70.5
2. Causal	20.0
3. Analogy	7.3
4. Do not know	3.2

Table 40.9 Size of individual differences in identifying unexpressed premisses and argumentation schemes: mean scores, standard deviations and standard errors of measurement

	Main sample			
	J-VOC	LO-GEN	HI-GEN	ACA
Unexpressed premisses				
Mean	8.45	9.04	11.08	12.80
Standard deviation	3.06	2.97	2.74	2.34
Standard error	1.81	1.75	1.62	1.38
Argumentation schemes				
Mean	17.05	17.87	20.45	21.15
Standard deviation	4.48	4.39	3.24	2.79
Standard error	1.88	1.84	1.36	1.17

means, standard deviations and standard errors of measurement were calculated. From Table 40.9 it is clear that individual differences are substantial in all student groups. In identifying unexpressed premisses, grade 9 vocational students (J-VOC), for example, on average identify between 8 and 9 out of 18 items correctly. The standard deviation in this group is as large as 3 points. The standard error of measurement for individual scores is 1.81 in size. This indicates that observed scores which differ 7 score points indicate true individual differences with a certainty of 95 %.[18] In other groups the difference in identifying unexpressed,

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[18]The 95 % confidence interval for a true score is constructed as the observed score plus or minus the product of the standard error of measurement and the z-value corresponding to the 95 % confidence level (i.e. 1.96).

premisses are of a similar size. The test for the identification of argumentation schemes shows individual differences of a very similar size.[19]

40.5.4   Individual Differences and Schooltype

Hypothesis 4 was tested on the grade 9 strata of the sample only. The correlation between students' school type and their argumentation skills was computed in the following manner. For each of the four strata a dummy variable was constructed, indicating for each individual student strata membership. The multiple correlation of the four dummy variables and the total scores on the test of identifying unexpressed premisses is .46 (p = .000); on the test of identifying argumentation schemes the correlation is .40 (p = .000).

As expected, the correlation between schooltype and argumentation skills is substantial. In terms of effect sizes, the effect of school type is between medium and large for both tests.[20] The differences in general cognitive capabilities and achievement of students that underly the school type differences appear to be associated with specific argumentation skills.

A comparison of the results of the additional sample with the main sample reveals that differences between school types clearly outweigh differences between grades within school types. There is relatively little increase in scores within the higher general and the academic stream.[21] The per grade increase in number of items correct varies between .18 and .50. The within-grade differences between school types amount to 3.42 and 3.75 score points.

40.6   Discussion

The results of the test regarding the identification of unexpressed premisses clearly confirm the hypothesis that in a context where no special information in provided unexpressed major premisses are more easily identified than other unexpressed premisses. Students have more difficulty in identifying unexpressed minor premisses than in the identification of unexpressed major premisses and non-syllogistic premisses.

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[19]A comparison between tests has to take into account that the tests contain a different number of items: 18 in test 1 and 24 in test 2.

[20]Cf. Cohen (1969).

[21]Means and standard deviations Q for identifying unexpressed premisses for grade 9 students from the higher general and academic stream are respectively 10.79 (2.90) and 11.87 (2.53). For identifying argumentation schemes the corresponding values are 19.95 (2,96) and 20,80 (2.90), For the higher general stream the comparison between main and additional sample involves a one-grade difference; for the academic stream the difference involves two grades.

In case of an unexpressed major (or a non-syllogistic) premiss, as in "Amos is pig-headed, because he is a teacher", the unexpressed premiss—"teachers are pig-headed"—is rather obvious, even without any specific contextual information. Such a warrant-like or major premiss constitutes the transitional connection between the explicit minor premiss and the standpoint. When the question of identifying unexpressed minor-premisses is at stake, the situation is just the opposite. The referents in standpoint and premiss are then not identical. This causes problems in identifying the minor premiss and this explains the tendency of marking an incorrect/false premiss.

The test results also confirm the hypothesis that causal argumentation is more easily identified than analogy argumentation or symptomatic argumentation. The causal argumentation scheme is most easily identified. Unclear symptomatic argumentation and unclear analogy argumentation often lead to a causal interpretation of the relation between the two propositions by the students. As was predicted, this tendency to opt for a causal interpretation is stronger in the case of symptomatic argumentation than in the case of analogy argumentation.

In accordance with the third hypothesis, sizeable individual differences have been found in the identification of unexpressed premisses and the identification of argumentation schemes. This result corresponds with previous findings from empirical research into individual differences in cognitive skills. Individual differences are correlated with school type to a substantial degree. This result confirms hypothesis four and indicates that the individual differences in the two specific argumentation skills under study are related to differences in more general cognitive capabilities.

Interestingly, within-grade differences between school types outweigh between-grade differences within school types. In the Dutch secondary education system, according to their general cognitive skills and achievement, students are following different programs (vocational to academic). The between-school differences in argumentation skills reflect these underlying general cognitive differences.

The lack of progress per grade should be interpreted in the light of the absence of any real attention to argumentation instruction in Dutch secondary education. There is, in fact, little or no direct instruction in argumentation. Students read and write argumentative texts without much instruction; they learn about argumentation by practicing it. We are convinced that more explicit teaching of argumentation will foster the development of argumentation skills.

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Chapter 41
The Extended Pragma-Dialectical Argumentation Theory Empirically Interpreted

Frans van Eemeren, Bart Garssen and Bert Meuffels

41.1 The Analytical Status of the Notion of 'Strategic Maneuvering'

The notion of strategic maneuvering, introduced by van Eemeren and Houtlosser, is basically an analytic concept enabling a more refined, accurate and comprehensive account of 'argumentative reality' than can be achieved by means of the existing, purely dialectical tools of canonical, standard pragma-dialectics (van Eemeren and Houtlosser 1999, 2000a, b, 2002a; van Eemeren 2010). With the help of the notion of strategic maneuvering it becomes possible to reconstruct argumentative discourse as it occurs in practice in such a way that not only the dialectical dimension pertaining to its reasonableness is taken into account, but also the rhetorical dimension pertaining to its effectiveness (van Eemeren 2010). In sum, in the extended pragma-dialectical approach incorporating the theory of strategic maneuvering the standard analysis of argumentative discourse is systematically enriched with the use of rhetorical insight.

The extended pragma-dialectical argumentation theory in which classical and modern rhetorical insights are integrated in the existing pragma-dialectical tools for reconstruction i.e. resolution-oriented reconstruction—offers in the first place *analytical* instruments for analysing and evaluating argumentative discourse. It is not an *empirical* model of the various ways in which ordinary arguers try to achieve effective persuasion within the boundaries of dialectical rationality.[1]

Argumentative discourse can only be critically evaluated in a theoretically justified way if the discourse has first been adequately analysed. Starting from the pragma-dialectical point of departure, the analysis of argumentative discourse can be envisioned as a methodical reconstruction of the process of resolving the difference of opinion contained in the discourse. Using the extended theory taking

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[1]For our use of the terms *effectiveness* and *persuasiveness* and our use of the terms *rationality* and *reasonableness*, see van Eemeren (2010, 39 and 29), respectively.

account of strategic maneuvering as an analytical instrument for analysis and evaluation is to lead to an analytical overview attuned to enabling a sound critical evaluation. The ideal model of a critical discussion can serve as a heuristic instrument for reconstructing argumentative discourse in such a way that it becomes clear which function the various speech acts performed in the discourse fulfil and which commitments they create.

In a reconstruction of a discourse as a manifestation of a critical discussion it is assumed that the arguers aim to resolve their dispute on the merits. At the same time, however, it may be assumed that they will be intent on having their own standpoints accepted. This means that on the one hand they have to observe the dialectical obligations that have to do with the argumentative procedures that further an abstract ideal of reasonableness in critical discussion while on the other hand they have aims and considerations that are to be understood rhetorically in terms of effectiveness (also referred to as persuasiveness). Attempting to resolve a difference of opinion and *at the same time* trying to do so in one's own favor creates a potential tension between pursuing dialectical objectives and rhetorical, persuasive aims. It is precisely this potential tension that gives rise to what van Eemeren and Houtlosser have coined *strategic maneuvering*, which is aimed at making the strongest possible case while at the same time avoiding moves that are clearly unreasonable.

> In argumentative discourse, whether it takes place orally or in writing, it is generally not the arguer's sole aim to win the discussion, but also to conduct the discussion in a way that is considered reasonable […] In their efforts to reconcile the simultaneous pursuit of these two different aims, which may at times even seem to go against each other, the arguers make use of what we have termed *strategic maneuvering.* This strategic maneuvering is directed at diminishing the potential tension between pursuing at the same time a 'dialectical' as well as a 'rhetorical' aim (van Eemeren and Houtlosser 2002b, 135).

> In a great many cases, the maneuvering, whether it is successful or not, is in perfect agreement with the rules for critical discussion and may count as acting reasonably. As a rule, strategic maneuvering is at least aimed at avoiding an open violation of these critical standards. Even arguers who momentarily let the aim of getting their own position accepted prevail will strongly attempt to keep up the appearance of being committed to the critical ideal of reasonableness (van Eemeren and Houtlosser 2002a, 16).

Much more could be said about this view of strategic maneuvering, but this short overview (and the references that are given) may suffice to show that one could easily be misled by interpreting the analytical model involved as an empirical-psychological one, as a model that aims to describe the argumentative behavior of ordinary arguers and their intentional, persuasive goals in ordinary real-life discussions. As said before, the analytical model for dealing with strategic maneuvering is definitely not an empirical model. One of the consequences of the specific analytical character of the model is that it cannot simply be put to a critical empirical test, at least not in a strict sense: empirical data are not able to falsify this model, nor are they able to confirm it—unless one is willing to add certain psychological or sociological assumptions to the model which are empirical by their very nature. But this does not mean that, seen from an empirical point of view, this

model is useless: even if the model cannot be empirically tested in a strict sense, it is easy to see that it can function as a source for the derivation of theoretically motivated hypotheses about the argumentative behavior and persuasive goals of arguers in ordinary argumentative practice. And that is precisely the way in which this model will be used in this paper.

41.2   Three Predictions

Three rather straightforward and plausible predictions can be derived from the notion of strategic maneuvering if this concept is interpreted empirically:

(1)   Ordinary arguers are, at least to a certain extent, aware of their dialectical obligations; they know, at least at a pre-theoretical level, which contributions to the discussion are in accordance with the rules for critical discussion and are thus to be regarded as reasonable, and which contributions have to be considered as violations of these dialectical rules, in other words: which moves are fallacious and thus unreasonable. If ordinary arguers would lack such specific knowledge of the boundaries of the dialectical framework, there would be no reason at all for them to maneuver in a strategic sense—in that case they could go all out for rhetorical effectiveness, pursuing only and exclusively their own personal persuasive aims without taking into account the obligations dictated by the dialectical framework.

(2)   Ordinary arguers assume that the other party in the discussion commit themselves to the same kind of dialectical obligations as they themselves do. If these jointly shared expectations (the protagonist knows… (…) and the protagonist knows that the antagonist knows… (…)) would not be in force in ordinary discussions, there would again be no reason for them to maneuver strategically. Expressed differently, ordinary arguers assume their interlocutors to apply similar norms and criteria for the evaluation of the reasonableness of discussion contributions as they themselves do, and regard 'overt' fallacies equally unreasonable as they do.

(3)   Ordinary arguers assume—and assume that their interlocutors assume—that discussion contributions that violate the norms incorporated in the rules for critical discussion are unreasonable and that interlocutors who violate these commonly shared rules can be held accountable for being unreasonable. Consequently, the notion of 'reasonableness' is not only perceived by ordinary arguers in a merely ("descriptively") normative sense, but also (and for the most part) in a prescriptive sense. Again, if this condition would not be met, there would be no reason for the discussion parties to maneuver strategically.

41.3 Prediction 1

41.3.1 Method Prediction 1

During the past years we collected a mass of empirical data that are relevant for testing the first claim. In 1995, we started a comprehensive empirical project entitled *Conceptions of Reasonableness* that was completed in 2008 (for a detailed overview, see van Eemeren et al. 2009). The aim of this project was to determine empirically which norms ordinary arguers use (or claim to use) when evaluating argumentative discourse, and to what extent these norms are in agreement with the critical theoretical norms of the pragma-dialectical theory of argumentation. Expressed differently: the aim of this ten-year project was to investigate and to test the *conventional validity* of the pragma-dialectical discussion rules: can it be expected that in actual discussion the rules are intersubjectively approved by the parties involved in a difference of opinion? The *problem validity* of the pragma-dialectical rules (are the rules instrumental in resolving a difference of opinion?) is primarily a theoretical issue. In contradistinction, the conventional validity of these rules can only be established by means of empirical research.

We carried out some 50 independent experiments, investigating the (un)reasonableness of 24 different types of fallacies. The setup of the experiments, the design of which we will report here, was in all cases the same: a *repeated measurement design*, combined with a *multiple message design*. That means that a variety of discussion fragments, short dialogues between two interlocutors A and B, were presented to the participants. (1) is an example of such a discussion fragment in which the abusive variant of the ad hominem fallacy is committed, (2) an example of the circumstantial variant, and (3) an example of the tu quoque-variant.

(1) (abusive variant; direct attack)

A: I think a Ford simply drives better; it shoots across the road.
B: How would you know? You don't know the first thing about cars.

(2) (circumstantial variant; indirect attack)

A: In my view, the best company for improving the dikes is Stelcom Ltd; they are the only contractor in the Netherlands that can handle such an enormous job.
B: Do you really think that we shall believe you? Surely, it is no coincidence that you recommend this company: It is owned by your father-in-law.

(3) (tu quoque-variant; you too variant)

A: I believe the way in which you processed your data statistically is not entirely correct; you should have expressed the figures in percentages.
B: You're not being serious! Your own statistics are not up to the mark either.

For baseline and comparison purposes, the participants also had to judge the (un) reasonableness of fragments in which no violation of a pragma-dialectical rule was committed:

(4) (no violation of the freedom rule)

> A: I believe my scientific integrity to be impeccable; my research has always been honest and sound.
> B: Do you really want us to believe you? You have already been caught twice tampering with your research results.

In all cases in the discussion fragments non-loaded topics were discussed, and in all cases paradigmatic, clear-cut cases of the fallacies were constructed. All fragments were put in a certain context. For instance, fragment (1) was presented in a domestic discussion context, fragment (2) in a political context, and fragment (3) and (4) in the context of a scientific debate. The participants were invariably asked to judge the reasonableness of the last contribution to the discussion, i.e. the contribution of B in the examples above. The participants had to indicate their judgment on a 7-point Likert scale, ranging from very unreasonable (=1) to very reasonable (=7).

41.3.2   Results Prediction 1

First, we tested the conventional validity of the rule for the confrontation stage (the Freedom Rule) by investigating the (un)reasonableness of the three variants of the ad hominem fallacy, various variants of the argumentum ad baculum, the argumentum ad misericordiam, and the fallacy of *declaring a standpoint taboo or sacrosanct* (see Table 41.1).

Second, we tested the validity of the rule for the opening stage (the Burden of Proof Rule) by investigating the (un)reasonableness of, among others, the fallacy of shifting the burden of proof and the fallacy of evading the burden of proof in a non-mixed and in a mixed dispute. Third, we tested one of the pragma-dialectical rules for the argumentation stage (in this case rule number 8, the Argument Scheme Rule) by investigating the (un)reasonableness of the argumentum ad consequentiam, the argumentum ad populum, slippery slope and false analogy. And last, we tested the conventional validity of the rule for the final stage in a critical discussion (the concluding stage), by investigating the (un)reasonableness of the argumentum ad ignorantiam.

From the data presented in Table 41.1 it is clear that—with the notable exception of the logical variant of the argumentum ad consequentiam—the participants in our experiments made a clear distinction between the unreasonableness of discussion moves that, according to pragma-dialectical standards, involve a fallacy and those

Table 41.1 Overview of average reasonableness score for fallacious discussion contributions and the non-fallacious counterparts

	Violation	No violation	ES[*]
Violations of the freedom rule: confrontation stage			
1. Argumentum ad hominem (abusive variant)	2.91	5.29	.47
2. Argumentum ad hominem (circumstantial variant)	3.89	5.29	.21
3. Argumentum ad hominem (tu quoque variant)	4.45	5.29	.14
4. Argumentum ad baculum (physical variant)	2.04	5.64	.57
5. Argumentum ad baculum (non-physical variant)	2.91	5.64	
6. Argumentum ad baculum (direct variant)	1.86	5.41	.29
7. Argumentum ad baculum (indirect variant)	3.72	5.41	
8. Argumentum ad misericordiam	3.86	5.06	.13
9. Fallacy of declaring a standpoint taboo	2.79	5.14	.46
10. Fallacy of declaring a standpoint sacrosanct	2.68	5.67	.52
Violations of the burden of proof rule: opening stage			
11. Fallacy of shifting the burden of proof (non-mixed dispute)	2.37	4.51	.36
12. Fallacy of evading the burden of proof (non-mixed dispute) presenting standpoint as self-evident	3.04	4.68	.24
13. Fallacy of evading the burden of proof (non-mixed dispute) giving personal guarantee of correctness of standpoint			
• By means of a commissive	3.29	5.18	.33
• By means of a directive	2.77	5.14	.45
14. Fallacy of evading the burden of proof (non-mixed dispute) immunizing standpoint against criticism	2.68	4.76	
15. Fallacy of evading the burden of proof (mixed dispute)			
• Standpoint without presumptive status	2.72	5.68	.63
• Standpoint with presumptive status (truths)	3.45	5.68	.41
• Standpoint with presumptive status (changes)	3.48	5.68	.45
Violations of the argumentation scheme rule: argumentation stage			
16. Argumentum ad consequentiam			
• Logical variant	3.92	4.39	.00
• Pragmatic variant	2.96	5.03	.37
17. Argumentum ad populum	2.77	5.88	.40
18. Slippery slope	3.31	5.31	.25
19. False analogy	3.14	4.74	.29
Violation of the rule for the concluding stage: concluding stage			
20. Argumentum ad ignorantiam	2.56	5.56	.50

*Effect size (ES) for the difference between the (un)reasonableness of fallacious and non-fallacious discussion contributions, per argumentation stage (1 very unreasonable; 4 neither unreasonable, nor reasonable; 7 very reasonable)

that are not fallacious: fallacious discussion moves are considered unreasonable by ordinary arguers, while non-fallacious moves are judged as reasonable.[2] These results can be taken as a strong support for our first prediction: ordinary arguers are to a large extent aware of what the dialectical obligations in an argumentative discussion entail.[3]

41.4   Prediction 2

41.4.1   *Methodological Considerations*

In contrast with the mass of empirical data we have collected in order to test the conventional validity of the pragma-dialectical discussion rules, only one single experiment is conducted in which we tested our second prediction that could be derived from the extended model incorporating strategic maneuvering. This prediction pertains to the reciprocal social expectations of discussion parties regarding the commitment to dialectical discussion rules: ordinary arguers assume that the other party in the discussion commit themselves to the same kind of dialectical obligations as they themselves do. As for testing this second prediction (and, by the way, also the third prediction), we will make use again of the empirical results obtained in the project *Conceptions of Reasonableness*.

In the project *Conceptions of Reasonableness* the three variants of the ad hominem-fallacy are investigated frequently, not only in the Netherlands but also in countries abroad (see Table 41.2). As a consequence, we have now insights into (1) the stability of the reasonableness data for the three types of fallacy, (2) the

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[2]With the exception of the logical variant of the ad consequentiam fallacy, all differences in reasonableness between a particular fallacy and its non-fallacious counterpart are statistically significant—ordinary arguers not very often regard the reductio ad absurdum as a type of sound argumentation, just as they hardly see that the fallacy that copies this sound argumentation (namely the logical variant of the argumentum ad consequentiam) is an obvious fallacy. In some cases in Table 41.1 no effect size is reported—in those cases ES could not be computed, due to the specific characteristics of the chosen design. Moreover, from the data presented in Table 41.1 (and equally in Table 41.2) one may not infer that fallacies such as the tu quoque-variant are regarded as reasonable moves. In Table 41.1 we abstracted from the specific discussion context in which the fallacies were offered to the participants, but in a scientific discussion context the tu quoque fallacy is invariably judged as an unreasonable move.

[3]Notice that there is an enormous range in the judged unreasonableness of the various fallacies: the physical variant of the argumentum ad baculum, for example, is regarded as an absolute unreasonable move, while the tu quoque variant of the ad hominem fallacy tends to be considered as a reasonable move (provided we abstract from the specific discussion contexts in which this fallacy was presented). Such data make sense: threatening the other party in the discussion with brute physical violence is the example *par excellence* of irrational, unreasonable behavior, while committing a tu quoque fallacy has at least in some discussion contexts the appearance of being reasonable. Serious participants in a conversation may be expected to show some consistency between their (past and present) words and deeds.

ordinal reasonableness relations of the three types of fallacy, and (3) the absolute reasonableness assessments of the three types of fallacy. Based upon these insights, different specific predictions can be inferred for experiment 2 (and also for experiment 3). First, from the consistent results shown in Table 41.2 it is clear that the ordinal relations between the rated reasonableness of the three types of ad hominem-fallacy in the original main investigation and in the replications of this investigation are identical: the direct attack is invariably judged as the least reasonable move, next the circumstantial variant, and lastly the tu quoque-variant. Second, the tu quoque variant tends to be judged as a reasonable move, provided we abstract from the specific contexts in which this fallacy was offered to the participants. Third, in line with the results reported in Table 41.1 it is evident that invariably those non-fallacious, reasonable discussions contributions are (in a statistically significant sense) considered as more reasonable than the fallacious moves in which an argumentum ad hominem is committed.

In our investigation of prediction 2 we exposed our participants to instantiations of the three types of ad hominem-fallacy and instantiations of non-fallacious moves, and we requested them to rate the (un)reasonableness of these discussion fragments (i.e. the last contribution) according to their own insights and judgment—as was the case in all our experiments conducted within the framework of the project *Conceptions of Reasonableness;* in addition to that, they had to rate similar fallacious and non-fallacious fragments, but this time with the instruction to indicate how reasonable or unreasonable they think and expect that *relevant others* would judge these fragments. Prediction 2 can be considered to be confirmed if the three above mentioned stable patterns of Table 41.2 show up again, not only in the condition in which the participants have to rate the fragments according to their own insight but equally well in the condition in which they have to make an estimation of the judgment of relevant others. Any difference between both conditions as a (statistical) main effect (or an interaction between 'condition' and 'type of fallacy') would be disastrous for the confirmation of prediction 2.

Table 41.2 Average reasonableness score for three types of ad hominem-fallacy (*Dir* direct attack, *Ind* indirect attack, *Tu* tu quoque-variant) and for non-fallacious reasonable argumentation, per replication (standard deviation: between brackets)[*]

	Dir	Ind	Tu	Reasonable
Original investigation	2.91 (.64)	3.89 (.57)	4.45 (.60)	5.29 (.64)
Replication 1	2.99 (.76)	3.47 (.94)	3.82 (.88)	5.26 (.72)
Replication 2	3.08 (.66)	3.82 (.92)	4.15 (.61)	5.03 (.65)
Replication 3	3.38 (.87)	4.21 (.78)	4.54 (.67)	5.09 (.67)
Replication 4 (UK)	3.32 (.64)	4.13 (.61)	4.54 (.46)	5.24 (.48)
Replication 5 (Germany)	2.99 (.61)	3.52 (.66)	3.93 (.63)	4.88 (.42)
Replication 6 (Spain)	3.51 (.87)	4.23 (.70)	4.49 (.73)	4.93 (.65)
Replication 7 (Spain)	3.01 (1.12)	3.61 (.75)	3.99 (.78)	4.97 (.86)
Replication 8 (Indonesia)	3.21 (.78)	3.75 (.99)	4.53 (.83)	5.10 (.56)

[*]1 very unreasonable; 4 neither unreasonable, nor reasonable; 7 very reasonable

41.4.2   Method Prediction 2

In order to test prediction 2, 48 discussion fragments were constructed: short dialogues between two discussants (called A and B) in which the antagonist B violated 36 times the pragma-dialectical rule for the confrontation stage by means of one of the three variants of the argumentum ad hominem. In 12 discussion fragments no discussion rule was violated; in those fragments B adduced only non-fallacious, reasonable argumentation.

Two versions were constructed: version 'Self' and version 'Other', both consisting of 24 discussion fragments; the fragments in each version were randomly drawn from the whole set of 48 fragments and subsequently quasi-randomly assigned to one of the two versions, such that both versions contained precisely the same number of instantiations of the same type of fallacy. Consequently, both in the version Self and in the version Other the direct attack, the indirect attack and the tu quoque-variant are each represented by 6 instantiations. The design in this experiment can thus characteristically be regarded as a *multiple message design* (examples of concrete messages presented to the participants are shown in Sect. 41.3).

56 pupils of the fourth and fifth year of secondary school (most of them 16 and 17 years old respectively) participated in the experiment; none of them had ever had any specific argumentation teaching. After each discussion fragment in the version Self the question that is asked is "How reasonable or unreasonable do you (*yourself*) think B's reaction is?", and in the version Other the question that is asked is "How reasonable or unreasonable do you think *relevant others* would judge B's reaction?" (relevant others were in the instruction described as friends or relatives). In both versions they could indicate their judgment on a 7-point scale, ranging from 1 'very unreasonable' (=1) to 'very reasonable' (=7). The order of presentation of the two versions was randomized over the subjects; half of the participants had first to fill in the version Self and subsequently the version Other, the other half of the participants received the reversed order (as there were no statistical significant differences between the two orders, we will abstract from this variable). As all the participants were exposed to all levels of both the independent variable 'version' and the independent variable 'fallacy/no fallacy', the chosen design can also be described as a *repeated measurement design.*

41.4.3   Results Prediction 2

The data in Table 41.3 were analyzed by means of a multivariate analysis of variance ('mixed model' approach for repeated measurements, with 'subject' and 'instantiation' as *random* factors and the variables 'version' and 'type of fallacy' as fixed factors; the *random* factor 'instantiation' is nested within the interaction of the fixed factors 'version' and 'type of fallacy', whereas the *random* factor 'subject' is

Table 41.3 Average reasonableness score for three types of ad hominem fallacy and for non-fallacious reasonable argumentation, per version (N = 56)[*]

	Dir	Ind	Tu	Reasonable
Version				
Self	2.90 (.83)	4.32 (.68)	4.65 (.59)	4.77 (.69)
Other	3.28 (.80)	3.95 (.76)	4.27 (.74)	4.94 (.72)
	3.09 (.72)	4.13 (.59)	4.46 (.51)	4.86 (.61)

[*]1 very unreasonable; 4 neither unreasonable, nor reasonable; 7 very reasonable

fully crossed with the *random* factor 'instantiation' and the fixed factors 'version' and 'type of fallacy'; the statistical consequence of this rather complicated design is that—instead of ordinary F-ratio's—quasi F-ratio's have to be computed, while the degrees of freedom have to be approximated).

From the data in Table 41.3 it is evident that the well known ordinal pattern in reasonableness relations between the three types of ad hominem fallacies crop up again in this experiment, regardless of the type of condition (version). No matter whether the participants have to base their reasonableness ratings on their own judgment or whether they have to estimate the verdict regarding the unreasonableness of the three variants of the ad hominem fallacy of relevant others, the direct attack is invariably judged as the most unreasonable move, next the indirect attack and subsequently the tu quoque-variant. And precisely as was the case in the investigations presented in Table 41.2, again the tu quoque-variant tends to be considered as a reasonable discussion move.

So far as the differences in reasonableness between non-fallacious reasonable argumentation on the one side and fallacious argumentation on the other side are concerned, there are no statistically significant differences between the version Self and the version Other. In both conditions reasonable argumentation is regarded (in an absolute sense) as reasonable, while in both conditions the direct attack and the indirect attack are considered as significantly less reasonable than non-fallacious argumentation (contrast direct attack vs. reasonable argumentation $F(1, 42) = 84.46$; $p < .001$; ES = .31; contrast indirect attack vs. reasonable argumentation $F(1, 28) = 12.51$; $p < .001$; ES = .07). However, both in the condition Self and in the condition Other our subjects do not discriminate between the (un)reasonableness of the tu quoque-variant and the (un)reasonableness of reasonable argumentation: $F(1, 23) = 2.60$; n.s.).

At least as important for the confirmation of prediction 2 is our finding that there is no statistical significant (main) effect of the independent variable 'condition' in case of the three relevant contrasts between (1) the direct attack and reasonable argumentation: $F(1, 32) = 3.81$; n.s., (2) the indirect attack and reasonable argumentation: $F(1, 25) = .35$; n.s., and the tu quoque-variant and reasonable argumentation: $F(1, 25) = .24$; n.s., nor a statistically significant interaction between the independent variables 'condition' and 'fallacy/no fallacy' (direct attack: $F(1, 25) = .41$; n.s.; indirect attack: $F(1, 27) = 1.72$; n.s.; tu quoque-variant: $F(1, 23) = 1.17$; n.s.).

All these results point in the same direction: ordinary arguers expect others to judge the (un)reasonableness of fallacious and non-fallacious discussion contributions in a similar way as they themselves do.

41.5   Prediction 3

41.5.1   Method Prediction 3

For testing prediction 3 (ordinary arguers assume—and assume that their interlocutors assume—that discussants who violate the commonly shared rules for critical discussion are unreasonable and can be reproached for being unreasonable; consequently, the notion of 'reasonableness' is by ordinary arguers not only used in a mere ("descriptive") normative sense, but also and for the most part in a prescriptive sense) we will make use again of our consistent findings in the project *Conceptions of Reasonableness*: once again the three variants of the ad hominem fallacy were presented to the participants, but this time the discussion fragments did not have to be judged on reasonableness but they had to be rated according to the extent that the antagonist is violating a norm in his (last) contribution to the discussion.

59 subjects (18–19 years old pupils) participated in this experiment. Similar discussion fragments were presented to them as in the previous experiment. In 12 of the 48 fragments the fallacy of the direct attack was committed, in 12 fragments the indirect attack, in 12 fragments the tu quoque-variant and in the remaining 12 fragments reasonable argumentation was used. This time the reaction of antagonist B had to be judged on a 7-point, scale ranging from 'absolutely violating a norm' (=1) to 'not at all norm-violating' (=7). The design of this experiment is the same as in the previous experiment: a *repeated measurement design*, combined with a *multiple message design*.

41.5.2   Results Prediction 3

In Table 41.4 the results are reported.

The familiar patterns, derived from Table 41.2, are again present in Table 41.4: the direct attack is judged as the most norm-violating move, next the indirect attack, and finally the tu quoque-variant; this last variant is considered as a discussion move that tends to be the qualified as 'no norm violating'. As expected, the non-fallacious discussion contributions are rated as moves that can be regarded as non-norm-violating.

Each of the three ad hominem fallacies is judged in a statistically significant sense as more rule violating compared with non-fallacious reasonable argumentation.

Table 41.4 Average scores for the extent of norm violation for three types of ad hominem fallacy and for non-fallacious reasonable argumentation (N = 59)[*]

Dir	Ind	Tu	Reasonable
2.97 (1.11)	3.64 (1.04)	4.18 (.72)	4.76 (.88)

[*]1 absolutely violating a norm; 7 not at all norm-violating

This holds even in the case of the tu quoque variant (direct attack: $F(1, 72) = 65.73$; $p < .000$; ES = .27; indirect attack: $F(1, 58) = 31.80$; $p < .000$; ES = .13; tu quoque variant: $F(1, 28) = 6.03$; $p < .02$; ES = .04). Nor surprisingly in light of the data in Table 41.2, there are big differences between the three types of fallacies regarding the extent to which they are regarded as norm-violating ($F(2, 57) = 15.03$; $p < .000$; ES = .11). According to the judgment of our participants, in case of the direct attack norms are much more violated compared with the other two types of fallacy ($F(1, 57) = 23.41$; $p < .001$); the indirect attack in turn is considered as a more norm-violating move than the tu quoque variant ($F(1, 57) = 5.92$; $p < .02$).

In sum, discussion moves that are considered as unreasonable by our participants (moves that are also unreasonable in a theoretical sense according to the pragma-dialectical standards) are judged as norm-violating, while moves that are assessed as reasonable by our participants (moves that are also reasonable in a theoretical sense) are considered as not norm-violating.

41.6   Conclusion

The paradigmatic division between dialectical and rhetorical approaches to argumentative discourse can be bridged by introducing the theoretical concept of strategic maneuvering, as proposed in the extended pragma-dialectical theory of argumentation. This makes it possible to integrate rhetorical insights into a dialectical framework of analysis. Strategic maneuvering refers to the deliberate efforts arguers make to reconcile their aiming for rhetorical effectiveness with maintaining dialectical standards of reasonableness. If one interprets this analytical model in an empirical sense, three rather vital claims can be derived. We have shown in this article that these claims are strongly supported by the results of our experiments. (1) Ordinary arguers are, at least to a certain extent, aware of their dialectical obligations; they know, at least at a pre-theoretical level, which contributions to the discussion are in accordance with the rules for critical discussion and are thus to be regarded as reasonable, and which contributions have to be considered as violations of these dialectical rules, in other words: which moves are fallacious and thus unreasonable. (2) Ordinary arguers assume that the other party in the discussion commit themselves to the same kind of dialectical obligations as they themselves do. (3) Ordinary arguers assume—and assume that their interlocutors assume—that

discussion contributions that violate the norms incorporated in the rules for critical discussion are unreasonable and that interlocutors who violate these commonly shared rules can be held accountable for being unreasonable.

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Chapter 42
Effectiveness Through Reasonableness: A Pragma-Dialectical Perspective

Preliminary Steps to Pragma-Dialectical Effectiveness Research

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42.1 Introduction

According to van Eemeren (2010), the participants in argumentative discourse are in the predicament of having to reach the results that are the most advantageous from their points of view while remaining within the boundaries of reasonableness. This is why they have to maneuver strategically to reconcile their pursuit of effectiveness with the maintenance of reasonableness (p. 40). In pragma-dialectical terms, this means that in their strategic maneuvering they try to be convincing by combining artful rhetorical operating systematically with complying fully with the dialectical rules for critical discussion.

The introduction of the concept of strategic maneuvering into the pragma-dialectical theory makes it possible to formulate testable hypotheses regarding the persuasiveness of argumentative moves that are made in argumentative discourse. Taking our departure from this observation, we have started a comprehensive research project under the title Pragma-Dialectical Effectiveness Research (for theoretical reasons which we will explain in this paper we consider it more appropriate to use the term *effectiveness* instead of *persuasiveness*). This project is aimed at determining methodically what kinds of argumentative moves can be effective in the process of convincing another party.

Before we can embark on the pragma-dialectical effectiveness research we have in mind, some preliminary questions need to be answered. First, we need to know whether ordinary arguers are indeed aware of their dialectical obligations. Second, we need to find out whether they do assume that the other party in the discussion is committed to the same kind of dialectical obligations. Third, we need to establish whether ordinary arguers prefer the participants in a discussion to be held accountable for being unreasonable when their discussion contributions violate the joint norms of reasonableness that are incorporated in the rules for critical discussion. Because our notion of effectiveness is not exactly the same as the notion of

persuasiveness, fifth, as a last preliminary step to the start of our pragma-dialectical effectiveness research, we need to clarify the conceptual and theoretical differences.

In this article, we explain in Sect. 42.2 first the quintessence of the standard pragma-dialectical approach to argumentation. In Sect. 42.3, we sketch the pragma-dialectical treatment of the fallacies as violations of rules for critical discussion. In Sect. 42.4, we explain the fallacies in terms of the extended pragma-dialectical approach as derailments of strategic maneuvering. Next, we give in Sect. 42.5 an empirical interpretation of the extended pragma-dialectical model in which we discuss the testing of three hypotheses and the results of these tests. We end, in Sect. 42.6, with a conclusion in which we make clear what the implications are of the results of our preliminary research for our project Pragma-Dialectical Effectiveness Research.

42.2 The Pragma-Dialectical Theory of Argumentation

Scholars of argumentation are often drawn to studying argumentation by an interest in particular practices of argumentative discourse and improving their quality where this is called for. To be able to satisfy this interest, they have to combine an empirical orientation with a critical orientation towards argumentative discourse. This challenging combination can only be achieved if they not only examine argumentative discourse as a specimen of actual verbal communication and interaction but also measure its quality against normative standards of reasonableness. Pragma-dialecticians make it their business to clarify how the gap between the normative dimension and the descriptive dimension of argumentation can be systematically bridged, so that critical and empirical insights can be integrated. They tackle the complex problems that are at stake with the help of a comprehensive research program consisting of various interrelated components (van Eemeren and Grootendorst 2004, pp. 9–41). On the one hand, there is a philosophical component in which a philosophy of reasonableness must be developed and a theoretical component in which, starting from this ideal of reasonableness, a model for acceptable argumentation is to be designed. On the other hand, there is an empirical component in which argumentative reality as it is encountered in argumentative discourse must be investigated, qualitatively as well as quantitatively. Then, in the analytical component the normative and the descriptive dimensions must be systematically linked. Finally, in the practical component the problems must be identified that occur in particular argumentative practices and methods must be developed to solve these problems.

When developing the pragma-dialectical approach to argumentation, van Eemeren and Rob Grootendorst started from a conception of reasonableness that replaces so-called *justificationism* with a critical testing procedure (van Eemeren and Grootendorst 1984, pp. 15–18). This critical and dialectical conception of reasonableness is associated with a "critical rationalist" philosophy of reasonableness which claims that, ultimately, we cannot be certain of anything and takes as its

guiding principle the idea of critically testing all claims that are made to acceptability (van Eemeren and Grootendorst 1988). As Albert (1975) has emphasized, the critical rationalist conception of reasonableness is all embracing: it pertains to *any* subject that can be the object of a regulated discussion and covers—as we would like to have it—the discussion of descriptive as well as evaluative and prescriptive standpoints.

By implementing the critical rationalist view in the theoretical component of the research program we pursued the development of a model of critical discussion that gives substance to the idea of resolving differences of opinion on the merits by means of dialectically regulated critical exchanges in which the acceptability of the standpoints at issue is put to the test (van Eemeren and Grootendorst 1988, pp. 279–280). The outcome of the discussion between the protagonist and the antagonist depends on the critical questions asked by the antagonist and the adequacy of the protagonist's responses to these critical questions. The systematic account of the interaction that takes place between the speech acts performed by the protagonist to defend the standpoint and those performed by the antagonist to respond critically is characteristic of the "pragma-dialectical" resolution procedure we have designed, which combines a dialectical view of argumentative reasonableness with a pragmatic view of the verbal moves made in argumentative discourse as contextualized speech acts.

The model of a critical discussion we developed provides an overview of the argumentative moves that are pertinent to the completion of each of the discussion stages that furthers the process of resolving a difference of opinion on the merits in each particular stage. Analytically, in a critical discussion four stages can be distinguished that have to be completed in a constructive way in order to be able to resolve the difference of opinion on the merits. First, there is the "confrontation stage" in which the difference of opinion is externalized from the potential disagreement space. Next there is the "opening stage" in which the protagonist and the antagonist of a standpoint at issue in the difference of opinion determine their zone of agreement as far as common procedural and material starting points (or "concessions") are concerned. In the "argumentation stage" both parties try to establish whether, given the point of departure acknowledged by the parties, the protagonist's standpoint is tenable in the light of the antagonist's critical responses. Finally, in the "concluding stage," the result of the critical discussion is established.

In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether or not these standpoints are defensible against doubt or criticism. To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion should not deal just with inference relations between premises and conclusions, but should cover all speech acts that play a part in testing the acceptability of standpoints. In pragma-dialectics, the notion of a critical discussion is therefore given shape in a model that specifies all the types of speech acts instrumental in any of the stages the resolution process has to pass. Because in actual argumentative discourse speech

acts are often performed implicitly or indirectly, in practice, a great variety of speech acts may fulfill a constructive role in the process of resolving a difference of opinion on the merits (van Eemeren and Grootendorst 1984, 2004).

42.3   The Pragma-Dialectical Treatment of the Fallacies

In our view, the theorizing about fallacies has to start from a general and coherent perspective on argumentative discourse that provides a common rationale to the treatment of all fallacies. Because a theory of wrongs cannot be constructed independently of a theory of what is normatively correct, a theory of fallacies must be an integral part of a normative theory of argumentation that provides well-defined standards for judging argumentative discourse. The theoretical account of the fallacies should be systematically related to these standards in such a way that it is clear in all cases why the argumentative moves designated as fallacies are fallacious.

The simplest case of argumentation is that a speaker or writer advances a standpoint and acts as "protagonist" of that standpoint and a listener or reader expresses doubt with regard to the standpoint and acts as "antagonist." In the discussion that develops the two parties try to find out whether the protagonist's standpoint can withstand the antagonist's criticism. In this exchange an interaction takes place between the speech acts performed by the protagonist and those performed by the antagonist that is typical of what we call a "critical discussion." This interaction can, of course, only lead to the resolution of the difference of opinion if it proceeds in an adequate fashion. This requires a regulation of the interaction through rules for critical discussion specifying when exactly the performance of certain speech acts does or does not contribute to the resolution of the difference on the merits.[1] The procedural rules proposed in pragma-dialectics are claimed to be problem-valid because each of them contributes in a specific way to solving problems inherent in the process of resolving a difference of opinion. Their conventional validity is confirmed by systematic empirical research regarding their intersubjective acceptability (van Eemeren et al. 2009).

The rules for conducting a critical discussion must state all the norms pertinent to resolving a difference of opinion on the merits. The pragma-dialectical approach differentiates a functional variety of norms for judging fallaciousness.[2] Rather than considering the fallacies as belonging to an unstructured list of nominal categories inherited from the past, or considering all fallacies to be violations of the same

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[1]Because a procedure regulating the resolution of a difference must consist of a system of rules covering all speech acts that need to be carried out to resolve a difference of opinion, the procedure should relate to all four stages that are to be distinguished in a critical discussion.

[2]Each of the pragma-dialectical rules constitutes in principle a distinct norm for critical discussion.

validity norm, different (combinations of) norms may be pertinent.[3] Any move that is an infringement of any of these rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion on the merits and must therefore—and in this particular sense—be regarded as fallacious. In this way the use of the term *fallacy* is systematically connected with the rules for critical discussion. In the pragma-dialectical approach a fallacy is thus a hindrance or impediment to resolving a difference of opinion on the merits and the specific nature of a particular fallacy depends on the way in which it interferes with the resolution process.

42.4   Fallacies as Derailments of Strategic Maneuvering

The pragma-dialectical theory of fallacies we have just sketched is, in our view, still not entirely satisfactory because it ignores the intriguing problem of the *persuasiveness* that fallacies may have—which is in fact why they deserve our attention. In the Logical Standard Definition of fallacies as "arguments that *seem* valid but are not valid," the persuasiveness of the fallacies was hinted at by the use of the word "seem," but since Hamblin (1970, p. 254) issued the verdict that including this qualification brings in an undesirable element of subjectivity, the treacherous character of the fallacies—the Latin word *fallax* means deceptive or deceitful—has been ignored and the search for its explanation abandoned. This means that fallacy theorists are no longer concerned with the question of how fallacies "work," that is, why they can be successful and why they can go so often unnoticed. Because of the nature of the problem, we think that the pragma-dialectical theory of argumentation can only remedy this neglect if it is first enriched by insight from rhetoric.

The inclusion of rhetorical insight in the pragma-dialectical theory that van Eemeren and Peter Houtlosser have brought about is an effort to bridge the conceptual and cultural gap between dialectic and rhetoric that currently exists (van Eemeren and Houtlosser 2002; van Eemeren 2010). We started from the observation that in argumentative discourse, whether it takes place orally or in writing, it is not the sole aim of the arguers to conduct the discussion in a way that is considered reasonable, but also, and from a certain perspective even in the first place, to achieve the outcome that is from their point of view the best result. The arguers' rhetorical attempts to make things go in their way are, as it were, incorporated in their dialectical efforts to resolve the difference of opinion in accordance with proper standards for a critical discussion. This means in practice that at every stage of the resolution process the parties may be presumed to be at the same time out for the

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[3]A comparison shows that fallacies which were traditionally only nominally lumped together are now either shown to have something in common or clearly distinguished, whereas genuinely related fallacies that were separated are now brought together. In addition, the pragma-dialectical approach also enables the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits.

optimal rhetorical result at that point in the discussion and to hold to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two aims, which may at times be at odds, the arguers make use of what we have termed *strategic maneuvering*. This strategic maneuvering is directed at diminishing the potential tension between jointly pursuing the "dialectical" aim of reasonableness and the "rhetorical" aim of effectiveness.

In argumentative discourse, strategic maneuvering manifests itself in the moves that are made in three aspects, which can be distinguished only analytically: "topical choice," "audience adaptation," and "presentational design." Topical choice refers to the specific selection that is made in a move from the topical potential—the set of dialectical options—available at a certain point of the discussion, audience adaptation involves framing a move in a perspective that agrees with the audience, and presentational design concerns the selection that the speaker or writer makes in a move from the existing repertoire of presentational devices. In their strategic maneuvering aimed at steering the argumentative discourse their own way without violating any critical standards in the process, both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most effective presentation.

A clearer understanding of strategic maneuvering in argumentative discourse can be gained by examining how the rhetorical opportunities available in a dialectical situation are exploited in argumentative practice. Each of the four stages in the process of resolving a difference of opinion on the merits is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. Because in each discussion stage the parties are out to achieve the dialectical results that serve their rhetorical purposes best, in each stage the rhetorical goals of the participants in the discourse will be dependent on—and therefore run parallel with—their dialectical goals. As a consequence, the specifications of the rhetorical aims that may be attributed to the participants must take place according to dialectical stage. This is the methodological reason why the study of strategic maneuvering that we propose boils down to a systematic integration of rhetorical insight in a dialectical framework of analysis.[4]

Although in strategic maneuvering the pursuit of dialectical objectives can well go together with the realization of rhetorical aims, this does not automatically mean

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[4]What kind of advantages can be gained by strategic maneuvering depends on the particular stage one is in. In the confrontation stage, for instance, the dialectical objective is to achieve clarity concerning the issues that are at stake and the positions the parties assume. Each party's strategic maneuvering will therefore be aimed at directing the confrontation rhetorically towards a definition of the difference that highlights precisely the issues this party wants to discuss. In the argumentation stage, where the standpoints at issue are challenged and defended, the dialectical objective is to test, starting from the point of departure established in the opening stage, the tenability of the standpoints that shaped the difference of opinion in the confrontation stage. Depending on the positions they have taken, the parties will maneuver strategically to engineer rhetorically the most convincing case—or the most effective attack, as the case may be.

that in the end the two objectives will always be in perfect balance. If a party allows his commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic maneuvering has got "derailed." Such derailments occur when a rule for critical discussion has been violated. In that case, trying to realize the rhetorical aim has gained the upper hand—at the expense of achieving the dialectical objective. Because derailments of strategic maneuvering always involve violating a rule for critical discussion, they are on a par with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are derailments of strategic maneuvering that involve violations of critical discussion rules.[5]

Each mode of strategic maneuvering has, as it were, its own continuum of sound and fallacious acting and the boundaries between legitimate and illegitimate argumentative acting are not in all cases immediately crystal clear.[6] More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may be dependent on the institutional conventions of the "argumentative activity type" concerned, that is, on how argumentative discourse is disciplined in a particular sort of case. This does not automatically mean, of course, that there are no clear criteria for determining whether the strategic maneuvering has gone astray, but only that the specific shape these criteria take may vary to some extent from the one argumentative activity type to the other. Who or what counts as authoritative, for instance, may vary depending on the institutional requirements pertaining to the activity type concerned, so that an appeal to a certain kind of authority may be legitimate in the one case but not in the other. Referring to precedent, for example, can be a perfectly legitimate appeal to authority in a civil law case, but not, at least in some systems, in a criminal law case—let alone in a scientific discussion.

This account of the fallacies as derailments of strategic maneuvering explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that the fallacy can pass unnoticed. Each mode of strategic maneuvering has, in principle, both sound and fallacious manifestations, so that it is more difficult to tell the fallacious manifestations apart from their sound counterparts than when the distinction involved two completely different types of animals, like when all legitimate moves would be cats and all fallacious moves were dogs. On top of that, it is fully in line with the presumption of reasonableness that a party that maneuvers strategically will normally be assumed to uphold a

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[5]This means in practice that the argumentative moves concerned are not in agreement with the relevant criteria for complying with a particular dialectical norm. These criteria are determined by the soundness conditions the argumentative moves have to fulfill to remain within the bounds of dialectical reasonableness in the argumentative context in which they are made and they may vary to some extent according to the argumentative activity type in which they occur.

[6]The difference between legitimate manifestations of strategic maneuvering and manifestations that are fallacious is that in the latter case certain soundness conditions applying to that way of strategic maneuvering in a particular context have not been met.

commitment to the rules of critical discussion (Jackson 1995), so that a presumption of reasonableness is conferred on every discussion move—and this presumption is also operative when the strategic maneuvering is fallacious.

Deviations from the rules for critical discussion may be hard to detect because none of the parties will be very keen on portraying themselves as unreasonable, so that it is to be expected that to realize a purpose that is potentially at odds with the objective of a particular discussion rule, rather than resorting to completely different means, they will stick to the usual dialectical means for achieving their objective and try to "stretch" the use of these means in such a way that they allow for the other purpose to be realized as well. Echoing the Logical Standard Definition of a fallacy, we can then say that the strategic maneuvering involved *seems* to be in agreement with the critical discussion rules, but is in fact not. The most tricky fallacies are violations of rules for critical discussion that manifest themselves in derailments of strategic maneuvering which can easily escape our attention because the derailed cases may be very similar to familiar instances of sound strategic maneuvering.[7]

42.5 Empirical Interpretation of the Extended Pragma-Dialectical Model

Extended pragma-dialectics provides the theoretical tools enabling the analyst to give a more refined, accurate and comprehensive analytic and evaluative account of "argumentative reality" than could be achieved by means of the purely dialectical tools of standard pragma-dialectics. In a reconstruction based on the extended pragma-dialectical theory, it is not only assumed that the arguers aim to resolve their dispute on the merits, but also that they are the same time intent on having their own standpoints accepted. With the help of the notion of strategic maneuvering it becomes possible to reconstruct argumentative discourse as it occurs in practice in such a way that not only the dialectical dimension pertaining to its reasonableness is taken into account, but also the rhetorical dimension pertaining to its effectiveness (van Eemeren 2010).

It should be clear however that extended pragma-dialectics does not provide an empirical model of the various ways in which in real-life argumentative discourse ordinary arguers try to achieve effective persuasion within the boundaries of dialectical rationality and reasonableness.[8] The notion of strategic maneuvering is

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[7]All the same, it is of course necessary to make the distinction. To mark the importance of the distinction between non-fallacious and fallacious strategic maneuvering most clearly, we do not use the same labels indiscriminately for the fallacious as well as the non-fallacious moves, as others do, but reserve the traditional—often Latinized—names of the fallacies, such as *argumentum ad hominem*, for the *in*correct and fallacious cases only.

[8]We follow O'Keefe's definition of persuasion: persuasion is "a successful intentional effort at influencing another's mental state through communication in a circumstance in which the persuade has some measure of freedom" (2006, p. 5). For the differences between *effectiveness* and

incorporated in a theoretical model with a normative character, which is not a tool for describing empirically the argumentative behavior of ordinary arguers and their intentional pursuit of persuasion goals. One of the consequences of the normative character of the model is that, strictly speaking, it cannot be put to a critical empirical test. After all, the model can neither be falsified nor be confirmed by means of empirical data. This does not mean, however, that viewed from an empirical point of view the model is useless. On the contrary: it is easy to see that the model operative in extended pragma-dialectics can very well function as a source for the derivation of theoretically motivated hypotheses about the argumentative behavior and persuasion goals of arguers in ordinary argumentative practice. And this is precisely the way in which we are going to use it in our present article.

If the notion of strategic maneuvering is given an empirical interpretation, three rather straightforward and plausible hypotheses can be derived from the theoretical model in which strategic maneuvering is incorporated. We will explain why this is the case and then formulate them.

If ordinary arguers would lack any knowledge of the boundaries of the norms of reasonableness as incorporated in the theoretical framework of pragma-dialectics, then there would be no reason for them to maneuver strategically in the sense inherent in the notion of strategic maneuvering—in that case, they could go all out for rhetorical effectiveness, pursuing only and exclusively their own personal persuasion aims. At a pre-theoretical level, they must generally know which contributions to the discussion are in accordance with the norms of reasonableness incorporated in the rules for critical discussion and are thus to be regarded as reasonable, and which contributions have to be considered as violations of these dialectical norms, so that these moves are to be regarded fallacious and thus unreasonable. Our first hypothesis therefore is that, at least to a certain extent, ordinary arguers are aware of their dialectical obligations.[9]

If ordinary arguers would in ordinary discussions not expect that their interlocutors apply similar norms and criteria for evaluating the reasonableness of the discussion contributions as they themselves do, again, there would be no reason for them to maneuver strategically, because without such jointly shared assumptions being in force (the protagonist expects… […], the protagonist knows that the antagonist expects […], etc.), there is no telling that the other party will indeed recognize reasonable argumentative moves, which are in agreement with the

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(Footnote 8 continued)

persuasiveness and our use of the terms *rationality* and *reasonableness*, see van Eemeren (2010), p. 39 and p. 29, respectively.

[9]With words like 'know', 'knowledge' and 'aware' we don't mean that ordinary arguers have any conscious, articulated knowledge of the pragma-dialectical rules, let alone any theoretical sophistication (with the possible exception of the burden of proof rule, they certainly don't have, as we showed in *Fallacies and Judgments of Reasonableness* 2009, pp. 219–224). With these words and expressions we only mean that their discussion behavior (or assessment and judgment of discussion behavior) can be modeled as being sensitive to the pragma-dialectical rules and thus be couched in terms of these rules.

dialectical norms, as reasonable and regard argumentative moves that are unmistakably fallacious according to dialectical standards unreasonable, so that it makes no sense having an argumentative exchange.[10] Our second hypothesis therefore is that ordinary arguers assume that the other party in the discussion is committed to the same kind of dialectical obligations.

If ordinary arguers would not prefer to use the notion of 'reasonableness' primarily in a prescriptive sense that goes beyond just "descriptive" reasonableness in the sense of an empirically observable normativety, then there would be, again, no reason for them to maneuver strategically, because it would not be possible to issue any sanctions when the other party's makes argumentative moves that are not reasonable because they are not in agreement with the dialectical norms, so that having an argumentative exchange is of no consequence. Our third hypothesis therefore is that, assuming that their interlocutors prefer the same, ordinary arguers prefer participants in a discussion to be held accountable for being unreasonable when their discussion contributions violate commonly shared norms incorporated in the rules for critical discussion.[11]

42.5.1   Hypothesis 1

42.5.1.1   Background

Since 1995 we have collected a mass of empirical data that are relevant for testing the claim involved in the first hypothesis. We then started a comprehensive experimental research project titled *Conceptions of Reasonableness*, which was completed in 2008 (see van Eemeren et al. 2009). The aim of this project was to determine empirically which norms ordinary arguers use (or claim to use) when evaluating argumentative discourse, and to what extent these norms are in agreement with the critical theoretical norms of the pragma-dialectical theory of argumentation. Expressed differently: the aim of this ten-year project was to investigate and to test the *conventional validity* of the pragma-dialectical discussion rules: can it be expected that in actual discussion the rules are intersubjectively approved by the parties involved in a difference of opinion? The *problem validity* of the pragma-dialectical rules (are the rules instrumental in resolving a difference of opinion?) is primarily a theoretical issue. In contradistinction, the conventional validity of these rules can only be established by means of empirical research.

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[10]See the second part of Lewis's (1977, p. 42) definition of convention pertaining to shared expectations. Cf. van Eemeren and Grootendorst (1984, p. 60).

[11]See the third part of Lewis' (1977, p. 42) definition of convention pertaining to the joint preference for complying with the shared expectations. Cf. van Eemeren and Grootendorst (1984, p. 60).

42.5.1.2 Method Hypothesis 1

In the framework of the project *Conceptions of Reasonableness,* we carried out some 50 independent small-scale experiments, investigating the (un)reasonableness of 24 different types of fallacies. The setup of these experiments, the design of which we will report here, was in all cases the same: a *repeated measurement design*, combined with a *multiple message design*. That means that a variety of discussion fragments, short dialogues between two interlocutors A and B, were presented to the participants. (1) is an example of such a discussion fragment in which the abusive variant of the *ad hominem* fallacy is committed, (2) an example of the circumstantial variant, and (3) an example of the *tu quoque*-variant.

1. (abusive variant; direct attack)

   A. I think a Ford simply drives better; it shoots across the road.
   B. How would you know? You don't know the first thing about cars.

2. (circumstantial variant; indirect attack)

   A. In my view, the best company for improving the dikes is Stelcom Ltd; they are the only contractor in the Netherlands that can handle such an enormous job.
   B. Do you really think that we shall believe you? Surely, it is no coincidence that you recommend this company: It is owned by your father-in-law.

3. (*tu quoque*-variant; you too variant)

   A. I believe the way in which you processed your data statistically is not entirely correct; you should have expressed the figures in percentages.
   B. You're not being serious! Your own statistics are not up to the mark either.

For baseline and comparison purposes, the participants also had to judge the (un) reasonableness of fragments in which no violation of a pragma-dialectical rule was committed:

4. (no violation of the freedom rule)

   A. I believe my scientific integrity to be impeccable; my research has always been honest and sound.
   B. Do you really want us to believe you? You have already been caught twice tampering with your research results.

In all cases in the discussion fragments non-loaded topics were discussed, and in all cases paradigmatic, *clear-cut* cases of the fallacies were constructed. All fragments (in most experiments 48 in total) were put in a certain context. For instance, fragment (1) was presented in a domestic discussion context, fragment (2) in a political context, and fragment (3) and (4) in the context of a scientific debate. The participants were invariably asked to judge the reasonableness of the last contribution to the discussion, i.e. the contribution of B in the examples above.

The participants had to indicate their judgment on a 7-point Likert scale, ranging from very unreasonable (=1) to very reasonable (=7).

42.5.1.3 Results Hypothesis 1

With regard to our first hypothesis our experimental research has shown (see Table 42.1[12]) that—with the notable exception of the logical variant of the *argumentum ad consequentiam*—the respondents made consistently a clear (i.e. statistically significant) distinction between the unreasonableness of discussion moves that, according to pragma-dialectical standards, involve a fallacy and those discussion moves that are not fallacious. In general, fallacious discussion moves are considered unreasonable and non-fallacious moves are considered reasonable.[13]

These results can be taken as a strong support for our first hypothesis: ordinary arguers are, at least to a certain extent, aware of what the dialectical obligations in an argumentative discussion entail.[14]

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[12]Table 42.1 in which an overview is given of the empirical results of the project *Conceptions of Reasonableness*, is originally coming from *Fallacies and Judgments of Reasonableness* (i.e. Table 9.6 on p. 223).

[13]With the exception of the logical variant of the *ad consequentiam* fallacy, all differences in reasonableness between a particular fallacy and its non-fallacious counterpart are statistically significant—ordinary arguers not very often regard the *reductio ad absurdum* as a type of sound argumentation, just as they hardly see that the fallacy that copies this sound argumentation (namely the logical variant of the *argumentum ad consequentiam*) is an obvious fallacy. In some cases in Table 42.1 no effect size is reported—in those cases ES could not be computed, due to the specific characteristics of the chosen design. Moreover, from the data presented in Table 42.1 (and equally in Table 42.2) one may not infer that fallacies such as the *tu quoque*-variant are regarded as reasonable moves. In Table 42.1 we abstracted from the specific discussion context in which the fallacies were offered to the participants, but in a scientific discussion context the *tu quoque* fallacy is invariably judged as an unreasonable move.

[14]Notice that there is an enormous range in the judged unreasonableness of the various fallacies: the physical variant of the *argumentum ad baculum*, for example, is regarded as an absolute unreasonable move, while the *tu quoque* variant of the *ad hominem* fallacy tends to be considered as a reasonable move (provided we abstract from the specific discussion contexts in which this fallacy was presented). Such data make sense: threatening the other party in the discussion with brute physical violence is the example *par excellence* of irrational, unreasonable behavior, while committing a *tu quoque* fallacy has at least in some discussion contexts the appearance of being reasonable. Serious participants in a conversation may be expected to show some consistency between their (past and present) words and deeds.

Table 42.1 Overview of average reasonableness score for fallacious discussion contributions and the non-fallacious counterparts; effect size (ES) for the difference between the (un)reasonableness of fallacious and non-fallacious discussion contributions, per argumentation stage

	Violation	No violation	ES
Violations of the freedom rule: confrontation stage			
1. *argumentum ad hominem* (abusive variant)	2.91	5.29	.47
2. *argumentum ad hominem* (circumstantial variant)	3.89	5.29	.21
3. *argumentum ad hominem* (*tu quoque* variant)	4.45	5.29	.14
4. *argumentum ad baculum* (physical variant)	2.04	5.64	.57
5. *argumentum ad baculum* (non-physical variant)	2.91	5.64	
6. *argumentum ad baculum* (direct variant)	1.86	5.41	.29
7. *argumentum ad baculum* (indirect variant)	3.72	5.41	
8. *argumentum ad misericordiam*	3.86	5.06	.13
9. Fallacy of declaring a standpoint taboo	2.79	5.14	.46
10. Fallacy of declaring a standpoint sacrosanct	2.68	5.67	.52
Violations of the burden of proof rule: opening stage			
11. Fallacy of shifting the burden of proof (non-mixed dispute)	2.37	4.51	.36
12. Fallacy of evading the burden of proof (non-mixed dispute) Presenting standpoint as self-evident	3.04	4.68	.24
13. Fallacy of evading the burden of proof (non-mixed dispute) Giving personal guarantee of correctness of standpoint – By means of a commissive	3.29	5.18	.33
– By means of a directive	2.77	5.14	.45
14. Fallacy of evading the burden of proof (non-mixed dispute) Immunizing standpoint against criticism	2.68	4.76	
15. Fallacy of evading the burden of proof (mixed dispute) Standpoint without presumptive status	2.72	5.68	.63
Standpoint with presumptive status (truths)	3.45	5.68	.41
Standpoint with presumptive status (changes)	3.48	5.68	.45
Violations of the argumentation scheme rule: argumentation stage			
16. *argumentum ad consequentiam* Logical variant	3.92	4.39	.00
Pragmatic variant	2.96	5.03	.37
17. *argumentum ad populum*	2.77	5.88	.40
18. Slippery slope	3.31	5.31	.25
19. False analogy	3.14	4.74	.29
Violation of the rule for the concluding stage: concluding stage			
20. *argumentum ad ignorantiam*	2.56	5.56	.50

1 = very unreasonable; 4 = neither unreasonable, nor reasonable; 7 = very reasonable

42.5.2 Hypothesis 2

The experiment we conducted to test the prediction involved in our second hypothesis derives from the extended model incorporating strategic maneuvering and pertains to the reciprocal social expectations of discussion parties regarding the commitment to dialectical discussion rules. The prediction is that ordinary arguers expect that the other party in the discussion is committed to the same kind of dialectical obligations as they themselves are. As for testing this second prediction (and, by the way, also the third prediction), we will make use of the empirical results obtained in the project *Conceptions of Reasonableness*.

In the project *Conceptions of Reasonableness* the three variants of the *ad hominem*-fallacy ('direct attack', 'circumstantial', *tu quoque*) are investigated frequently, not only in the Netherlands but also in other countries (see Table 42.2).

As a consequence, we have now insights into (1) the stability of the reasonableness data for the three types of fallacy and for the non-fallacious discussion contributions, (2) the ordinal reasonableness relations of the three types of fallacy, and (3) the absolute reasonableness assessments of the three types of fallacy. In our investigation of prediction 2 we exposed our respondents again to instantiations of the three types of *ad hominem* fallacy and instantiations of non-fallacious moves. We requested them to rate the (un)reasonableness of these discussion fragments (i.e. the last contribution) according to their own insights and judgment. In addition, they had to rate similar fallacious and non-fallacious fragments, but with the instruction to indicate how reasonable or unreasonable they think and expect that *relevant others* would judge these fragments. Prediction 2 can be considered to be confirmed if the three stable patterns of Table 42.2 ((1) stability of the reasonableness data for the three types of fallacy in comparison with the judged reasonableness of non-fallacious argumentation, (2) stability of the ordinal reasonableness relations of the three types of fallacy, and (3) stability of the absolute

Table 42.2 Average reasonableness score for three types of ad hominem-fallacy (direct attack (=dir), indirect attack (=ind), tu quoque variant (=tu)) and for non-fallacious reasonable argumentation, per replication (standard deviation: between brackets)

	dir	ind	tu	Reasonable
Original investigation	2.91(.64)	3.89(.57)	4.45(.60)	5.29(.64)
Replication 1	2.99(.76)	3.47(.94)	3.82(.88)	5.26(.72)
Replication 2	3.08(.66)	3.82(.92)	4.15(.61)	5.03(.65)
Replication 3	3.38(.87)	4.21(.78)	4.54(.67)	5.09(.67)
Replication 4 (UK)	3.32(.64)	4.13(.61)	4.54(.46)	5.24(.48)
Replication 5 (Germany)	2.99(.61)	3.52(.66)	3.93(.63)	4.88(.42)
Replication 6 (Spain)	3.51(.87)	4.23(.70)	4.49(.73)	4.93(.65)
Replication 7 (Spain)	3.01(1.12)	3.61(.75)	3.99(.78)	4.97(.86)
Replication 8 (Indonesia)	3.21(.78)	3.75(.99)	4.53(.83)	5.10(.56)

1 = very unreasonable; 4 = neither unreasonable, nor reasonable; 7 = very reasonable

reasonableness assessments of the three types of fallacy), show up again, not only in the condition in which the participants have to rate the fragments according to their own insight but equally well in the condition in which they have to make an estimation of the judgment of relevant others. A statistical significant interaction between 'condition' and 'type of fallacy' would been disastrous for the confirmation of prediction 2.

42.5.2.1 Method Hypothesis 2

In order to test hypothesis 2, 48 discussion fragments were constructed: short dialogues between two discussants (called A and B) in which the antagonist B violated 36 times the pragma-dialectical rule for the confrontation stage by means of one of the three variants of the *argumentum ad hominem*. In 12 discussion fragments no discussion rule was violated; in those fragments B adduced only non-fallacious, reasonable argumentation.

Two versions were constructed: version 'Self' and version 'Other', both consisting of 24 discussion fragments; the fragments in each version were randomly drawn from the whole set of 48 fragments and subsequently quasi-randomly assigned to one of the two versions, such that both versions contained precisely the same number of instantiations of the same type of fallacy. Consequently, both in the version Self and in the version Other the direct attack, the indirect attack and the *tu quoque*-variant are each represented by 6 instantiations. The design in this experiment can thus characteristically be regarded as a *multiple message design* (examples of concrete messages presented to the participants are shown in Sect. 42.5.1.2).

56 pupils of the fourth and fifth year of secondary school (most of them 16 and 17 years old respectively) participated in the experiment; none of them had ever had any specific argumentation teaching. After each discussion fragment in the version Self the question that is asked is "How reasonable or unreasonable do you (*yourself*) think B's reaction is?", and in the version Other the question that is asked is "How reasonable or unreasonable do you think *relevant others* would judge B's reaction?" (relevant others were in the instruction described as friends or relatives). In both versions they could indicate their judgment on a 7-point scale, ranging from 1 'very unreasonable' (=1) to 'very reasonable' (=7). The order of presentation of the two versions was randomized over the subjects; half of the participants had first to fill in the version Self and subsequently the version Other, the other half of the participants received the reversed order (as there were no statistical significant differences between the two orders, we will abstract from this variable). As all the participants were exposed to all levels of both the independent variable 'version' and the independent variable 'fallacy/no fallacy', the chosen design can also be described as a *repeated measurement design*.

42.5.2.2 Results Hypothesis 2

The data in Table 42.3 were analyzed by means of a multivariate analysis of variance ('mixed model' approach for repeated measurements, with 'subject' and 'instantiation' as *random* factors and the variables 'version' and 'type of fallacy' as fixed factors; the *random* factor 'instantiation' is nested within the interaction of the fixed factors 'version' and 'type of fallacy', whereas the *random* factor 'subject' is fully crossed with the *random* factor 'instantiation' and the fixed factors 'version and 'type of fallacy'; the statistical consequence of this rather complicated design is that—instead of ordinary F-ratio's—quasi F-ratio's have to be computed, while the degrees of freedom have to be approximated (see Clark 1973).

From the data in Table 42.3 it is evident that the well known ordinal pattern in reasonableness relations between the three types of *ad hominem* fallacies crop up again in this experiment, regardless of the type of condition (version). No matter whether the participants have to base their reasonableness ratings on their own judgment or whether they have to estimate the verdict regarding the unreasonableness of the three variants of the *ad hominem* fallacy of relevant others, the direct attack is invariably judged as the most unreasonable move, next the indirect attack and subsequently the *tu quoque*-variant. And precisely as was the case in the investigations presented in Table 42.2, again the *tu quoque*-variant tends to be considered as a reasonable discussion move.

So far as the differences in reasonableness between non-fallacious reasonable argumentation on the one side and fallacious argumentation on the other side are concerned, there are no statistically significant differences between the version Self and the version Other: In both conditions reasonable argumentation is regarded (in an absolute sense) as reasonable, while in both conditions the direct attack and the indirect attack are considered as significantly less reasonable than non-fallacious argumentation (contrast direct attack vs. reasonable argumentation $F(1,42) = 84.46$; $p < .001$; ES = .31; contrast indirect attack vs. reasonable argumentation $F(1,28) = 12.51$; $p < .001$; ES = .07). However, both in the condition Self and in the condition Other our subjects do not discriminate between the (un)reasonableness of the *tu quoque*-variant and the (un)reasonableness of reasonable argumentation: $F(1,23) = 2.60$; n.s.).

At least as important for the confirmation of prediction 2 is our finding that there is no statistical significant (main) effect of the independent variable 'condition' in case of the three relevant contrasts between (1) the direct attack and reasonable

Table 42.3 Average reasonableness score for three types of ad hominem-fallacy and for non-fallacious reasonable argumentation, per version (N = 56)

	dir	ind	tu	Reasonable
Version				
Self	2.90(.83)	4.32(.68)	4.65(.59)	4.77(.69)
Other	3.28(.80)	3.95(.76)	4.27(.74)	4.94(.72)
	3.09(.72)	4.13(.59)	4.46(.51)	4.86(.61)

1 = very unreasonable; 4 = neither unreasonable, nor reasonable; 7 = very reasonable

argumentation: $F(1,32) = 3.81$; n.s., (2) the indirect attack and reasonable argumentation: $F(1,25) = .35$; n.s., and the *tu quoque*-variant and reasonable argumentation: $F(1,25) = .24$; n.s., nor a statistically significant interaction between the independent variables 'condition' and 'fallacy/no fallacy' (direct attack: $F(1,25) = .41$; n.s.; indirect attack: $F(1,27) = 1.72$; n.s.; *tu quoque*-variant: $F(1,23) = 1.17$; n.s.).

All these results point in the same direction: ordinary arguers expect others to judge the (un)reasonableness of fallacious and non-fallacious discussion contributions in a similar way as they themselves do.

42.5.3   Hypothesis 3

42.5.3.1   Method Hypothesis 3

Prediction 3, involved in our third hypothesis, was that ordinary arguers will prefer—and assume that their interlocutors will prefer—that discussants who violate the commonly shared rules for critical discussion are not left alone but will be considered unreasonable and, if need be, reproached for being unreasonable. Consequently, ordinary arguers will not only use the notion of reasonableness in a merely "descriptive" normative sense, but also and primarily in a prescriptive sense. Building on our consistent findings in the project *Conceptions of Reasonableness*, in testing the third prediction we presented again the three variants of the *ad hominem* fallacy to the respondents, but this time the contributions in the discussion fragments did not have to be judged on their reasonableness. Instead, they had to be rated according to the extent that in these contributions the antagonist is violating a norm.

59 subjects (18–19 years old pupils) participated in this experiment. Similar discussion fragments were presented to them as in the previous experiment. In 12 of the 48 fragments the fallacy of the direct attack was committed, in 12 fragments the indirect attack, in 12 fragments the *tu quoque*-variant and in the remaining 12 fragments reasonable argumentation was used. This time the reaction of antagonist B had to be judged on a 7-point, scale ranging from 'absolutely violating a norm' (=1) to 'not at all norm-violating' (=7). The design of this experiment is the same as in the previous experiment: a *repeated measurement design*, combined with a *multiple message design*.

42.5.3.2   Results Hypothesis 3

As is evident from Table 42.4, the familiar patterns are again present:

The direct attack is judged as the most norm-violating move, next the indirect attack, and finally the *tu quoque* variant. As expected, the non-fallacious contributions to the discussion are rated as moves that can be regarded as

Table 42.4 Average scores for the extent of norm violation for three types of ad hominem fallacy and for non-fallacious reasonable argumentation (N = 59)

dir	ind	tu	Reasonable
2.97(1.11)	3.64(1.04)	4.18(.72)	4.76(.88)

1 = absolutely violating a norm; 7 = not at all norm-violating

non-norm-violating. Each of the three *ad hominem* fallacies is judged in a statistically significant sense as more rule violating compared with non-fallacious reasonable argumentation. Each of the three *ad hominem* fallacies is judged in a statistically significant sense as more rule violating compared with non-fallacious reasonable argumentation. This holds even in the case of the *tu quoque* variant (direct attack: $F(1,72) = 65.73$; $p < .000$; ES = .27; indirect attack: $F(1,58) = 31.80$; $p < .000$; ES = .13; *tu quoque* variant: $F(1,28) = 6.03$; $p < .02$; ES = .04). Nor surprisingly in light of the data in Table 42.2, there are big differences between the three types of fallacies regarding the extent to which they are regarded as norm-violating ($F (2,57) = 15.03$; $p < .000$; ES = .11). According to the judgment of our respondents, in case of the direct attack the norms are much more violated than in the case of the other two types of fallacy ($F(1,57) = 23.41$; $p < .001$). In turn, the indirect attack is considered more norm-violating than the move involving the *tu quoque* variant ($F(1,57) = 5.92$; $p < .02$).

In sum, discussion moves that are considered unreasonable by our respondents (moves which are according to the pragma-dialectical standards also unreasonable in a theoretical sense) are judged to be norm-violating, while moves that our respondents judge reasonable (moves which are also reasonable in a theoretical sense) are considered as not norm-violating.

42.6 Conclusions and Implications for Pragma-Dialectical Effectiveness Research

As we have shown, bridging the paradigmatic division between the dialectical perspective and the rhetorical perspective on argumentative discourse with the help of the theoretical notion of strategic maneuvering, as proposed in the extended pragma-dialectical theory of argumentation, makes it possible to integrate rhetorical insights into a dialectical framework of analysis and to examine empirically the relationship between the arguers' aiming for rhetorical effectiveness and complying with dialectical standards of reasonableness. If the theoretical model underlying this analytic framework is interpreted empirically, three vital claims can be derived, which experimental research has shown to be strongly supported by pertinent empirical data.

First, ordinary arguers are to a certain extent aware of what we call their dialectical obligations because they generally know which contributions to a discussion are to be considered reasonable and which contributions are to be considered unreasonable, and therefore fallacious. The standards they use in giving their judgments, agree strongly with the norms incorporated in the pragma-dialectical rules for critical discussion. Second, ordinary arguers assume that the other party in the discussion will be committed to the same kind of dialectical obligations as they themselves are. Third, ordinary arguers prefer—and assume that their interlocutors prefer—that contributions to the discussion that do not comply with supposedly commonly shared standard for critical discussion will be regarded as unreasonable and that interlocutors who offend the standards for critical discussion can be held accountable for being unreasonable.

What do these results mean for our perception of the relationship between reasonable argumentation and persuasiveness? All three hypotheses that we have tested empirically constitute preparatory theoretical steps for determining this relationship more closely.[15] If, unlike we hypothesized in our first hypothesis, arguers were not aware of any committing standards of reasonableness, there could not be any rational relationship between reasonableness and persuasiveness in the sense that becoming persuaded is based on the reasonableness of the argumentation that is put forward.[16] And the fact that arguers are committed to standards of reasonableness that are equivalent with the pragma-dialectical standards makes it possible to substantiate what reasonableness means to them. If, unlike we hypothesized in our second hypothesis, arguers did not expect that the party addressed has in principle the same (or equivalent) standards of reasonableness as they have, their appealing to the other party's standards of reasonableness by putting forward argumentation would be pointless. And the fact that they prove to assume that there are shared standards of reasonableness makes it possible to connect the standards of reasonableness arguers have with their aiming for effectiveness with the other party. If, finally, unlike we hypothesized in our third hypothesis, arguers did not prefer that the prevailing standards are put into effect, their argumentative efforts would be pointless in the sense that they would not lead to any consequences. And the fact that arguers prove to give reasonableness a prescriptive meaning, and expect their interlocutors to do the same, makes it possible to interpret the connection between reasonableness and persuasiveness in such a way that, in principle, reasonableness may be expected to induce persuasiveness in others, even if in communicative practice, or in certain kinds of communicative

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[15]The three hypotheses are in fact closely connected with the theoretical views on the relationship between argumentation and persuasiveness in the sense of convincingness expounded in van Eemeren and Grootendorst (1984).

[16]cf. van Eemeren and Grootendorst's (1984, pp. 63–74) analysis of rational perlocutionary effects.

practices, reasonableness would not be the only factor, and even not the biggest factor, leading to bringing about persuasion.[17] Correlatively: if reasonableness in argumentative contributions of arguers is deficient or totally lacking, persuasiveness won't be achieved.

Against this background it makes sense for argumentation theorists to pay attention to the relationship between reasonableness and persuasiveness and to examine the connection between the two in their empirical research. In our view, however, this empirical research should differ from the prevailing persuasion research. Presently, persuasion researchers are predominantly oriented towards social and cognitive psychology and connect persuasiveness with the more general attitudes individuals have rather than with the successful defense of specific standpoints in argumentative discourse. Persuasion effect research seems to concentrate in the first place on showing empirically the influence that isolated factors, such as presenting a view explicitly or making use of a rhetorical question, can have on the persuasiveness of the message. As it is commonly practiced, persuasion research in general and persuasion effect research in particular is by no means focused on the effectiveness of argumentative appeals to reasonableness in the dialogical situations of argumentative discourse. Therefore, as an alternative, we would like to propose to complement (not to substitute) this type of research with theoretically motivated empirical effectiveness research concentrating on the strategic maneuvering involved in making certain argumentative moves at a particular stage of the process of resolving a difference of opinion on the merits, taking all three aspects of strategic maneuvering into account.

Our preference for 'effectiveness' research rather than 'persuasiveness' research is not so much motivated by the fact that the term *effectiveness* lacks the psychological connotations of the term *persuasiveness* and the irrational overtones that go with the latter, as by the fact that the term *effectiveness* is not exclusively applicable to argumentative moves made in the argumentation stage (as at least the term *persuasiveness* is), but also to argumentative moves made in the other dialectical discussion stages (which are not aimed directly at gaining acceptance of a standpoint). In accordance with an earlier proposal made by van Eemeren and Grootendorst, 'effectiveness' is in this empirical research to be defined as realizing the 'inherent' interactional (or *perlocutionary*) effect that is conventionally aimed for by performing the speech acts by which the argumentative moves concerned are made (van Eemeren and Grootendorst 1984, pp. 24–29). In this way, pragma-dialectical effectiveness research will concentrate only on intentional and externalizable effects regarding the addressee's dialectical commitments which are achieved by using reasonable means and depend on the outcome of rational considerations on the part of the addressee based on an understanding of the functional rationale of the argumentative moves concerned. This empirical effectiveness research starts from the notion of strategic maneuvering and the theoretical

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[17]According to Wittgenstein, "at the end of reasons comes *persuasion*" (cited in Fogelin 2005, p. 9).

framework in which this notion is embedded, takes account of all three mutually interdependent aspects inherent in strategic maneuvering and covers all stages of the dialectical process.[18]

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[18]We think, in fact, that it is not too bold to conclude that the empirical results reported in this article lend more credibility to the general idea that reasonableness plays an important part in rhetorical persuasiveness, even to the extent that, in principle, reasonableness may be considered a necessary condition for the rational version of persuasiveness that van Eemeren and Grootendorst dubbed *convincingness* (van Eemeren and Grootendorst 1984, p. 48).

Chapter 43
The Disguised *abusive ad hominem* Empirically Investigated: Strategic Maneuvering with Direct Personal Attacks

Frans H. van Eemeren, Bart Garssen and Bert Meuffels

43.1 Introduction

When people are confronted with clear cases of violations of rules for critical discussion they consistently judge these discussion moves as unreasonable. This is the main conclusion of a comprehensive empirical project on the conventional validity of the pragma-dialectical rules for critical discussion carried out by van Eemeren et al. (2009). Overall, the respondents participating in this project judged fallacious discussion moves indeed as unreasonable when they were confronted with such moves in the experiments while they regarded non-fallacious discussion moves as reasonable. A case in point are violations of the pragma-dialectical Freedom Rule, such as the *abusive ad hominem* fallacy (direct personal attack), in which the addressee is portrayed as uninformed, ignorant or even stupid or bad. In the experiments direct personal attacks were denounced time and time again. The alternative explanation that these moves are considered unreasonable mainly because they are highly impolite was ruled out. By using the strategy of convergent operationalism we were able to conclude that the respondents did not denounce the *ad hominem* fallacy because of its impoliteness, but because of its unreasonableness as an argumentative move (van Eemeren et al. 2007).

The various investigations carried out in the Conceptions of Reasonableness project were designed and constructed with one central question in mind: to what extent are ordinary arguers' judgments of reasonableness in agreement with the theoretical norms of critical discussion as formulated in pragma-dialectics (van Eemeren and Grootendorst 2004)? The project was not about recognizing fallacies and the factors facilitating recognition, but focused on the opinions of the respondents concerning the reasonableness of various argumentative moves they were asked to judge. It was therefore pertinent that all rule violations presented to them were clear cases and that the context they were presented in was relatively simple and straightforward.

The fact that people emphatically reject the *abusive ad hominem* as an unreasonable discussion move brings up the question how it can be explained that this fallacy so often occurs in oral and written argumentative discourse without being recognized as a fallacy by listeners or readers.[1] What factor makes the abusive personal attack, at least in some cases, look less unreasonable? An analysis of the argumentum *ad hominem* from the perspective of strategic maneuvering can be of help in answering this question. After an introduction to the *abusive ad hominem* fallacy, we explain in this paper the reasonable appearance of certain cases of *abusive ad hominem* argumentation by comparing the characteristics of the *abusive ad hominem* with those of legitimate personal attacks. Based on this theoretical explanation, we test in two experiments our ensuing hypothesis about strategic maneuvering with the *abusive ad hominem*.

Just like Harris et al. (this issue) and Hoeken et al. (this issue), in our experiments we focus on the judgments of ordinary arguers. A difference is that in this paper a specific theoretical approach is taken as a starting point, since our hypothesis is based on the pragma-dialectical theory of argumentation.

43.2   The *ad hominem* Fallacy

The argumentum *ad hominem* fallacy is part of the traditional list of informal fallacies. The oldest explicit theoretical account of the argumentum *ad hominem* is Locke's discussion in *An Essay Concerning Human Understanding* (1690/1961, cf. Hamblin 1970, 41, pp. 158–163). In the Chapter "Of Reason," he introduces *ad hominem* together with three further types of "ad arguments": *ad verecundiam, ad ignorantiam and ad judicium*. This gave him the reputation of being the "inventor" of the category of "ad fallacies." Yet Locke does not explicitly state that he considers the ad arguments fallacious:

> […] it may be worth our while to reflect a little on *four sorts of arguments* that men, in their reasonings with others, do ordinarily make use of to prevail on their assent, or at least so to awe them as to silence their opposition (*Essay* IV, iii).

The argumentum *ad hominem* is placed third in Locke's list:

> A third way is to press a man with consequences drawn from his own principles or concessions. This is already known under the name of argumentum *ad hominem* (*Essay* IV, iii).

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[1]Although we do not have any quantitative data to substantiate this claim, qualitative analyses of discussions and debates in the media strongly suggests that *ad hominem* attacks often stay unnoticed.

The latter remark reveals that Locke does not presume to be introducing anything new. However, his source for this meaning of argumentum *ad hominem* is not easy to trace.[2]

In *Fallacies* (1970), an influential survey of the study of fallacies since Aristotle, the Australian philosopher Charles Hamblin observed such a uniformity in contemporary treatments of fallacies in prominent logic textbooks that he speaks of the Standard Treatment, "the typical or average account as it appears in the typical short Chapter or appendix of the average modern textbook" (1970, p. 12). Hamblin's monograph is nowadays a standard work on the subject. It is important not only because of its historical overview, but also because of its diagnosis of the shortcomings of the Standard Treatment. Hamblin's criticisms are devastating: we have *no theory of fallacy* at all, in the sense in which we have theories of correct reasoning or inference (1970, p. 11).

According to Hamblin, the shortcomings of the Standard Treatment already reveal themselves in the standard definition of the term *fallacy*:

> A fallacious argument, as almost every account from Aristotle onwards tells you, is one that *seems to be valid* but *is not* so (1970, p. 12).

The problem with this definition is that most fallacies discussed in the Standard Treatment do not fit with it. In fact, only a few formal fallacies fall easily under the definition. In the treatment of the informal fallacies the mismatch between the definition and the fallacies is in some cases due to the fact that there is no argument, while in other cases the reason is that the argument is not invalid. In most cases it would be greatly overdoing things if one looked for the error in the invalidity of the argument. This also goes for the *argumentum ad hominem*.

A way out of the problems could be to broaden the concept of 'validity' in such a way that it also includes 'relevance'. Copi, for one, places the argumentum *ad hominem* in the category of fallacies of relevance: arguments in which the "premises are logically irrelevant to the conclusion" (1982, p. 99). This is not a solution, however, because it shifts the problem to the question of what exactly is meant by 'relevance'. Neither Copi nor any other representative of the Standard Treatment provides us with a theory of relevance that can be of help in distinguishing fallacious from non-fallacious personal attacks.

In spite of these problems, the term argumentum *ad hominem* is still generally used. Nowadays the term refers to the fallacy of attacking the person who made the assertion instead of trying to disprove the truth or acceptability of what has been asserted. A distinction is usually made between three variants of this fallacy: (a) an abusive *variant* of *ad hominem*, in which the other party's person is attacked directly by depicting them as stupid, bad or unreliable, (b) a *circumstantial variant*,

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[2]Hamblin claims that Locke is referring to a Latin translation of a passage from Aristotle's *Sophistical Refutations* and to several medieval treatises (1970, pp. 161–162). Originally the *ad hominem* is an argument making use of the other party's concessions.

in which the other party is attacked indirectly by casting suspicion on their motives, and (c) a *tu quoque variant*, in which the other party is attacked by pointing out a contradiction in their words or between their words and their deeds.

43.3   The *abusive ad hominem* According to Woods and Walton

Aiming for a better and more coherent treatment of the fallacies than the Standard Treatment provides, Woods and Walton take the theoretical framework of formal logic as their starting point. They observe that deductive logic does not suffice to deal with all the different types of fallacies. In their opinion, however, it does not follow that the theory of fallacies should necessarily be non-formal.

According to Woods and Walton's approach of the abusive argumentum *ad hominem* not every direct personal attack is fallacious (1989, p. 65). In their view, when the abuse constitutes an *ad hominem*, it usually calls into question someone's credibility by alleging deviances or shortcomings in the person's authoritativeness or expertise. In their account of the argumentum *ad hominem* Woods and Walton follow Salmon (1963), who reduces the (fallacious or not fallacious) personal attack in his introductory textbook on logic to a 'statistical' syllogism[3]:

> The vast majority of statements made by x concerning subject S are false.
> p is a statement made by x concerning subject S.
> Therefore, p is false (1963, p. 68)

According to Salmon, this "argument against the man" is related to, but not identical with, the traditional argumentum *ad hominem*. He sees symmetry between the argument from authority and the argument against the man, because x could be seen as having the status of an anti-authority (1963, p. 67). This is the reason why Woods and Walton call the *abusive ad hominem* the reverse of the *ad verecundiam*.[4]

In Woods and Walton's view, arguments against the person can be reasonable when (a) the argument deals with a topic or domain of enquiry d; (b) competent argument with respect to d requires the possession of some specialized knowledge or experience rather than general intelligence and standard well-informedness; and yet (c) the arguer lacks this special expertise. This means that a personal attack is not fallacious when it is a reaction to a fallacious appeal to expertise: "The correct

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[3]Surprisingly, Hamblin considers Salmon's textbook a typical representative of the Standard Treatment (1970, p. 13).

[4]The relationship between *ad hominem* and ad verecundiam is also pointed out by Harris, Hsu and Madsen (2012, this issue). They do not take a particular theoretical approach as their starting point.

rejection of an argument, of its having committed the fallacy of ad verecundiam, involves the non-fallacious use of an *ad hominem*" (p. 71).[5] Woods and Walton even go one step further: a personal attack can also be reasonable when the opposite party does not use authority argumentation. Generally speaking, one is allowed to personally attack an arguer when this arguer clearly "does not know anything to speak of about" the domain of enquiry (1989, p. 67).

Woods and Walton distinguish between a *falsehood ad hominem* which is committed when one falsely ascribes an argument-impairing attribute to an arguer and a *fallacy ad hominem* which is committed when one correctly ascribes the attribute, but *wrongly infers* that it wrecks the arguer's argument. They do not discuss the possibility that a layman has good arguments for a certain position, in spite of not being an expert at all. In their view, personally attacking this arguer is legitimate, although his argumentation can be acceptable. Woods and Walton fail to explain on what grounds this attack can be considered reasonable: in their approach to the abusive argumentum *ad hominem* any theoretical justification for the criteria that are offered is lacking. Nevertheless, Salmon's statistical syllogism shows that there may be an interesting relationship between the argument against the man and the argument from authority. We will come back to this.

43.4   The *abusive ad hominem* as a Violation of the Freedom Rule

In the pragma-dialectical theory of argumentation fallacies are viewed as violations of rules for critical discussion. The overall goal of a critical discussion is to resolve differences of opinion on the merits. This means that the discussants systematically test the tenability of the standpoint at issue. To do this, the discussion has to pass through four different stages, each of which has a specific dialectical (sub) goal. First, the discussants will have to go through a 'confrontation stage', in which it is made clear what the positions of the discussants are. Second, they will need to pass an 'opening stage', in which procedural rules and material starting points are established. Third, they will have to go through an 'argumentation stage', in which

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[5]Kahane (1973) gives a similar account of *ad hominem* argumentation and its relationship with authority argumentation: "But *ad hominem* arguments are not always fallacious. For instance a lawyer who attacks the testimony of a witness by questioning his moral character argues *ad hominem*, but does not commit a fallacy. The question of when an *ad hominem* argument is fallacious is quite complex. In general it can be said that such an argument is not fallacious when the man argued against is or claims to be an expert at issue. Courtroom witnesses, doctors, automechanics, lawyers, etc. of the present arguments against which we, as non-experts, may be unable to argue directly. In such cases, information about the character of an expert may be well important kind of evidence in deciding whether or to accept or reject his opinion. But in these cases we certainly do not prove by *ad hominem* arguments that the expert testimony of advice is incorrect. At best, *ad hominem* arguments only provide grounds for cancelling or disregarding the testimony of advice of an expert" (p. 240).

arguments are put forward and criticized. Fourth, they need to complete the 'concluding stage', in which it is decided what the results of the discussion are, based on the success or failure of each of the parties to defend their standpoints in the argumentation stage. The sub goals of these four stages can only be reached if the discussants abide to certain discussion rules and, conversely, if their goals will not be reached of these rules have been violated. Violations of the rules for critical discussion are seen as fallacious contributions to the discussion because they frustrate the discussion and will therefore hinder the process of resolving the difference of opinion on the merits.

In the pragma-dialectical theory, the argumentum *ad hominem* is seen as a fallacious discussion move that is committed in the confrontation stage of the discussion. In the confrontation stage the parties involved establish the difference of opinion: a standpoint is advanced by one party and questioned by another. The overall goal of the discussion—resolving the difference of opinion on the merits—can only be reached if the difference of opinion has been clearly brought to light. Therefore, the dialectical goal of the confrontation stage is to further the expression of the difference of opinion (van Eemeren and Grootendorst 1992). This means that the speech act of putting forward a standpoint can neither be subject to special preparatory conditions with respect to the status or position of the speaker who advances the standpoint nor with respect to the propositional content of the speech act involved. The same goes, *mutatis mutandis*, for the speech act of questioning a standpoint. The need to avoid any such restrictions is expressed in the Freedom *Rule*, designed for the confrontation stage: "Discussants may not prevent each other from advancing standpoints or from calling standpoints into question" (van Eemeren and Grootendorst 2004, p. 190).

The Freedom Rule can be violated in a number of ways. The first type of violations occur when a discussant imposes certain restrictions on the content of the standpoint that may be advanced or called into question. The second type of violations occur when a discussant denies the opponent the right to advance a standpoint or to criticize (express doubt about) a standpoint. In doing so this discussant infringes the opponent's personal liberty in the discussion by denying them the right to advance a standpoint or to criticize it. This can be seen as an attempt to eliminate the opponent as a serious discussion partner (van Eemeren and Grootendorst 1992).

The *abusive ad hominem* attack is a rule violation that belongs to the second type. In practice, personal attacks only occur in reaction to a standpoint or an expression of doubt. Strictly speaking, this means that personal attacks do not in a literal sense prevent the other party from advancing standpoints or doubt, because in principle the opposing party has already put forward a standpoint or expressed doubt. However, the effect of the fallacious argumentative move remains the same: from the start, the opponent is discredited as a serious discussion party and denied the freedom to express their position. In that way an *abusive ad hominem* shuts down the discussion before it really starts.

43.5   The *abusive ad hominem* as a Derailment of Strategic Maneuvering

Because they are violations of the discussion rules that define reasonableness, fallacies are derailments of strategic maneuvering (van Eemeren 2010). Van Eemeren and Houtlosser give an account that explains why fallacies are usually not immediately *apparent* to everyone. A constitutive factor in this account is that "in everyday argumentative discourse, arguers who maneuver strategically will normally uphold a commitment to the standards of critical reasonableness and their interlocutors will expect them to live up to such a commitment" (van Eemeren and Houtlosser 2004, p. 3).

The difference between a reasonable discussion move and a fallacious one is not always immediately crystal clear. This is partly due to the fact that the same mode of strategic maneuvering, say a personal attack, may be used in a reasonable way and in a way that is not reasonable at the stage of the discussion where it occurs. Each mode of strategic maneuvering has in principle unreasonable, i.e. fallacious, counterparts. Because the reasonable and the unreasonable uses of a specific mode of strategic maneuvering are so much alike, it is in practice sometimes hard to tell them apart. This also applies to reasonable personal attacks and the fallacious counterpart of reasonable personal attacks that can be qualified as an argumentum *ad hominem*.

What possible occurrences of personal attacks may be encountered in the confrontation stage of a critical exchange? In answering this question the notion of a *dialectical profile* can be instrumental (van Eemeren et al. 2007, p. 18). A dialectical profile of the confrontation stage provides an overview of the different patterns of argumentative moves that, viewed analytically, may occur in the argumentative exchange leading to the establishment of difference of opinion of a particular type. A difference of opinion is initiated when one party (A1) puts forward a standpoint and the other party (A2) indicates not to share this standpoint. The simplest type of difference of opinion resulting from this exchange is *single non-mixed*. In a single non-mixed difference of opinion there is only one proposition at issue and only one of the parties puts forward a standpoint about the proposition at issue; the other party expresses only doubt.[6] A single non-mixed dispute "arises because A2 doubts A1's standpoint, and both parties maintain their position, or because A2, at first, expresses a standpoint that is opposite to A1's standpoint, but, on second thought, reduces it to doubt" (van Eemeren et al. 2007, p. 25). These two possibilities are represented in the dialectical profile shown in Fig. 43.1.

As this dialectical profile for the confrontation stage shows, dialectically relevant reactions in the confrontation stage are (1) expressing doubt and (2) maintaining a standpoint in reaction to doubt. In the second round, A2 may react to the initial

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[6]For more complex types of differences of opinion, see van Eemeren and Grootendorst (1992, pp. 16–25).

Fig. 43.1 Dialectical core profile for a single non-mixed dispute (van Eemeren et al. 2007)

A1:		+/p
A2:	?(+/p)	-/p
A1:	+/p	+/p
A2:	?(+/p)	?/(+/p)
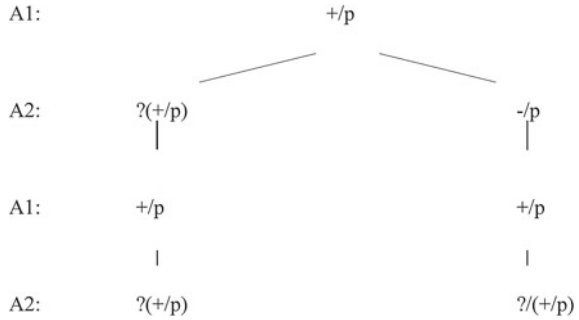
expression of the standpoint by doubting the standpoint or by putting forward the opposite standpoint. These discussion moves derail if A2 shifts the focus of attention from the propositional content of A1's standpoint to personal characteristics of A1. In principle, the same can happen in the fourth round. A1's reactions in the third round can derail in a similar way. This basic reconstruction of the distribution of legitimate argumentative moves in the confrontation stage based on the dialectical profile makes clear that in the argumentative moves we are concentrating on a reaction is given to an expressed standpoint or to expressed doubt and these reactions refer to a negative aspect of the position of the other party instead of to the standpoint or the doubt itself. When an argumentative move shifts in this way the focus from the speaker's utterance to the character of the speaker, the argumentative move concerned derails.

When exactly should a personal attack be seen as a fallacious (*ad hominem*) attack which derails in the way we have indicated and when as a reasonable argumentative move? Before these questions can be answered, a specification needs to be given of what is meant by a 'direct personal attack' in a discussion. The first part of the specification is that it should be an attack on *a party in the discussion* and not just an attack on any person. The second part of the specification is that the attack should involve a *negative characterization of the opposing party's suitability to play their role in the discussion*. More precisely:

A personal direct attack:

1. is directed at the opposing party in the discussion;
2. is about the opposing party's bad character, insufficient knowledge, low abilities, lack of skills etcetera, which disqualify him or her as a participant in the discussion.

Making a personal attack in a discussion is not always unreasonable. In the following two cases making a personal attack seems not to involve a violation of any of the rules for critical discussion. First, there is the personal attack in the confrontation stage of an argumentative exchange in which the very qualities of the other party the personal attack pertains to are at issue. Then, in principle, putting forward a standpoint about the character of the opposite party is not unreasonable. In such a case the party who puts forward a standpoint in which negative character

traits or other negative qualities of the opponent are revealed is not committing a fallacy violating the Freedom Rule because putting forward such a standpoint does not block or frustrate in any way achieving the goal of the confrontation stage of a critical discussion. In other words, if a personal attack is part of the propositional content of the standpoint under discussion, the attack is not a violation of the Freedom Rule and hence does not constitute an *ad hominem* attack. Similarly, personal attacks which are part of the propositional content of arguments put forward in defense of such a standpoint are, in principle, not to be viewed as rule violations so that they are not fallacious.

A second case in which a personal attack is in principle a reasonable discussion move is when the attack involves criticism of an argumentative move in which the other party has advanced authority argumentation in which he (or she) presented himself (or herself) as the authority or expert justifying a standpoint at issue. At first sight the argumentative move involving a personal attack may looks like an *ad hominem* fallacy, but it is not. In this case the personal attack is in fact a completely different type of move. We focus here on this second type of case of a reasonable personal attack.

The reason for concentrating on personal attacks involving criticism of authority argumentation advanced by the other party is that this kind of personal attack resembles the *abusive ad hominem* fallacy. Both are a reaction to an argumentative move made by the opposite party. However, in contrast to an *ad hominem* attack, the personal attack involving criticism of authority argumentation is a move made in the argumentation stage of a critical discussion and can therefore not be a violation of the Freedom Rule. It is a move that is part of the critical testing procedure in which the parties try to establish together by means of an exchange of critical questions and responses to these questions whether a reason given in support of the standpoint at issue provides indeed adequate support. In the testing procedure the antagonist criticizes the use of a certain argument scheme applied by the protagonist in his argumentation. If the protagonist has used authority argumentation, the antagonist is entitled to ask critical questions pertaining to this type of argumentation. One of the variants of authority argumentation involves the protagonist referring to a person who may be regarded as an expert in a certain field of knowledge, a person speaking authoritatively in a certain area of decision-making, or a witness. According to the Argument Scheme Rule (rule 8 of the commandments for reasonable discussants formulated in van Eemeren and Grootendorst 2004), which pertains to the argumentation stage, an arguer should rely on appropriate argument schemes and apply these schemes correctly.[7]

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[7]This rule does not prevent protagonists from using authority argumentation in which they present themselves as the authority. However, something goes wrong if protagonists boast about their good character, good deeds, many friends etcetera., when these facts are not at all relevant to the defense of their standpoint. In the latter case their utterances can be qualified as 'non-argumentation' and constitute a violation of the Relevance Rule (rule 4 of the commandments for reasonable discussants).

The critical questions constituting the testing procedure for authority argumentation are all directed at the person who is presented as the expert, authoritative person or witness: is this person really an expert, is this person an expert in the relevant field, are the expert's statements not contradicted by other experts in the field, etcetera? This means that the testing procedure is in this case by definition personal and directly related to the protagonist presenting himself (or herself) as an authority. In that sense the critical reactions given in carrying out this testing procedure resemble the *abusive ad hominem* fallacies. This can only be the case however if it is clear that the protagonist has indeed advanced authority argumentation and the questions and comments of the antagonist relate to the claim of authority. In principle, personal attacks such as "But you are not knowledgeable in this field," or "But you have not read all those books" can thus be reasonable attacks, provided that they are indeed critical reactions to a claim of authority.

As a consequence of what has just been discussed, in considering the personal attacks we are concentrating on in this paper, a distinction should be made between two different types of personal attack: (1) a fallacious direct personal attack; (2) a critical question or critical remark in response to "personal" authority argumentation, also known as *argument by authority*.[8] These two types of personal attacks can be characterized as follows:

A *fallacious direct personal attack* (= *abusive ad hominem*):

1. takes place in the confrontation stage;
2. is a reaction to an expressed opinion or to expressed doubt;
3. is an attempt to prevent the other party from advancing a standpoint or doubt;
4. can be put forward both by the antagonist and the protagonist of a standpoint.

A *critical question or critical remark as a reaction to "personal" authority argumentation* in an *argument by authority* (= legitimate personal attack):

1. takes place in the argumentation stage;
2. is a reaction to authority argumentation in which the protagonist refers to himself (or herself) as the expert;
3. is an attempt to elicit additional argumentation or to get the protagonist to give up his (or her) position;
4. can only be put forward by the antagonist of a standpoint.

Seen from the perspective of the pragma-dialectical argumentation theory, not every personal attack is an *ad hominem* fallacy. Whether it is or not depends on the context in which the personal attack is made (i.e. the discussion stage) and the function the attack fulfills in the dialectical exchange. A personal attack is an *ad hominem* fallacy only if it is an attempt to shut the other party up in the confrontation stage. The formal similarities between *ad hominem* attacks and certain legitimate discussion moves, such as critical questions or remarks, may be of help

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[8]For the distinction between argument *by authority* and argument *from authority,* see Pilgram (2011).

in explaining why *ad hominem* attacks are sometimes not recognized as fallacious. Because of this problem of identification they provide arguers who violate the Freedom Rule by putting forward an *ad hominem* attack a chance at maneuvering strategically to conceal the unreasonableness of this argumentative move.

The answering of our original question now proceeds in several steps. The *ad hominem* attack is a derailment of a dialectically relevant move, which is legitimate in the confrontation stage and takes the place of a reasonable move. The *ad hominem* attack may resemble a legitimate move in the argumentation stage because, leaving plain scolding aside, *abusive ad hominem* attacks can have the appearance of critical questions associated with the argument scheme based on authority. Asking such critical questions about the arguer's expertise is a perfectly reasonable move in a critical discussion, even if they are formulated in a somewhat hostile way. For ordinary arguers the occurrence of the fallacious counterpart of a personal attack in the confrontation stage may therefore have the appearance of being reasonable.

43.6   Empirical Research Concerning Strategic Maneuvering with Abusive Attacks

So far, empirical evidence about the effects of presenting the *abusive ad hominem* in such a way that it looks like a reasonable argument is lacking. Our theoretical considerations regarding the *abusive ad hominem* and its reasonable counterpart can be the basis for empirical research in which we systematically test hypotheses concerning such strategic maneuvering. This experimental study is a follow up of our research project Conceptions of Reasonableness on ordinary arguers' judgments of fallacies. In the current experimental studies we use the same research format.

In the framework of our earlier project we carried out 50 independent small-scale experiments investigating the (un)reasonableness of 24 different types of fallacies. The setup of these experiments was in all cases the same: a *repeated measurement design* combined with a *multiple message design*. In the experiments a variety of discussion contributions, short dialogues between two interlocutors A and B, were presented to the participants. (1) is an example of a discussion fragment in which an *ad hominem* fallacy is committed in its abusive variant; (2) is an example of the circumstantial variant; (3) is an example of the *tu quoque* variant.

1. (abusive variant; direct attack)

   A: I think a Ford simply drives better; it shoots across the road.
   B: How would you know? You don't know the first thing about cars.

2. (circumstantial variant; indirect attack)

A: In my view, the best company for improving the dikes is Stelcom Ltd; they are the only contractor in the Netherlands that can handle such an enormous job.
B: Do you really think that we shall believe you? Surely, it is no coincidence that you recommend this company: it is owned by your father-in-law.

3. (*tu quoque*-variant; you too variant)

A: I believe the way in which you processed your data statistically is not entirely correct; you should have expressed the figures in percentages.
B: You're not being serious! Your own statistics are not up to the mark either.

For baseline and comparison purposes, the participants also had to judge the (un) reasonableness of discussion fragments in which no pragma-dialectical rule was violated:

4. (no violation of the freedom rule)

A: I believe my scientific integrity to be impeccable; my research has always been honest and sound.
B: Do you really want us to believe you? You have already been caught twice tampering with your research results.

In all cases non-loaded topics were discussed in the discussion fragments and in all cases *clear-cut* paradigmatic cases of the fallacies were constructed. All fragments (48 in total in most experiments) were put in a specific discussion context. For instance, fragment (1) was presented in a domestic context, fragment (2) in a political context, and fragment (3) and (4) in the context of a scientific debate. Invariably the participants were asked to judge the reasonableness of the last contribution to the discussion, i.e. B's contribution in the examples. The participants had to indicate their judgment on a 7-point scale, ranging from very unreasonable (=1) to very reasonable (=7).

Overall the respondents made a clear distinction as to reasonableness between discussion moves that—measured by pragma-dialectical standards—contain a fallacy and discussion moves that can be characterized as non-fallacious. The fallacious moves were generally regarded unreasonable by the respondents while the non-fallacious moves were considered reasonable. In Table 43.1 an overview is given of some of the empirical results pertaining to the (un)reasonableness of the three variants of the *ad hominem*-fallacy. For reasons of external validity, in the project *Conceptions of Reasonableness* the three variants of the *ad hominem*-fallacy ('direct attack', 'circumstantial', *tu quoque*) were frequently investigated, not only in the Netherlands but also in other countries.

The data concerning reasonableness for the three types of fallacies and the non-fallacious discussion contributions show a remarkable consistency: in every single case the direct attack is judged as the least reasonable move, next comes the indirect attack and then the *tu quoque* fallacy, which almost tends to be judged as a reasonable move. Moreover, in every single case each of the three types of fallacies appeared to be judged less reasonable in a statistical sense than the non-fallacious

Table 43.1 Average reasonableness score for three types of *ad hominem*-fallacy (*dir* direct attack, *ind* indirect attack, *tu tu quoque* variant) and for non-fallacious reasonable argumentation, per replication (*1* very unreasonable; *4* neither unreasonable, nor reasonable; *7* very reasonable)

	dir		ind		tu		Reasonable	
	M	*SD*	*M*	*SD*	*M*	*SD*	*M*	*SD*
Original investigation	2.91	0.64	3.89	0.57	4.45	0.60	5.29	0.64
Replication 1	2.99	0.76	3.47	0.94	3.82	0.88	5.26	0.72
Replication 2	3.08	0.66	3.82	0.92	4.15	0.61	5.03	0.65
Replication 3	3.38	0.87	4.21	0.78	4.54	0.67	5.09	0.67
Replication 4 (UK)	3.32	0.64	4.13	0.61	4.54	0.46	5.24	0.48
Replication 5 (Germany)	2.99	0.61	3.52	0.66	3.93	0.63	4.88	0.42
Replication 6 (Spain)	3.51	0.87	4.23	0.70	4.49	0.73	4.93	0.65
Replication 7 (Spain)	3.01	1.12	3.61	0.75	3.99	0.78	4.97	0.86
Replication 8 (Indonesia)	3.21	0.78	3.75	0.99	4.53	0.83	5.10	0.56

moves. The conclusion is that the respondents regard speech acts which contain an *ad hominem* violation of the Freedom Rule less reasonable than speech acts which do not violate the Freedom Rule.

43.7 Hypothesis

In the current study we try to find out which factor is responsible for making an *abusive ad hominem* attack look less unreasonable. The following is our main hypothesis:

> *abusive ad hominem* attacks will be regarded as less unreasonable than clear-cut cases, if those attacks are presented as if they were critical questions or remarks relating to authority argumentation in which the party under attack presents himself (or herself) as an authority.

43.8 Material

For the experiment 38 discussion fragments were constructed. The general structure of these fragments was exactly the same as in our project regarding reasonableness judgments pertaining to fallacious and non-fallacious discussion moves (van Eemeren et al. 2009). All fragments consisted of short dialogues between two discussants. In some of them the discussion rule for the confrontation stage is violated by one of the discussion partners (each time by the second arguer, the antagonist of the standpoint). In 6 of these fragments the rule violation was a clear case of an *abusive ad hominem* [e.g., (1)]. 6 dialogues contained the *abusive ad hominem* in a disguised form.

Crucial to the hypothesis is the fact that an abusive attack is not really a critical question pertaining to authority argumentation but only looks like it due to the context. An important question is how this effect can be achieved in an experimental sense. In the experimental dialogues the party under attack is supposed to have, in some way or another, expertise about the topic of discussion. It should be made clear that this is the case by means of the short contextual description preceding each dialogue. The first speaker in the dialogue (the party under attack) expresses a standpoint related to his field of expertise. He or she does not rely on authority argumentation in any way. The second speaker expresses doubt and replies by way of a fallacious *ad hominem* attack referring to the first speaker's expertise—as if the first speaker referred to this expertise. Such abusive personal attacks look like reasonable reactions to authority argumentation in which the arguer portrays himself as an authority or expert. It is therefore important to make sure that the attack is part of the confrontation stage. The attack is a direct response to the position of the first speaker.

In the contextual description of the dialogues the participants were confronted with it was made clear that the first speaker was to be taken as knowledgeable about the topic under discussion. However, in the 6 dialogues that contained the *abusive ad hominem* in disguised form, the arguer never used an argument by authority. An example of such an item is the following dialogue, preceded by a short contextual description:

5. (*abusive ad hominem* attack, presented as authority criticism)
   The art museum is renovated and that is the reason why it has been inaccessible to the public for some time. The museum curator discusses this with a journalist.

   Curator: I think the museum can be open again for the public. The building is in excellent shape now and it is perfectly safe.
   Journalist: As a curator you may know about art but you are not knowledgeable about the safety of the building.

Furthermore, in 6 other dialogues a reasonable personal attack occurred. The first speaker in the dialogue put forward a standpoint and defended this standpoint by way of authority argumentation in which he referred to himself as the expert. The second speaker replied by way of a critical question related to the authority claim, which makes a critical reaction pertaining to the authority argumentation relevant. An example of a dialogue of this type is the following:

6. (reasonable personal attack as a real reaction to authority argumentation)
   A divorce lawyer is talking with a friend about a criminal who is under trial.

   Divorce lawyer: I really think that this man will be charged with at least 12 years. As a lawyer I know these things.
   Friend: You are a divorce lawyer not a criminal lawyer. Why would I believe you?

For the purpose of constructing a *base line* for comparisons and contrasts between fallacious and non-fallacious moves, in 6 dialogues 'normal' non-fallacious reactions were included [e.g. example (4)]. Three types of filler items were included as well: 6 dialogues containing a *tu quoque* fallacy, 6 dialogues containing a circumstantial *ad hominem* fallacy, and 2 dialogues containing an *ad baculum* fallacy. These fillers acted as 'gate keepers': we included these kinds of fallacies in the questionnaire because, given the consistent results reported in the Conceptions of Reasonableness project, we know exactly what to expect when it comes to reasonableness judgments about these fallacies. If our expectations were not met in the current study, this would be a serious threat to the validity of the present investigation. A second reason for including these fillers was to mask the precise aim of our research focusing on *ad hominem* fallacies. Varying the type of fallacy would make it more difficult for our respondents to infer a pattern in the material and to guess what our experiment was aimed at.

Just like in our previous studies we did not include loaded topics. We tried to keep the dialogues as simple as we could and avoided humorous situations or elements that could otherwise distract our respondents. To ensure a more or less homogeneous interpretation of the dialogues, each dialogue was preceded by a short description of the context. Each time the respondents were asked to answer the question of how reasonable of unreasonable they found the discussion contribution of the second speaker in the dialogue. They had to mark their judgments on a 7-point scale in which the scale points where verbally marked, ranging from "very unreasonable" (=1) to "very reasonable" (=7).

43.9 Participants

A total of 91 professional education students (61.5 % female, 38.5 % male, ranging in age from 17 to 29, with a mean of 23.8, $SD = 5.54$), took part in the pencil-and-paper test during regular class hours. Some of them knew the term *fallacy*, but none of them had received any systematic education regarding argumentation.

43.10 Statistical Analysis

The data were analyzed by means of a multivariate analysis of variance ('mixed model' approach for repeated measurements), with 'subject' and 'instantiation' as *random* factors and the variable 'type of fallacy' as a fixed factor. The *random* factor 'instantiation' is nested within the levels of the fixed factor 'type of fallacy', whereas the *random* factor 'subject' is fully crossed with the *random* factor 'instantiation' and the fixed factor 'type of fallacy.' The statistical consequence of this design is that—instead of ordinary F-ratio's—so-called *quasi* F-ratio's have to be computed (denoted as F′), while the degrees of freedom have to be approximated (see Clark 1973).

43.11   Results

Looking first at the fillers (Table 43.2), it is evident that the present results are in line with the results we found in our previous studies. The (straightforward) abusive fallacy is again judged to be most unreasonable, next the circumstantial attack and last the *tu quoque* fallacy, which tends again to be viewed as a reasonable move ($F(2,21) = 53.30$; $p < .001$; $\eta^2 = .39$). The ordinal patterns depicted in Table 43.1 are thus confirmed. The same applies to the *ad baculum* fallacy: once again this type of fallacy is considered a very unreasonable discussion move. In sum, the reasonableness scores of the fillers are, at a minimum, not in contradiction with the validity of the data.

Do the respondents—as predicted in our hypothesis—regard 'hidden' *abusive ad hominem* reactions which mirror non-fallacious critical reactions to authority argumentation indeed just as little unreasonable as straightforward abusive attacks? In Table 43.3 the relevant data are presented.

The average reasonableness scores pertaining to the four types of reactions in Table 43.3 proved to differ statistically from each other: $F'(3,24) = 27.95$, $p < .001$; $\eta^2 = .38$. By means of a post hoc comparison we contrasted reasonable personal attacks and reasonable reactions without personal attacks, but we found no statistical difference according to conventional criteria ($F'(1,24) = 3.32$, $p = 0.08$). The hidden abusive attack differed significantly from the average of the reasonable personal attack together with the reasonable reactions without personal attack: $F'(1,24) = 9.05$, $p < 0.01$; $\eta^2 = .03$. Finally, and most important for our hypothesis, the hidden abusive was indeed found to be less unreasonable than the straightforward abusive: $F'(1,24) = 26.51$, $p < .001$, $\eta^2 = .11$. The difference between these two fallacious attacks (1.65) is considerable, given the range of a 7-point scale. Our

Table 43.2   Average reasonableness score for the fillers, $n = 91$ (k = number of instantiations)

	M	SD
Straightforward abusive ($k = 6$)	2.44	0.70
Circumstantial ($k = 6$)	3.96	0.72
tu quoque ($k = 6$)	4.94	1.28
ad baculum ($k = 2$)	2.92	1.18

Table 43.3   Average reasonableness score for four types of reactions (k = number of instantiations)

	M	SD
Straightforward abusive ($k = 6$)	2.44	0.70
Hidden abusive ($k = 6$)	4.09	0.53
Reasonable personal attack ($k = 6$)	4.62	0.51
Reasonable reaction without personal attack ($k = 6$)	5.19	0.62

respondents clearly judged the straightforward abusive attack as an unreasonable argumentative move, but when it comes to judging the disguised form they are in doubt: overall this fallacious attack is judged as neither unreasonable nor reasonable.

43.12   Replication

In order to be better able to generalize the results, a replication was designed and conducted, with different messages and different subjects. In total 113 secondary school pupils, aged 15–17, were exposed to 48 messages. Instead of the argumentum *ad baculum*, we now used, together with the circumstantial variant and the *tu quoque* variant of the *ad hominem*, the fallacy of shifting the burden of proof as a "gatekeeper." This time each of the fallacies and the non-fallacious items was represented by 8 instantiations. The average reasonableness scores for the gatekeepers were again in line with the expectations, derived from the consistent results in the Conceptions of Reasonableness project (abusive: $M = 2.73$; $SD = 0.63$; circumstantial: $M = 3.96$; $SD = 0.72$; *tu quoque*: $M = 4.55$; $SD = 0.79$; shifting the burden of proof: $M = 3.71$; $SD = 0.73$).

The statistical results of the replication are in accordance with those of the original experiment. Once again, there were statistically significant differences between the four types of reactions in Table 43.4: $F'(3,31) = 22.16$, $p < .001$; $\eta^2 = .37$. Also, the contrast between reasonable personal attacks on the one hand and reasonable reactions without personal attacks on the other hand was again found to be statistically not significant: $F'(1,31) = 1.86$ ns. As in the previous experiment, the disguised abusive attack differed significantly from the average of the reasonable personal attack together with the reasonable reactions without personal attack: $F'(1,31) = 24.89$, $p < .001$, $\eta^2 = .17$. The most important result of the replication is also in line with that of the original experiment: the hidden abusive was indeed found to be less unreasonable than the straightforward abusive: $F'(1,31) = 5.05$, $p < .05$, $\eta^2 = .06$.

Table 43.4   Average reasonableness score for different types of reactions, $n = 113$ (experiment 2; replication; $k =$ number of instantiations)

	M	SD
Straightforward abusive ($k = 8$)	2.73	0.63
Hidden abusive ($k = 8$)	3.57	0.68
Reasonable personal attack ($k = 8$)	4.93	0.61
Reasonable reaction without personal attack ($k = 8$)	5.44	0.67

43.13   Conclusion

The empirical results of the original experiment and those of the replication were similar and they were both in line with our theoretical expectations. Straightforward abusive attacks are consistently rejected as unreasonable argumentative moves, whereas legitimate personal attacks are invariably considered as reasonable discussion moves. In both experiments the main hypothesis of our study was confirmed: the disguised abusive attack was judged substantially less unreasonable than the overt fallacious direct attack. This is evidence for the general conclusion that *abusive ad hominem* attacks look more reasonable when they are presented as if they are used to criticize authority argumentation. *ad hominem* attacks that mirror legitimate argumentative moves, such as critical questions or critical remarks, provide the arguer who violates the Freedom Rule by putting forward an *ad hominem* attack with specific means of maneuvering strategically to uphold the appearance of reasonableness by concealing the unreasonable nature of the move.

Up to now in the field of argumentation studies no empirical research had been conducted concerning the treacherous nature of the fallacies. Concentrating on a specific mode of strategic maneuvering, we make in the research reported in this paper a first attempt to go into the question of what makes a fallacy look reasonable to an audience. This study marks in fact the beginning of a new empirical research project on strategic maneuvering in argumentative discourse. Building on the findings of our earlier empirical studies, we intend to examine in this project the actual effects on the audience of the use of specific modes of strategic maneuvering theoretically accounted for in the pragma-dialectical theory. We start by examining the effectiveness of the use of fallacious discussion moves which are notoriously treacherous. Next we intend to examine also the effectiveness of the use of sound specimens of specific modes of strategic maneuvering.

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Chapter 44
The Disguised *ad baculum* Fallacy Empirically Investigated. Strategic Maneuvering with Threats

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44.1 The argumentum ad baculum in the Standard Theory of Pragma-Dialectics

Threatening the other discussion party with negative, unpleasant consequences—for instance, by threatening him with physical violence or (more subtly) by threatening him implicitly with sanctions—if that party is not willing to refrain from advancing a particular standpoint or from casting doubt on a particular standpoint, is an outspoken example of a fallacy ("Of course, you can hold that view, but then you should realize that it will very hard for me to control my men in response to you"). Not surprisingly, this particular type of fallacy (conventionally named the *argumentum ad baculum* or the 'fallacy of the stick') has become firmly incorporated in the traditional lists of fallacies presented in introductory textbooks in (informal) logic and argumentation (cf. Walton 2000).

Seen from the perspective of the standard theory of pragma-dialectics (van Eemeren and Grootendorst 1992, 2004), the *argumentum ad baculum* is an example of fallacies violating the Freedom Rule (i.e. the rule for governing the first stage of a critical discussion, the confrontation stage, where standpoints are put forward by the protagonist and doubt or criticism are raised by the antagonist, in short: the stage where the difference of opinion is expressed) because, by threatening the other party and putting pressure upon him to silence and to close his mouth, the inalienable right of a discussion party to put freely forward standpoints or cast doubt on standpoints is severely hampered and restricted. As a result, a full-blown discussion hardly gets off the ground, ruling out the possibility of a resolution of the difference of opinion on the merits.

Based on the consistent results of a 13 year-lasting, comprehensive empirical research project concerning the judgments of ordinary arguers of the reasonableness of fallacious and non-fallacious discussion contributions, entitled *Conceptions of Reasonableness*, it can safely be concluded that ordinary arguers deem fallacious contributions as unreasonable moves, while they evaluate sound contributions as

reasonable (van Eemeren et al. 2009); compared with the unreasonableness of the 24 investigated fallacies in that project (such as the *ad hominem*, the *ad misericordiam*, evading the burden of proof, the *ad populum*, the *ad consequentiam* and so on), the *ad baculum* fallacy—the particular fallacy we will focus on in this paper—was judged as the least reasonable discussion move (cf. van Eemeren et al. 1999).

From the empirical data collected in the project *Conceptions of Reasonableness* it can be inferred that ordinary arguers know (at least on a pre-theoretical level) where precisely to trace the boundaries of dialectical rationality; thus, at least to a certain extent, ordinary arguers are aware of their dialectical obligations. Moreover, ordinary arguers also expect that their interlocutors apply similar norms and criteria for evaluating the reasonableness of discussion contributions as they themselves do, upholding more or less the same standards of dialectical reasonableness. Last, so can be inferred from the results of our empirical research that formed a sequel of the above mentioned project, ordinary arguers use the concept of 'reasonableness' not only in a descriptive, but also in a normative sense: the discussant who violates one of the rules for critical discussion and thus does not observe the critical ideal of dialectical reasonableness, can be held accountable and reproached for violating commonly shared norms incorporated in the rules for critical discussion (van Eemeren et al. 2012a, b).

44.2   The argumentum ad baculum in the Extended Theory of Pragma-Dialectics

All these firmly established empirical facts, however, seem at first sight not quite in line with the (supposed) frequency of the *ad baculum* fallacy in everyday argumentative discourse: why ever would 'rational' discussants use hardly efficient means like the *ad baculum* fallacy, a discussion move they can know and expect to be denounced by the other discussion party? Why ever would they portray themselves as being unreasonable by openly deviating from the rules of critical discussion, in the knowledge that this will make their discussion move non-persuasive in the end? Part of an answer to this paradox can be found in the so called *extended standard theory of pragma-dialectics*, in which a rhetorical component of effectiveness has been added to and integrated within the dialectical framework of classical, standard pragma-dialectics (van Eemeren 2010).

In their aim to be effective, discussants will maneuver strategically in such a way that they will try to achieve their dialectical goal—keeping to the rules of critical discussion—while simultaneously trying to realize their rhetorical goal: winning the discussion by having their standpoint accepted by the other party. Balancing these two objectives of dialectical resolution-oriented reasonableness and rhetorical effectiveness and trying to reconcile the simultaneous pursuit of these two aims, which may be at times at odds, the arguers make use of what can be called *strategic maneuvering*: a discussant tries to steer and maneuver the discussion to his advantage like a ship maneuvers for the best position in a sea battle (van Eemeren 2010, p. 40).

In itself there is nothing wrong with wanting to win a discussion, but trying too hard can lead to a derailment: if arguers allow their commitment to having a reasonable exchange be overruled by their eagerness for achieving effectiveness, their strategic maneuvering has been derailed. Viewed from this perspective, fallacies are derailments of strategic maneuvering that involve violations of critical discussion rules. By violating the rules for critical discussion the argumentative move they have made hinders the process of resolving a difference of opinion on the merits and so their strategic maneuvering must be condemned as fallacious.

Derailments of strategic maneuvering may easily escape attention of the interlocutors because deviations of the rules of critical discussion are often hard to detect since none of the parties in the discussion will be keen on portraying themselves as being unreasonable—if only because this will make their contribution ineffective in the end. So arguers will most likely try to stick to the established dialectical means for achieving rhetorical objectives which are possibly at odds with the dialectical rationale for a certain discussion rule, and "stretch" the use of these means so much that the fallacious maneuvering is also covered (van Eemeren 2010, p. 140).

As a consequence, derailments of strategic maneuvering can be very similar to sound instances of strategic maneuvering, so that in practice it is not always crystal clear where precisely the boundaries between sound and fallacious strategic maneuvering are to be found: the discrimination between fallacious and sound modes of strategic maneuvering is not a simply black or white issue. The various modes of strategic maneuvering that can be distinguished in argumentative reality can be imagined as representing a continuum ranging from evidently fallacious to evidently sound strategic maneuvering. This also goes for strategic maneuvering with particular variants of the *argumentum ad baculum*: at the one pool one can distinguish straightforward, clear-cut cases of illegitimate, fallacious *ad baculum* moves, subsequently a grey zone of argumentative threatening moves whose soundness or fallaciousness is not immediately clear, and at the other pool evidently legitimate, sound uses of threats (for instance, at the breakfast table when one authoritative party (the parents) threatens the other party (the child) with sanctions if she refuses to obey).

In the project *Conceptions of Reasonableness*, purposely, only clear cases of fallacies had to be judged by the participants: after all, the aim of that project was to test the conventional validity of the pragma-dialectical discussion rules (i.e. investigating whether the norms of ordinary arguers when evaluating the soundness of argumentative discourse are in agreement with the critical norms of pragma-dialectics); it was certainly not the aim of that project to investigate the factors that could influence the identification and recognition of fallacious or sound discussion moves. As said before, in everyday argumentative practice discussants maneuver strategically, attempting to hide and mask clearly unreasonable moves—like the *ad baculum* fallacy—by presenting these moves in such a way that they mimic and look like reasonable moves. We conjecture that one of the ways to disguise the *ad baculum* fallacy is to present this move as a well-meant advice backed up by legitimate pragmatic argumentation in which the speaker cannot be held responsible for the occurrence of the unpleasant consequences if he does not get his way. This hypothesis was tested systematically in two experiments.

44.3 Pragmatic Argumentation, Advising and Threatening

The soundness of argumentation depends—among other things—on how it employs one of the possible argument schemes.

In pragmatic argumentation, which is a subtype of causal argumentation, the standpoint recommends a certain course of action (or discourages a certain course of action) and the argumentation consists of summing up the favorable respective unfavorable consequences of adopting that course of action ("You shouldn't drink too much alcohol, because it leads to long-term health problems").

The pragma-dialectical characterization of the argument scheme of pragmatic argumentation is as follows:

1	Standpoint	Action X should be carried out
1.1	Because	Action X will lead to positive result Y
(1.1′)	And	(Actions of type X [such as X] that lead to positive results of type Y [such as Y] must be carried out)

Pragmatic argumentation can only succeed if the causal relation between the two elements concerned (X is the cause of Y; cf.: "too much alcohol consumption leads to health problems") is evident and if the positive (or negative) value of the consequence Y (i.e. "having health problems is undesirable") speaks for itself or is immediately recognized as such. In case of the *ad baculum* threat the other party is put under pressure by pointing or hinting at negative consequences for the other party if that party does not give in; pragmatic argumentation and the *ad baculum* move are thus in argumentation-theoretical respects alike in the sense that in both moves the (un)desirability of the consequences of a cause, event or act are being exploited. However, in contrast with pragmatic argumentation, the (implicit or explicit) consequences of an *ad baculum* move are without exception negative (in certain circumstances even frightening and fear-inducing).

Pragmatic argumentation is by convention associated with the speech act of advising (or warning) (cf. van Poppel 2013): in order to make an advice or warning acceptable for an audience ("You should do…" or "You shouldn't do …"), pragmatic argumentation is characteristically adduced. Both the act of advising and the act of threatening are speech acts that can be classified—looking at their (primary) illocutionary goal—as directives; moreover, both speech acts have felicity conditions in common (such as the preparatory condition concerning the authoritative status of the source of the advice/threat).

Mimicking the *ad baculum* as a well-meant advice that is in the interest of the hearer would certainly not be sufficient—as we conjecture—for the persuasiveness of such disguised form of threat. Despite all the similarities and resemblances between the uses of the pragmatic argument scheme adduced in advises and threats, there is one crucial difference between these two speech acts: in case of an advice or warning ("You shouldn't drive so speedy, darling. It's raining!") the other party in

the discussion has full freedom and responsibility for the occurrence (or non-occurrence) of the effect Y (in the causal relation: If X, then Y); however, in case of a threat the party who advances the threat can be completely held responsible for the occurrence of the negative outcome ("If you still persist in that awful behavior, I have to dismiss you"). The secondary illocutionary goal of a threat can thus be conceived as that of a commissive (i.e. a commitment undertaken by the speaker vis-à-vis the listener to do something and act according to what is explicitly said or implied by what is said).

In order to disguise the *ad baculum* in a strategically effective way and to make this fallacious move look like a legitimate discussion move, it is vital for the speaker to suggest/hint that evidently not he or she, but another party or event outside the discussion can be held accountable for the occurrence of the undesirable, negative outcome. Expressed differently: the causal relation in the pragmatic argument scheme (X is the cause of the effect Y, or: the act of X is leading to the consequence Y) is deceitfully represented and treacherously exploited in such a way that the arguer (the person who advances the threat) cannot be held accountable for the occurrence of the negative effect Y: it is after all not the arguer but a party outside the current discussion that can be blamed.

To illustrate these points, take the following two examples (the first is an example of an openly, straightforward clear-cut case of an *argumentum ad baculum*, the second an example of a disguised *ad baculum*—disguised according to the conjectural ideas above). Suppose two neighbors (Sally and John) argue about the annoying barking of John's dog. Sally is completely fed up with that barking, especially in the night.

> Sally: You should learn that dog not to bark at night; every night I wake up because of that terrible noise.
> John: What nonsense, he really doesn't bark that much at all.
> Sally: If you keep saying that, I'll harm him.

Sally's last move is forthright *ad baculum*: she explicitly commits herself to 'kill' the dog if John refuses to take any measures. But Sally could have chosen to present her last move in a strategically, perhaps more effective way—more effective as we predict—, namely as a well-meant advice, disguising the threat but without undoing it:

> Sally: You should learn that dog not to bark at night; every night I wake up because of that terrible noise.
> John: What nonsense, he really doesn't bark that much at all.
> Sally: I would strongly advise you to take effective measures to stop that awful barking. You wouldn't like it if somebody would harm your beloved dog, wouldn't you?

In the two experiments reported in this paper, the crucial contrast is that between the (perceived) unreasonableness of straightforward *ad baculum* moves and the unreasonableness of disguised *ad baculum* moves. In all cases we present instantiations of the disguised fallacy as a well-meant advice that is in the interest of the addressee, making use of indicators of the speech act of 'advising' such as: "I would advise you…"; "It would be wise if you…."; "If I were you, I would…"; "If

I were in your position, I would…"; "I would recommend you …", "If you are asking me, I would I think …."

The arguer, however, has still various other—perhaps strategically effective—presentational devices at his disposal to mask other aspects of the threat, for instance devices to undo the inherent, annoying pressure of the *ad baculum* move, which is at odds with someone's personal freedom. To guarantee that it is absolutely not his intention to threaten the opponent and to put pressure on him, the arguer can strategically emphasize that the other party is "totally free to decide whatever she wants": "Of course you are absolutely free to decide whatever you want, but if I were in your position …"; "It's totally up to you, but I would advise you…". In the two experiments we conducted, we presented (hypothetical) discussion fragments to the participants in which—in case of the disguised *ad baculum*—only indicators of the speech act of 'advising' were used.

44.4   The Experiment

In the current study we tested the following main hypothesis:

> *Ad baculum* fallacies are judged as less unreasonable than clear-cut, straightforward cases of *ad baculum* moves when they are presented as if they are well-meant advices in which the speaker can't be held responsible for the occurrence of the unpleasant consequences if he does not get his way.

The experimental (Dutch) subjects (Ss) were exposed to 42 discussion fragments; some contained fallacious moves, others did not. In each dialogue, the Ss had to rate the (un)reasonableness of the last contribution to the discussion on a 7-point Likert type of scale, ranging from 'very unreasonable' (=1) to 'very reasonable' (=7).

44.4.1   *Material*

42 discussion fragments were constructed, in which 7 different types of fallacious and non-fallacious discussion contributions occurred; each type was represented by 6 instantiations:

1. straightforward, clear-cut cases of *ad baculum* moves,
2. disguised *ad baculum* moves,
3. sound, i.e. reasonable moves (not based on a pragmatic argument scheme),
4. sound, i.e. reasonable moves (based on a pragmatic argumentation scheme),
5. the *circumstantial* variant of the *ad hominem* fallacy,
6. the *tu quoque* variant of the *ad hominem* fallacy,
7. the *abusive* variant of the *ad hominem* fallacy.

The general structure of these discussion fragments was fixed: all fragments consisted of 3 turn dialogues between two discussants; each fragment was preceded

by a short contextual description to ensure that the Ss interpreted the fragment in a more or less homogeneous way. Just like in our previous studies we did not include loaded topics; we tried to keep the dialogues as simple as we could and avoided humorous situations or elements that could otherwise distract our respondents.

In the first turn, the protagonist put forward a standpoint, supported by an argument. In the second turn, the antagonist made explicitly or implicitly clear not to accept that standpoint, backed up by an argument. In the last turn (in case of a straightforward *ad baculum*), the protagonist implicitly and indirectly threatened the other party by pointing at negative consequences if he does not get his way, like this:

(1)   Straightforward *ad baculum*

Employer and employee during a performance interview

Employee   I think it is time for a promotion. My work really improved much and I receive a lot compliments from my colleagues.

Employer   I don't agree, there are a lot of points for improvement.

Employee   Well, you may maintain that point of view, but I know about your creative way of making your tax returns and you do not want that out in the open.

Notice that in the example above, as in all the other 5 instantiations of the straightforward *ad baculum* move, the protagonist threatens the other party implicitly with non-physical consequences that are indirectly put forward, i.e. not explicitly spelled out. Making use of such indirect, non-physical consequences in spelling out the negative consequences makes it much harder for us to confirm our main hypothesis, compared with physical, direct *ad baculum* moves.[1] The following is an example of a disguised *ad baculum*, constructed according to the theoretical insights outlined above:

(2)   Disguised *ad baculum*

The stage-manager and the key actress are discussing the suitability of her costume.

Stage-manager   This costume is really splendid, it does perfectly fit with the role.

Actress   I hate it!! That dress makes me look awfully fat!

Stage-manager   I would advise you just to put it on, it's really a nuisance if another main actress has to be looked for.

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[1]In the experiments pertaining to the unreasonableness of different forms of *ad baculum* fallacies (such as threatening with physical consequences vs. threatening with non-physical consequences; and threatening in a direct way vs. threatening in an indirect way) it was found that threatening with physical consequences was judged most strictly, while indirect threatening was deemed to be the least unreasonable move (see van Eemeren et al. 1999). So, by making use of only indirect forms of straightforward *ad baculum* fallacies in the present experiment, a far too easy confirmation of our hypothesis is avoided.

Once again, in the current experiment the disguised *ad baculum* is always presented (in the 6 instantiations) as an explicit advice which is in the interests of the addressee, accompanied by an explicit indicator of the speech act 'advising'. For the purpose of constructing a *base line* for comparisons and contrasts between fallacious and non-fallacious moves, in 6 dialogues 'normal' non-fallacious reactions were included (reactions, however, in which no pragmatic argumentation was used, but other argument schemes). For an example of this type of dialogue, see (3):

(3) Sound argumentation (in which the pragmatic argument scheme is not used)

A young couple discusses their opinions after seeing the stage play.

Alissa What a wonderful play! The actors had a very professional mimic and attitude.

Mark   I didn't like the play at all, the topic was very boring.

Alissa No, on the contrary, that topic wasn't boring at all! It covered all the facets of real life and it was highly instructive.

In (4), an example of sound argumentation in which pragmatic argumentation is used, is presented. Evidently, such examples are relevant for an appropriate contrast between the (perceived) (un) reasonableness of the fallacious use of pragmatic argumentation (as is the case in disguised *ad baculum* moves) and the (perceived) (un) reasonableness of sound, non-fallacious use of pragmatic argumentation:

(4) Sound argumentation (in which the pragmatic argument scheme is used)

Pim and Anke in their car on the highway, discussing the speed limits:

Anke   Please slow down! The upper limit here is 100 km.

Pim   Don't be so nervous, everybody is driving faster so it doesn't really matter.

Anke   If I were you, I would keep up to the maximum speed; soon you will be caught and get a ticket.

Three types of filler items were included as well: 6 dialogues containing a *tu quoque* fallacy, 6 dialogues containing a *circumstantial ad hominem* fallacy, and 6 dialogues containing an *abusive ad hominem* fallacy (for concrete examples, see van Eemeren et al. 2009). These fillers acted as 'gate keepers': we included these kinds of fallacies in the questionnaire because, given the consistent results reported in the *Conceptions of Reasonableness* project, we know exactly what to expect when it comes to reasonableness judgments about these fallacies (namely, the *abusive* attack is judged as a very unreasonable move, whereas the *circumstantial* as well as the *you too*-variants tend to be judged as reasonable moves).[2] If these expectations would not be met in the current study, this would imply a serious

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[2]That the *circumstantial* as well as the *you too variants* tend to be judged as reasonable moves is only the case when participants have to judge the reasonableness of these fallacies presented in unspecified contexts. When these two types of fallacies are presented in a scientific context, these variants of *ad hominem* are deemed to be unreasonable, like the *abusive* variant.

threat to the validity of the present investigation. A second reason for including these fillers was to mask the precise aim of our research focusing on *ad baculum* fallacies. Varying the type of fallacy made it more difficult for our respondents to infer a pattern in the material and to guess what our experiment was aimed at.

44.4.2   Participants

A total of 93 secondary school students (pre-university level, ranging in age from 14 to 18; *M* = 15.94; *SD* = .75; 41 % male, 59 % female) took part in the pencil-and-paper test during regular class hours. Some of them knew the term *fallacy*, but none of them had received any systematic education regarding argumentation.

44.4.3   Statistical Analysis

The data were analyzed by means of a multivariate analysis of variance ('mixed model' approach for repeated measurements), with 'subject' and 'instantiation' as *random* factors and the variable 'type of fallacy' as a fixed factor. The *random* factor 'instantiation' is nested within the levels of the fixed factor 'type of fallacy', whereas the *random* factor 'subject' is fully crossed with the *random* factor 'instantiation' and the fixed factor 'type of fallacy.' The statistical consequence of this design is that—instead of ordinary F-ratio's—so-called *quasi* F-ratios have to be computed (denoted as F'), while the degrees of freedom have to be approximated (see Clark 1973).

44.4.4   Results

Looking first at the fillers (Table 44.1), it is evident that the present results are in line with the results we found in our previous studies conducted in the project *Conceptions of Reasonableness*. The *abusive* fallacy is again judged to be most unreasonable, next the *circumstantial* attack and last the *tu quoque* fallacy, both of which tend again to be viewed as reasonable moves. Moreover, the perceived unreasonableness of the straightforward *ad baculum* fallacy as well as the judged reasonableness of sound argumentation is equally well in accordance with the empirical findings in of *Conceptions of Reasonableness*. In sum, the reasonableness scores depicted in Table 44.1 are a positive indication for the validity of the data.

Do the respondents—as predicted in our hypothesis—regard 'hidden' *ad baculum* moves which mirror well-meant advices supported by pragmatic argumentation indeed less unreasonable as straightforward, clear-cut cases of *ad baculum*? In Table 44.2 the relevant data are presented.

Table 44.1 Average reasonableness score for the fillers, *ad baculum* moves and sound moves; *n* = 93 (*k* = number of instantiations)

	M	*SD*
Clear-cut case *ad baculum* (*k* = 6)	2.81	.70
Abusive ad hominem (*k* = 6)	2.74	.77
Circumstantial ad hominem (*k* = 6)	4.33	.77

Table 44.2 Average reasonableness score for four types of moves; n = 93 (*k* = number of instantiations)

	M	*SD*
Clear-cut case *ad baculum* (*k* = 6)	2.81	.70
Disguised *ad baculum* (*k* = 6)	4.39	.86
Sound (non-pragmatic) argumentation (*k* = 6)	5.17	.60
Sound (pragmatic) argumentation (*k* = 6)	5.74	.66

The average reasonableness scores pertaining to the four types of moves in Table 44.2 proved to differ statistically from each other: $F'(3,22) = 14.27$, $p < .01$; $\eta^2 = .36$. By means of three orthogonal post hoc comparisons we contrasted, first, sound non-pragmatic argumentation with sound (pragmatic) argumentation, but no statistical difference could be found ($F'(1,22) = 1.43$, n.s.). Second: the disguised *ad baculum* differed significantly from the average of the sound non-pragmatic argumentation and the sound pragmatic argumentation: $F'(1,22) = 6.64$, $p < .07$; $\eta^2 = .03$. Last, and most important for our hypothesis, the disguised a*d baculum* was indeed found to be less unreasonable than the straightforward abusive: $F'(1,22) = 10.97$, $p < .01$, $\eta^2 = .10$. The difference between these two fallacious threats (1.58) is considerable, given the range of a 7-point scale. Our respondents clearly judged the straightforward *ad baculum* threat as an unreasonable argumentative move, but when it comes to judging the disguised form of this fallacy they are clearly in doubt: overall this fallacious move is judged as neither unreasonable nor reasonable.

44.5   Replication

In order to be able to generalize the results with more confidence, a replication was carried out, making use of different messages and different subjects. 128 students (high vocational education; age range 17–31 ($M = 20.59$; $SD = 2.66$)) were exposed to 42 different, but equivalent messages as in the experimental study above. Instead of the *circumstantial* variant of the *ad hominem*, we now used the fallacy of *shifting the burden of proof* and—once again—the *tu quoque* variant of the *ad hominem* as "gatekeepers" of the validity. This time each type of fallacy and sound argumentation was represented not by 6, but by 7 instantiations.

The average reasonableness scores for the gatekeepers were again in line with the expectations, derived from the consistent results in the *Conceptions of Reasonableness* project (clear case *ad baculum*: $M = 2.74$; $SD = .65$; *shifting the burden of proof*: $M = 3.06$; $SD = 1.05$; *tu quoque*: $M = 4.12$; $SD = .84$; sound

Table 44.3 Average reasonableness score for different types of moves; $n = 128$ (experiment 2: replication); k = number of instantiations

	M	SD
Clear-cut case *ad baculum* ($k = 7$)	2.74	.65
Disguised *ad baculum* ($k = 7$)	3.76	.66
Sound (non-pragmatic) argumentation ($k = 7$)	5.59	.59
Sound (*pragmatic*) argumentation ($k = 7$)	5.58	.74

(non-pragmatic) argumentation: $M = 5.59$; $SD = .59$). The statistical results of the replication are also in accordance with those of the original experiment. Once again, there were statistically significant differences between the four types of reactions depicted in Table 44.3: $F'(3,25) = 16.65$, $p < .001$, $\eta^2 = .40$.

The orthogonal post hoc contrast between sound non-pragmatic argumentation and sound *pragmatic* argumentation was once again found to be statistically not significant: $F'(1,25) = .00$, $p = .99$. Just as in the previous experiment, the disguised *ad baculum* fallacy differed significantly from the average of the two types of reasonable argumentation: $F'(1,25) = 18,49$, $p < .001$. Last, the disguised *ad baculum* was once again found to be substantially less unreasonable than the explicit variant of the *ad baculum* fallacy: $F'(1,25) = 4.33$, $p < .05$.

44.6   Conclusion

The empirical results of the original experiment and those of the replication are quite similar and in line with our theoretical expectations: Ordinary arguers clearly reject straightforward *ad baculum* moves; disguised forms of such moves are judged substantially less unreasonable by our experimental subjects, since these moves take on a reasonable (but treacherous) appearance—indeed, the Latin word *fallax* means deceptive or deceitful—when they are presented as if they are well-meant advices backed up by *pragmatic* argumentation in which the speaker cannot be held responsible for the occurrence of the unpleasant consequences if he does not get his way.

In earlier empirical studies in which we investigated strategic maneuvering with *abusive ad hominem* attacks, we showed that direct attacks are judged as less unreasonable when they are presented as if they are critical questions pertaining to the argument scheme for *authority* argumentation (van Eemeren et al. 2012b); we coined that strategic effect the *mimetic effect*. Given the current empirical findings concerning *ad baculum* fallacies it can be concluded that this mimetic effect is not specifically bound to strategic maneuvering with *ad hominem* fallacies, but can be generalized to other types of fallacies.

Another remarkable empirical finding that is strikingly similar in both studies is the size of this mimetic effect: the disguised forms of both fallacies (i.e. the *ad hominem* as well as the *ad baculum*) are evidently not judged as fully or fairly reasonable moves; the judgments center around the neutral midpoint of 4 on the 7-point scale. So, ordinary arguers are clearly in doubt and are quite uncertain when

it comes to judging the reasonableness of these disguised forms. The appearance of a certain, modest degree of reasonableness is presumably sufficient for arguers to get away with such treacherous moves in argumentative discussions.

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Part X
Case Studies

Chapter 45
Democracy and Argumentation

Frans H. van Eemeren

45.1 Argumentation in the Political Context of Democracy

Speaking in Fulton Missouri at the same place and from the same oaken lectern used by Winston Churchill to make his historic "Iron Curtain" speech 46 years earlier, on May the 6th 1992 the former Soviet leader Mikhail Gorbachev delivered a warning that mankind faced "the most difficult transition in its history." According to the British newspaper *The Independent* of May the 7th 1992, Gorbachev urged "a new system of global government anchored to the United Nations." The Dutch newspaper *De Volkskrant* reported on the same day that Gorbachev announced "a new era of worldwide democracy."

My contribution to the discussion about democracy is aimed at providing some background from the perspective of argumentation theory.[1] Because I am not an elder statesman, let alone a world leader, I am not in the position to enlighten my views of democracy with such visionary declarations or sweeping statements as I have just quoted. There are, in fact, even more reasons why I cannot be as bold in my pronouncements as I ought to be. My modesty is primarily inspired by the fact that I am not even a social scientist—neither a political scientist nor a sociologist. In discussing what role argumentation can play in the political context of democracy I am going to lean for a large part on the intellectual keystones erected by others.

45.2 Developments Towards Democracy

I am not so sure about Gorbachev's predictions about the future, but he was, of course, right about the past. As far as democracy is concerned, in the decade before he made his speech the situation in the world had changed dramatically. There had been a

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[1]For an extensive overview of historical backgrounds of the study of argumentation and contemporary developments in the various approaches to argumentation theory, see van Eemeren et al. (1996).

semi-mondial movement from various kinds of right and left wing totalitarianism and authoritarianism towards "economic rationality" and "political democracy." The radical transitions that were taking place in Eastern Europe, where a closed and monolithic communist block seemed to be transforming into an (ever-increasing) assemblage of market-oriented democracies, are a perfect illustration.

The rebellion against communist totalitarianism started openly with the events in Poland in 1976. Of course, it could only effectively succeed after the crucial Gorbachev revolution in the Soviet Union. Now we all know, what some of us at the time suspected, and only insiders really knew, that before that it was mainly the fear of physical force, be it from within the country or from outsiders, that had kept the system going for such a long time. From the late 1950s, ideology was no longer the cement, to use Gramsci's expression, that held these societies together. According to Przeworski (1991), what had developed was "an implicit social pact in which ruling elites offered the prospect of material welfare in exchange for silence."[2]

In *Democracy and the Market*, Przeworski cites a Soviet joke—a so-called "anecdote"—that expresses the same point very nicely. A man is distributing leaflets in Red Square. He is stopped by a policeman, who confiscates the leaflets, only to discover that they are blank. "What are you spreading? They are blank. Nothing is written!" the surprised guardian of order exclaims. "Why write?" is the answer. "Everybody knows …".

It is often observed that in the communist world speech had become a ritual—or else it was dangerous.

45.3   The Eastern European Syllogism

The premise of what Przeworski calls "the Eastern European syllogism" is: "If it had not been for 'the system,' we would have been like the West." But what warrant do we have to complete the syllogism, that is: to believe that now, once "the system" is gone, Eastern Europe will find its path to "democracy, markets, and Europe"—to the West? Half of the world's population lives in countries that are capitalist, poor, and ruled by intermittent outbursts of organized violence.

In the mid 1970s transitions to democracy were inaugurated in Southern Europe (in Greece, Portugal, and Spain), in the early mid 1980s in Latin America and during the "Autumn of the People" of 1989 in Eastern Europe. When thinking about how democracy will develop in Eastern Europe it is tempting to look at Spain for a model because Spain has been so successful, politically as well as economically. But put Poland in the place of Argentina, Hungary in the place of Uruguay and you will see states weak as organizations; political parties and other associations that are ineffectual in representing and mobilizing; economies that are

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[2]What I have to say about the changes in Eastern Europe is largely (and sometimes even literally) taken from Przeworski's work.

monopolistic, overprotected, and overregulated; agricultures that cannot feed their own people; public bureaucracies that are overgrown; welfare services that are fragmentary and rudimentary.

The main reason to have some confidence that Eastern Europe will escape the politics, the economics, and the culture of poor capitalism, and that it will soon join the West, is geography. The central premise of the Eastern European syllogism is in fact: "There is only one Europe"—the European civilization of which Eastern European countries have been traditional members. Yet will geography be enough to shape economic and political futures? Whether the location of Eastern Europe is such that it will attract flows of investment is still an open question.

Przeworski rightly warned us that it was naive to think that a change in system is enough. Democracy (in any form) may be a necessary condition for economic growth, but it is by no means a sufficient condition, let alone that it is a sufficient condition for complete happiness. Of course, we knew that all the time, but when reflecting on the role of argumentation in democratic social change it is certainly worth remembering that the success, and even the durability, of a new democracy not only depends on its ideological starting points and institutional structure but to a large extent on its economic performance.

45.4   Democracy as "Organised Uncertainty"

Even if it were crystal-clear what kind of economic system should be aimed for, the road to it is not an easy one. This may sound pessimistic—but do the Poles not say that pessimism is merely informed optimism? Transitional effects of reforms are likely to include inflation, unemployment, allocative inefficiencies, and volatile changes. Unfortunately, this prediction has recently again come true in several countries –not least in Russia. It is hard to tell whether the unavoidable transitional costs will be tolerated politically in the end. In a period of major change and economic collapse there are inevitably authoritarian temptations.

Against this background, the question arises what kind of democracy will be the strongest in actual practice. What kind of democracy is not only fair and effective but also the most likely to last? A democracy, of course, that has the quality to cope with the problems of a changing society. Oddly enough, the first prime minister of modern Spain, our model of a successful democracy, Adolfo Suárez, regarded it as a quintessential feature of any democratic process that the outcomes are uncertain: indeterminate *ex ante*. In a democracy it is "the people," political forces competing to promote their interests and values, who determine what these outcomes will be. In spite of politicians often being in error but never in doubt, democracy amounts to *organised uncertainty* or, as Linz (1990) puts it, government *pro tempore*.

The crucial moment in any passage from authoritarian to democratic rule is the crossing of the threshhold beyond which no one can intervene to reverse the outcome of the formal political process. Democratization is an act of *institutionalising uncertainty*: of subjecting all interests to competition. It is inside the institutional

framework for processing conflicts offered by democracy that multiple forces compete. Although the outcome depends on what participants do, no single force controls what occurs. Here lies the decisive step towards democracy: in the devolution of power from a group of people to a set of rules.[3]

In a democracy, conflicts are ended under established rules. They are, according to Coser (1959), "terminated," temporarily suspended rather than resolved definitively. Ultimately, voting—majority rule—is the only arbiter. Pertinent here is Jules Coleman's observation that "consenting to a process is not the same thing as consenting to the outcomes of the process" (1989, 197). Habermas (1975) distinguishes in *Legitimation crises* between "legality"—*ex ante* acceptance of rules—and "legitimacy"—(for him) the *ex post* evaluation. He and Lipset (1960) agree that *ex post* evaluations modify the *ex ante* commitments.

45.5   The Modern Conception of Democracy

Whether we like it or not, compliance with democratic decisions is not self-evident.[4] How does it happen that political forces that lose in contestation comply with the outcomes and continue to participate rather than subvert democratic institutions?[5] Is their compliance due to the fact that democracy automatically leads to the good? To Schumpeter (1950), by far the most influential of modern theoreticians of democracy, democracy is not an end in itself. To make this clear, he proposed a "mental experiment." Imagine a country which, democratically, persecuted Jews, witches and Christians. It is not a sufficient ground to approve of these practices just because they had been decided upon democratically.[6]

In his book *Capitalism, Socialism and Democracy*, Schumpeter (1950) defines democracy as "a political *method*, […] a certain type of institutional arrangement for arriving at political—legislative and administrative—decisions" (1943, 242).

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[3]Of course, these rules are not immutable: They can be changed.

[4]According to some, the problem of compliance would not emerge if democracy were rational in the sense of eigthteenth-century democratic theory. If social interests were harmonious, conflicts would be but disagreements about identifying the common good. They could be overcome by rational discussion. The role of the political process would be only epistemic, a search for the true general will.

[5]There are competing views of compliance (and hence of the endurance of democracy). The justifications of democracy, and in particular of the coercion applied to force compliance, given in the philosophical literature vary from a reference to spontaneous self-enforcing outcomes (or *equilibria*), bargains or contracts, and a higher kind of moral norms.

[6]Peter Houtlosser reminded me of an even more realistic example, i.e. the rejection of democracy in Algeria in 1992 after the fundamentalists were expected to win the elections.

The democratic element in the method is the periodic competition of leaders (élites) for the votes of the electorate in free elections.[7] This competition for leadership is the distinctive feature of the modern political method: "That institutional arrangement for arriving at political decisions in which individuals *acquire the power* to decide by means of a competitive struggle for the people's vote" (269, my italics).

Elections are crucial, because it is through elections that the majority can exercise control over their leaders. "Political equality" refers in modern theory of democracy to one man one vote. To be able to maintain such a *representative* system of democracy, the electorate and the political parties must be clearly stratified into leaders and followers. Compliance with the democratic system is only to be expected provided the leaders of the losers of an election can convince their followers that they stand a realistic chance of doing better at the next election, so that eventually they may gain power. Political forces comply with present defeats because they believe that the institutional framework that organizes the democratic competition will permit them to advance their interests in the future.

Conspicuously, modern theory of democracy is presented as a "value-free," empirically-based sociological theory, but Pateman (1990) is right when she observes in her book *Participation and Democratic Theory* that this theory does not merely describe.[8] The normative content of the theory reflects the view that Anglo-Saxon Westerners are living in the "ideal" democratic system. It is even implied that this system includes a set of standards or criteria by which a political system may be judged "democratic." In practice, the main emphasis in modern theory of democracy is on the stability of the political system, on its capacity for survival. According to most theoreticians, this stability is largely due to the fact that in western democracy participation is minimized and democracy amounts in fact to *polyarchy*, the rule of *multiple minorities* or even *competing élites*.[9]

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[7]It is on the competition between leaders for the votes of the people that 'control' depends. The individual can switch his support. This competition is the specifically democratic element in the method. The value over other political methods is that it makes possible an extension of the number, size and diversity of the minorities that can bring their influence to bear on policy decisions, and on the whole political ethos of society (Dahl 1956a, b, 1971).

[8]Modern theorists of democracy claim to be empirical and descriptive. Their work is grounded in the facts of present-day political attitudes and behaviour as revealed by sociological investigation. My philosophical observations concerning the theory of democracy are largely (and sometimes even literally) taken from Pateman (1990).

[9]See Dahl (1956a, b) and Sartori (1962). All Sartori's arguments are coloured by the fear that the active participation of the people in the political process leads straight to totalitarianism. The people, Sartori says, must "react," they do not "act." As Eckstein (1966) expresses it: There must be a "healthy element of authoritarianism" and for a stable democratic system the structure of authority in national government cannot be really, or "purely," a democratic one.

45.6   The Classical Conception of Democracy

The representative system of Anglo-Saxon-type democracy, with its technocratic style and ineffective way of policy making, may easily undermine popular support for democracy, especially in Eastern Europe where several of the newly-developed democracies are in the process of carrying out a stringent program of social and economic reforms. In my view, a more participatory style of governing is required to maintain political support. In theory, there is always participation in democracy, but modern theoreticians are most reluctant to acknowledge this. They see participation mainly as a threat to stability.

In adopting this attitude, they react against what they call the "classical theory of democracy." Whereas to modern theory "participation" is merely participation in the choice of decision makers,[10] to classical theory maximum participation by all the people is central. The ideal of classical theory is to have all the decisions be made by "rational and active and informed democratic man" (Davis 1964, 29).

Among the wide range of names of classical theoreticians are those of famous philosophers such as Jean-Jacques Rousseau, Jeremy Bentham and the two Mills: James and John Stuart. What they have to say is, according to Pateman, not only misrepresented by Schumpeter, but in his effort to offer a new definition of democracy Schumpeter has also ignored that their writings include, in fact, two very different theories about democracy. The position of Bentham and James Mill is quite different from that of Rousseau and John Stuart Mill.

Pateman thinks it nonsense to speak of *one* "classical" theory of democracy.[11] Bentham (1843) and Mill (1937) were almost entirely concerned with the national "institutional arrangements" of the political system, and to them the participation of the people has the very narrow, and purely protective function of it ensuring that the private interests of each citizen were protected.[12] In the theories of Rousseau (1953) and Mill (1965), participation has far wider functions: It is central to the establishment and maintenance of a democratic polity, not only at the national level, but also at the "lower" levels.

Regrettably, Schumpeter's influence has obscured that the present-day theory of representative government is not the whole of democratic theory. He presents us with a false dilemma in which competing élites and "totalitarianism" are the only two alternatives. It may be true that the accepted theory of democracy is one in which the concept of participation has only the most minimal role and the emphasis

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[10]The function of participation in the theory is solely a protective one: The protection of the individual from arbitrary decisions by elected leaders and the protection of these private interests. It is in its achievement of this aim that the justification for the democratic method lays.

[11]Bentham and James Mill expected that electors would make each decision independently of "propaganda" and form their opinions "logically," but neither writer expected that opinions would be formed in a vacuum. Bentham laid in fact great emphasis on the role of public opinion. Mill stressed the importance of educating the electorate into socially resonsible voting.

[12]There is, in fact, nothing specifically democratic about this view of the function of participation. Similar views can be found in Locke's theory (and in the works of Hegel and Edmund Burke).

is placed on the dangers inherent in participation, but by no means does this mean that the ideal of maximum participation must automatically be abandoned. Especially not since Schumpeter's main criticism of the central participatory role of the people in classical democratic theories rests on empirical arguments that do not do justice to the normative aims of these theories.

As Berelson and his co-authors put it in their book *Voting*, "certain requirements commonly assumed for the successful operation of democracy are not met by the behaviour of the 'average citizen'" (1954, 307). But precisely for this reason the classical theoreticians laid great emphasis on the need for better political and other education. According to Schumpeter in a critical analysis, in order that the participatory method may work, "everyone would have to know definitely what he wants to stand for […], a clear *and prompt* conclusion as to particular issues would have to be derived according to the rules of logical inference […]—all this the model citizen would have to perform for himself and independently of pressure groups and propaganda" (1950, 253–254). Leaving aside the gross exaggerations involved in this misrepresentation of the views of the classical theoreticians, I would say that these criticisms are in fact a good formulation of some normative requirements that adequate education in a democratic society should aim to fulfil.

45.7   Democracy as an Organisational System

In my opinion, for the survival of democracy in Eastern Europe, where tough economic and social measures have been, and will be, taken, participation is a prerequisite. But more participation will also be indispensable in solving some of the problems inherent in the democratic system institutionalised in the West. Perhaps it is even not unreasonable to consider a high degree of participation a necessary condition for any living democracy.

Of course, a more participatory democracy is to be preferred to a purely representative one only if it can be shown to work advantageously as an organisational system. I shall illustrate this point by following Bolman and Deal (1991) in making a distinction between various "dimensions" that are indispensable to any organisational system. In *Modern Approaches to Understanding and Managing Organizations*, they describe four different dimensions that have to be fulfilled in a well-balanced way in order for an organisational system to function well.

The first dimension, the so-called *rational* dimension, pertains to the formal or structural aspects of the system. Ideally, the organisational structure should be such that it best fits the purpose or rationale of the system. This structural level concerns the allocation of responsibilities in the organisation, and the hierarchies, rules, and policies created to coordinate the diverse activities. Problems arise when the organisational structure does not really fit the situation.

The second dimension is *social* and pertains to the human resources inhabiting the system and their engagement in its well-functioning. There must be a fit between people's needs, values, skills and limitations and the formal roles and

relationships required to accomplish collective goals and purposes. The key to effectiveness is to find an organisational form that enables people to get the system going whilst feeling good about what they are doing. Problems arise when human needs are suppressed.

The third dimension is *political*; it pertains to the power aspect. How is practical authority negotiated and divided within the system? At the political level, the reality the organisational system has to deal with is seen as an arena where a constant struggle for power and influence is going on. Conflict is expected because of differences in perspectives, needs, and life-styles. Solutions are developed through political skill and acumen—much as Machiavelli suggested. Coalitions form around specific interests: They may change as issues come and go. In this jungle the leaders need to manage power, coalitions, bargaining, and conflict.

The fourth dimension, the *symbolic* dimension, pertains to the ceremonial aspects of the system. In what ritualistic ways are the meaning and the image of the system built and maintained? At this level, the system is seen as a theatre that is held together more by shared values and culture than by goals and policies. The interest focuses on the way in which the system is propelled more by rituals, ceremonies, stories, heroes, and myths than by rules, policies, and managerial authority. Problems arise when actors play their parts badly, when symbols lose their meaning or when ceremonies and rituals lose their potency.[13]

It is only if all these four dimensions are given their proper due that the organisational system is likely to appreciate the full depth and complexities of real-life practice. Ideally, in a democratic organisation of society the four dimensions are blended into a clear and coherent meaningful whole. However, if a predominantly representative and a predominantly participatory democratic system are systematically compared along these four dimensions, some crucial differences come to light. For now I shall restrict myself to just a few observations. Along the same lines, more, and increasingly precise, observations can easily be made—and should be made, of course.

Let me start with the rational dimension. Although this is by no means beyond discussion, in principle, the representational democracy in the western countries seems reasonably well-adjusted to the organisational aims of governing. However, in systems of this type, there is a striking, and even disturbing, imbalance as to the relative weight that is attributed to each of the four dimensions: The rational, or structural, dimension outweighs the other dimensions by far. Even where the cause of problems is seen as personal, i.e. lies in the realm of human resources, there is a tendency to propose solutions amounting to restructuring.

In the social dimension of human resources participatory democracy has essentially a much better score than a merely representational democracy: If the

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[13]At this juncture, irrelevant to my argument as it may be, one cannot help thinking of the problems of identification with the system that have come to light in Los Angeles and other big cities in the United States in the last decade of the 20th Century.

system works, in a participatory democracy the personal commitment of all concerned is as it were by definition ensured.

What about the political dimension? In a representational-type democracy, by definition those that are represented do not play an active political role. They constitute the electorate and are at best engaged spectators to the political process—as long as they feel enough committed to read about political dealings in the papers, or to watch television or listen to the radio.

The strength of the symbolic dimension, whose importance is so often underestimated in a more technical conception of democracy, varies from country to country. Paradoxically, it is particularly important to countries that lack a democratic tradition, and, consequently, do not entertain any old ceremonies or rituals, let alone that they can refer to a stimulating historical background. In a purely representational democracy the problem might be that the citizens have become so far removed from the real exercise of power that the sense of the democratic rituals has been lost to them and the rationale of the democratic culture forgotten. In a participatory democracy this is less likely to happen.

There is no need to draw any far-reaching conclusions from this brief analysis, but the picture that arises from the comparison is clearly that, in principle, a more participatory democracy offers better prospects for an effective organisational system than a merely representational democracy. This will apply more so to cases such as the developing democracies in Eastern Europe where the organisational system is under heavy pressure from difficult economic and social problems without there being any possibility of relying on an established democratic tradition.

45.8   Participatory Democracy and Critical Discussion

It is, of course, nice to know that it is important to aim for a more participatory democracy. But what does this mean in practice?

Leaving aside matters of institutional organisation, important though they are, participation in democracy amounts first and foremost to an engagement of the members of the community, or the society at large, in a continual and public discourse about common interests, policies to be developed and decisions to be taken. Taking into account that preferences may change as a result of communication, Schumpeter rightly calls the will of the people "the product, not the motive power of the political process" (1950, 263). Nevertheless, in modern representative democracy the outcomes of the political process are predominantly a product of negotiations among political leaders rather than the result of a universal deliberative process.

It is probably no exaggeration that in western representative democracies, as others have said, limited participation and apathy are considered to have a positive function for the whole system by cushioning the shock of disagreement, adjustment and change. More often than not so-called political "discussions" are not more than a one-way traffic of leaders talking down to their voters. The leaders have the ideas, the voters just applaud them and follow. It is only when elections are close that the

politicians adjust their campaign—sometimes embarrassingly opportunistically—to the avowed opinions of their voters, albeit that this adjustment is by no means the result of extensive discussion of potential issues.[14]

At this juncture, it is necessary to make a distinction between discussion as a regulated critical dialogue aimed at resolving a difference of opinion, and quasi-discussion that is in fact a monologue calculated to win the audience's consent to one's own views. In the latter case, the discourse is merely rhetorical in the narrowest sense. If discussion does not simply mean unidirectional persuading, but refers to a methodical argumentative exchange governed by the purpose of finding out together with one's opponent what is just or acceptable, allowing oneself also to be persuaded, then the discourse may be called *dialectical* in a critical-rationalist sense.

In my opinion—and in saying this I am only following greater minds such as Karl Popper's—democracy should always aim at such a critical discussion in the dialectical sense. This is the only way of making participation really contribute to the quality of the proceedings instead of being merely a token property of democracy. Whether the participation is channelled through proportional representation or otherwise, the institutional organisation should be such that it provides a procedural framework that enables critical discussion to come off the ground. Bachrach considers systematic rules of procedure to be necessary if the country's political method is to be called "democratic" (1967, 18–20).

In my opinion, dialectical rules for argumentative discourse are the crucial part of a discussion procedure that gives substance to the ideal of participatory democracy. Viewing argument dialectically means that argumentation is seen as occurring within a critical discussion. The argumentation is then regarded as part of a regimented procedure for testing a standpoint against the critical reactions of a rational judge. Following Crawshay-Williams's distinction between *methodological* and *conventional* validity (1957, 175), Barth and Krabbe have explained that a critical discussion procedure takes its reasonableness from a two-part criterion (1982, 21–22).

The methodological, or *problem-solving*, validity of the procedure (1) has—in my interpretation—to do with its efficacy for serving its purpose. If the purpose of critical discussion is thought to be resolution of disagreements, then the critical discussion model must be designed in such a way as to lead to efficient resolutions and to avoid obstacles to resolution or "false" resolutions.[15] The conventional, or

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[14]The "coup de grace" against the theoretical view of democracy as rational deliberation seems to have been administered in 1923 by Carl Schmitt in his book *The crisis of parliamentary democracy* (1988). Schmitt argues that not all the political conflicts can be reconciled by discussion. At a certain point, issues are decided by voting. From this he concludes that conflicts can be resolved only by recourse to physical force. However, Habermas is certainly not the only one who thinks this a too hasty conclusion.

[15]Our pragma-dialectical model of argumentation derives it problem-solving validity from the incorporation of preconditions and discourse mechanisms tailored to the cooperative search for resolution. See van Eemeren and Grootendorst (1992) and van Eemeren et al. (1993).

intersubjective, validity of the procedure (2) has to do with the conformity between its various components and the values, standards, and objectives actual arguers find acceptable. One way to establish the intersubjective validity of a dialectical procedure is by showing that it is a specialized version of more general principles of cooperation.[16]

Such an emphasis on the functional aspects of argumentative discourse, and on its interactional context, allows us to both describe and evaluate argumentation in relation to its purposes. Argumentation arises in response to or in anticipation of disagreement, and particular lines of justification are fitted to meet the nature of that disagreement. The structure of argumentation, the requirements of justification, and the need for argumentation itself are all adapted to the context in which opposition, objections, doubts, and counterclaims arise. This functional and dialectical approach to argumentative discourse indicates how on a more specific procedural level justice can be done to our earlier claim that democracy is quintessentially institutionalised uncertainty.[17]

45.9 Higher Order Conditions for Critical Discussion

Let us think of the dialectical discussion procedure as a "code of conduct" for rational discussants. What sort of people could adopt such a code? In what situation would such a code be possible?

The code of conduct presumes, fundamentally, that both parties wish to resolve, and not merely to overcome or settle, the disagreement. With Barth and Krabbe (1982, 75), we can think of the assumed attitudes and intentions of the arguers as "second order" conditions that are preconditions to the "first order" rules of the code of conduct.[18] The second order conditions correspond, roughly, to the

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[16]A commitment to a dialectical approach to argumentation does not necessarily mean analyzing only those exceptional cases in which there is a one hundred percent rational and reasonable discussion. What it means instead is distinguishing between principles and practices, between rules and regularities.

[17]Argument is very often described in structural terms. Although structural analyses of argument have much to recommend them, they tend to ignore the functional motivations and functional requirements that underlie the structural design of an argument. The functional view departs from a strictly structural view of argument, by emphasizing the function of argument in managing the resolution of disagreements.

[18]The first order conditions, if satisfied, provide certain guarantees against things that could go wrong in the search for a resolution to a disagreement. They assure, for example, 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. See van Eemeren et al. (1993).

psychological make-up of the arguer and they are constraints on the way the discourse is conducted. Second order conditions concern the internal states of arguers: their motivations to engage in critical discussion and their dispositional characteristics as to their ability to engage in critical discussion.[19]

Second order conditions require that participants be able to reason validly, to take into account multiple lines of argument, to integrate coordinate sets of arguments, and to balance competing directions of argumentation. The dialectical model assumes skill and competence in the subject matter under discussion and on the issues raised. Sophistication, complexity, and subtlety of an argument should not be negative considerations against considering that argument.

But not only must participants be willing and able to enter into a certain attitude, they must be enabled to claim the rights and responsibilities associated with the argumentative roles defined by the dialectical model. To say that in dialectical discourse everyone should have the right to advance his view to the best of his ability is to presuppose a surrounding socio-political context of equality. This means that there are conditions of a still higher order to be fulfilled than second order conditions, "third order" conditions. Third order conditions involve ideals such as non-violence, freedom of speech, and intellectual pluralism. The dialectical model assumes the absence of practical constraints on matters of presumption in standpoints. The goal of resolution of differences "on the merits" is incompatible with situations in which one standpoint or another may enjoy a privileged position by virtue of representing the *status quo* or being associated with a particular person or group. Presumption is a matter to be decided in the discussion, not a matter to be imposed on a discussion.

No doubt, many of us will have realised that the conditions I am referring to are also among the necessary conditions for the operation of the democratic method summed up by some of the theoreticians of modern democracy.[20] Some of us will also have recognized this classification of higher order conditions as corresponding,

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[19]Motivations and abilities are of course in complex ways interrelated: Defects in motivation may reflect various sorts of constraints on ability. For example, failure to maintain an impartial point of view may reflect difficulties in decentering from one's own concerns and taking the perspective of other parties. And heightened motivation can, to a certain extent, offset limited abilities to, say, follow complex arguments or to engage in impartial reflection on the issues. See van Eemeren et al. (1993).

[20]Among the necessary conditions for the operation of the democratic method mentioned in the literature are civil liberties, tolerance of others' opinions, a "national character and national habits of a certain type," unanimity in the allegiance to the "structural principles of existing society," limitation of the intensity of conflict, restraint of the rate of change, maintenance of social and economic stability, a pluralist social organisation and basic consensus, and consensus on norms, at least among leaders.

roughly, to Heider's (1953) discussion of a naive theory of action as involving personal force and environmental force.[21] There are, of course, other ways to organize the factors influencing the success and failure of actions. Not a great deal hinges on this particular set of differentiations, but it is a useful expository tool.[22]

We have to take into account that actual human interaction is not "naturally" and automatically always resolution-orientated.[23] People involved in disagreement are often heavily vested 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. And the same circumstances that often give rise to argument also place practical demands for settlement and practical constraints on the ability to truly resolve disagreement. Actual argumentative practices are shaped by these constraints, and institutions developed to control argumentation are built to overcome or compensate for these constraints.

So one might ask whether the dialectical approach is not a little bit Utopian. Maybe indeed a little bit—I hope. But not too much, I should say. I really wonder whether there is any other acceptable way of trying to cope with the overwhelming problems of change than by promoting a culture of critical discussion. And there are certainly realistic possibilities of doing something about the problems involved. The classical protagonists of a more participatory democracy were already aware of that. They pointed, for instance, at the need to get experience, experience in dealing with authority in other spheres of life, in non-governmental social relationships. "Social training," which they also thought to be important, can presumably help in developing argumentative attitudes that support the democratic norms. And, last but not least, there is always, of course, the major source of public good: education.

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[21]It might also be noted that, for the purposes of critical evaluation, many though not all of these higher order conditions have a moral or ethical dimension to them. Thus, we ordinarily hold people responsible for holding certain attitudes and values, and for having certain purposes and intentions. We require of people that they have the proper motivations in a way that we do not apply to deficits in ability. And likewise, we hold people responsible for "taking advantage of the situation" when it concerns a decision that is under their control. And we can hold institutions responsible for guaranteeing certain third-order conditions (e.g., political and social rights), but not necessarily others (e.g., constraints due to time or presumption). See van Eemeren et al. (1993).

[22] From a slightly altered framework, it might for example be useful to distinguish fourth order conditions relating to "normal input and output conditions" (as Searle 1969, calls them). They specify among other things that, for analytical purposes, the basic model of a critical discussion situation assumes that people have a normal communicative capacity and are in a physical situation that allows the transmission of interpretable signals. However, nonfulfillment of these conditions would affect communication in general, not just argumentation, and therefore these conditions can be left out here. See van Eemeren et al. (1993).

[23]Even if the interaction is resolution-orientated, there is still a tension in argumentative discourse between the participants' dialectical goal of dispute-resolution and their rhetorical aim of having things their own way. The need to overcome the tension between these two objectives gives rise to 'strategic manoeuvring.' See van Eemeren and Houtlosser (2002).

45.10   The Role of Argumentation in Democratic Change

Let me now, by way of conclusion, summarize what wisdom concerning the role of argument in democratic social change I have tried to convey to you. By the book, and this is confirmed by *Webster's* and *The Concise Oxford Dictionary*, "democracy" means "government by all the people," but it can be more profoundly characterised as "institutionalised uncertainty." Democracy, per se, is no guarantee that our social and economic problems will be solved, especially not if democracy, in the modern fashion, is interpreted as being exclusively representational. In my opinion, the problems of Eastern European and other young democracies can be confronted only with a more participatory democracy.

I have argued that, as an organisational system, because of its exploitation of human resources, a participatory democracy of the classical type is, in principle, superior to a merely representative democracy. Still, in practice, participation will only work if adequate procedures can be developed for public discourse. To my mind, such procedures need to be dialectical, allowing for a methodical critical discussion between protagonists and antagonists of the various—often conflicting—viewpoints. In this way, argument plays a crucial part in the managing of uncertainty that is inherent in the exercise of democracy.

For the purpose of achieving a more participatory democracy, a dialectical code of conduct for critical discussants can be instrumental. However, the possibility of resolving differences by means of argument does not only depend on the availability of an adequate set of rules for conducting a critical discussion, however problem-valid. It also depends on people's attitudes and competence, and on the realization of social and political principles. For one thing, this again illustrates the importance of the social dimension of human resources—of participation—to the maintenance of a vital, i.e. effective as well as inspiring, democracy.

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Chapter 46
In Varietate Concordia—United in Diversity European Parliamentary Debate as an Argumentative Activity Type

Frans H. van Eemeren and Bart Garssen

46.1 Introduction

In Varietate Concordia—United in Diversity, the motto of the European Union printed proudly on all official paperwork of the European Parliament, proves a smart choice now so many Europeans are ambivalent about the European project. On the one hand the Europeans are afraid that they will lose control over their own national identities as a consequence of the rapidly increasing power of Europe's central administration; on the other hand they realize that the European Union brings more prosperity and makes it possible to fight the financial and economic crisis much more effectively. The motto voices this ambivalence and points to the predicament of the European Parliament: having to reconcile a quest for univocal common legislation that serves the whole Union with satisfying a variety of different local interests and views. Over the years, the European Parliament has become an institution with a certain amount of power, especially since the co-decision procedure has come into place that gives the European Parliament the right to decide together with the European Council on new legislation initiated by the European Commission.

In our contribution to this special issue on strategic maneuvering in political discourse we want to shed some light on how European legislation and policies are debated in European Parliament and how strategic maneuvering in European parliamentary debate is preconditioned by the specific conventionalization of this debate and the participants' dualistic position regarding Europe and their home countries. We shall try to do so by characterizing plenary European parliamentary debate as an argumentative activity type which affects the conduct of political argumentative discourse. In taking the pragma-dialectical approach to strategic maneuvering in political argumentative discourse, we join in with the other studies of the political domain brought together in this issue, while contributing at the same time to the exploration of argumentative discourse in European Parliament, our new research focus.

46.2   Conventionalized Communicative Practices as Argumentative Activity Types

Argumentation is a theoretical concept given shape in analytical models such as the ideal model of a critical discussion but it is also, and even in the first place, an empirical phenomenon that can be observed in a multitude of communicative practices. Because these communicative practices are connected with specific kinds of institutional contexts in which they serve a variety of institutionally relevant purposes, they have become conventionalized in accordance with varying kinds of requirements.[1] Due to the context-dependency of communicative practices, the possibilities for strategic maneuvering in argumentative discourse taking place in such practices are to some extent determined by the institutional preconditions prevailing in the communicative practice concerned. This makes it necessary to situate the analysis and evaluation of strategic maneuvering in the macro-context of the "communicative activity type" in which the maneuvering occurs (van Eemeren and Houtlosser 2005).

Characterizing the macro-context of a communicative activity type amounts to describing, starting from the domain of communicative activity to which a certain communicative practice belongs, the institutional conventions instrumental in realizing through a particular kind ("genre") of communicative activity the "institutional point" of the communicative practice.[2] Assuming that the conventionalization of communicative activity types has come into being to serve the purpose of realizing the institutional point of the communicative practices concerned, the conventionalization of every communicative practice that can be intersubjectively recognized as such may be deemed dependent on the institutional rationale of this communicative practice.[3] Such an institutional rationale reflects the institutional

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[1]We use the terms *institution*, *institutional* and *institutionalized* in a very broad sense, so that they refer to any established macro-context in which certain communicative conventions have developed.

[2]This concept of activity types introduced by van Eemeren and Houtlosser (2005) will be explained in more detail in van Eemeren (to be published). Levinson uses the term activity type in the meaning of "fuzzy category whose focal members are goal-defined, socially constituted, bounded, events with constraints on participants, setting, and so on, but above all on the kinds of allowable contributions" (1992, p. 69).

[3]We think that our approach connects with "rational choice institutionalism" within New Institutionalism as practiced in political science, economics, anthropology and sociology. In dealing with the question of how to construe the relationship between institutions and behavior, new institutionalism emphasizes the relative autonomy of political institutions and the importance of symbolic action to understanding institutionalized behavior (March and Olsen 1984, p. 734). According to Hall and Taylor, rational choice institutionalism draws our attention to "the role that strategic interaction between actors plays in the determination of political outcomes" (1996, p. 951). Generally this approach is highly "functionalist" in the sense of explaining the origins of an institution largely in terms of the effects that follow from its existence, "intentionalist" in the sense of assuming that the process of institutional creation is a highly purposive one, and its analyses are highly "voluntarist" in the sense that they tend to view institutional creation as a

needs the communicative practice aims to satisfy and manifests itself in the contextual succession of individual speech events issued in the domain of communicative activity in which the conventionalized communicative activity type concerned has developed. Generally, when studying these speech events from the perspective of argumentation theory we are examining them as tokens, instantiations or representations of a communicative activity type.[4]

Viewed in this way, communicative activity types are conventionalized communicative practices whose conventionalization serves the institutional needs of a certain domain of communicative activity through the implementation of a specific genre of communicative activity.[5] The genres of communicative activity that are employed may vary from adjudication, disputation and deliberation to negotiation, consultation and "communion-ation."[6] Realizing the institutional point of a communicative activity type through the use of the appropriate genre of communicative activity amounts to accomplishing the institutional mission this activity type is meant to fulfill in a certain communicative domain. In some cases the conventions of the communicative activity types making use of a certain genre of communicative activity are fully explicit constitutive or regulative rules, in other cases they are largely implicit rules of some kind, established practices or simply common usage.

(Footnote 3 continued)

quasi-contractual process marked by voluntary agreement among relatively equal and independent actors (Hall and Taylor 1996, p. 952).

[4]In practice, we may sometimes be specifically interested in a particular individual speech event; for instance, when we are conducting a case study of a certain historical text, such as the Apologia pamphlet that William the Silent published in 1580 in response to the Ban Edict issued by King Philip II of Spain (van Eemeren and Houtlosser 1999, 2000).

[5]As explained by van Eemeren and Houtlosser (2005), communicative activity types are not on a par with theoretical constructs such as the pragma-dialectical ideal model of a critical discussion. While these theoretical constructs are based on analytic considerations concerning the best way of reaching a certain (abstract) objective such as resolving a difference of opinion on the merits, the various communicative activity types are empirically-based prototypes of conventionalized communicative practices. Unlike theoretical constructs such as the model of a critical discussion, which are designs for identifying the constitutive parts of a problem-valid procedure for achieving a specific normative objective, the various communicative activity types and their associated speech events represent communicative practices that have come into being and have been conventionalized in the culturally established pursuit of realizing the institutional point of a communicative activity. By distinguishing in this way between an ideal model and argumentative activity types, and making a fundamental theoretical distinction between these two categories of concepts, we deviate in an essential way from approaches to argumentative discourse types such as Walton's (1998) and Walton and Krabbe's (1995). For a comparison between our approach and theirs, see van Eemeren, Houtlosser, Ihnen and Lewinski (to be published).

[6]Such genres can also be viewed as "families" or "conglomerates" of communicative activity serving certain clusters of communicative activity types.

Among the communicative activity types that have come into being in the political domain, where the genre of disputation is used most prominently,[7] are next to the plenary European debate examined by us and by Plug (this issue) for instance also the General Debate ["algemene beschouwingen"] in Dutch Parliament studied by Tonnard (this issue), the lawmaking debate in British Parliament studied by Ihnen (this issue), Prime Minister's Question Time in British Parliament studied by Mohammed (this issue), and the political interview studied by Andone (this issue).[8] The general institutional point that all these communicative activity types have in common on an abstract level is preserving political democracy. In the case of the General Debate in Dutch Parliament, for instance, the more specific institutional aim is to confront the government with the views of the elected representatives of the people on their policy plans and the financial backing of these plans; the institutional conventions of the General Debate are provided by parliamentary tradition and the debate format is laid down in parliamentary procedure. The institutional aim of Prime Minister's Question time, to give another example, is to hold the Prime Minister to account for his government's policies; the institutional conventions of Question Time and the format of the exchange of questions and answers are determined by existing regulations, the House of Commons Procedure Committee and the parliamentary rule of order. The institutional aim of a political interview, finally, is to make the politician clarify and justify his position; the institutional conventions are determined by the regulations pertaining to the medium and the professional requirements of the trade, which also determine the format. As an illustration of the relationship between communicative activity types and certain genres of communicative activity we list in Fig. 46.1 some of the disputational activity types just mentioned together with some communicative activity types implementing other genres of communicative activity.

Communicative activity types may be non-argumentative, but in these activity types more often than not—directly or indirectly—argumentation plays a part, whether structurally or incidentally, so that the communicative activity type concerned is partly or wholly argumentative. Whereas a parliamentary debate is inherently argumentative, a political interview argumentative in essence, and a love letter as a rule not argumentative, a prayer may be coincidentally argumentative when it tries to claim a favor and contains perhaps even supporting arguments. When analyzing communicative activity types that are inherently or essentially argumentative we call them *argumentative* activity types. In argumentation research, however, the term *argumentative activity type* is also used when other

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[7]We use the term *disputation* here in its colloquial meaning and not in the more restricted dialectical meaning in which Aristotle used this term. We prefer to use the term *deliberation*, which is in the Aristotelian tradition connected with political argumentative discourse, to refer to problem-solving activity types in scientific and scholarly contexts.

[8]See also Ilie (2003) and Zarefsky (2008).

domain of communicative activity	genre of communicative activity	communicative activity type	speech event
legal communication	adjudication	- *court proceedings* - arbitration - summons	*defense pleading at O.J. Simpson's murder trial*
political communication	disputation	- *General Debate* - political interview - Prime Minister's Question Time	*Geert Wilders's contribution to the General Debate of 2008*
(inter)personal communication	communion-ation	- *chat* - love letter - apology	*Corina's talk with Dima about what they did in the weekend.*

Fig. 46.1 Examples of communicative activity types implementing genres of communicative activity

communicative activity types are analyzed for their argumentative dimension (van Eemeren and Houtlosser 2005).

The theoretical model of a critical discussion developed in pragma-dialectics can be instrumental in characterizing a communicative activity type as an argumentative activity type, because depending on the institutional requirements the four stages of a critical discussion are "realized" in the argumentative activity types of argumentative reality in different fashions. For each communicative activity type it must be determined in what way it can be characterized argumentatively by describing the distinctive features of the empirical counterparts of the four stages of a critical discussion: the initial situation, the procedural and material starting points, the argumentative means and criticisms and the possible outcome. In Fig. 46.2 we give in these terms a general argumentative characterization of the multi-varied communicative activity types making use of disputation in the political domain.[9]

46.3 Institutional Preconditions for Strategic Maneuvering

In all communicative activity types the participants maneuver strategically to fulfill their institutional mission in the specific macro-context concerned in a way that is reasonable and effective at the same time. Due to the specific requirements of the

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[9]Although some also speak of "disputation" when there is no "third party" audience, we are inclined to think that the fact that the (assumed) presence of a third party audience is vital for the strategic maneuvering taking place in disputation. In fact, without such an audience the institutional constraints on the strategic maneuvering will rather be those of deliberation or some other genre of communicative activity.

critical discussion	confrontation stage	opening stage	argumentation stage	concluding stage
genre of communicative activity	initial situation	procedural and material starting points	argumentative means and criticisms	possible outcome
disputation	characteristically mixed or exceptionally non-mixed disagreement on policy issue; decision up to a usually non-interactive and heterogeneous audience	explicit or implicit rules of debate; explicit and implicit (pre-eminently value-related) concessions on both sides	argumentation and criticisms regarding the standpoints at issue in critical exchanges	settlement of disagreement or resolution for parts of the audience (exceptionally no return to initial situation)

Fig. 46.2 Argumentative characterization of communicative activity types exploiting the genre of disputation

institutional mission, certain modes of strategic maneuvering may lend themselves well or, as the case may be, not so well for being used in a specific communicative activity type. The institutional preconditions stipulated by the communicative activity type in which the strategic maneuvering takes place may affect all three aspects of strategic maneuvering in every discussion stage: in the confrontation stage, opening stage, argumentation stage as well as concluding stage there can be constraints regarding the topical choices, the adaptation to audience demand, and the use of presentational devices which impose, on the one hand, specific limitations on the possibilities for strategic maneuvering and create, on the other hand, specific opportunities for strategic maneuvering.

Communicative activity types implementing disputation start as a rule from a mixed or exceptionally non-mixed disagreement on a policy issue between two or more persons who are addressing each other or are responding to each other's contributions but are in fact out to gain the support of a broader audience. Although the disputants debate each other, the usually non-interactive and heterogeneous audience—which may consist of (a mix of) supporters, opponents and neutral bystanders—is in fact their primary addressee.[10] In disputation before an audience the procedural starting points are basically the same for all participants, but the material starting points are usually different in important respects. In their critical exchanges with each other all parties use argumentation to defend their standpoints in which they make use of each others' explicit and implicit (pre-eminently value-related) concessions and act in accordance with explicit or implicit procedural

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[10]The audience may consist of listeners who are present on the occasion but also of people who are watching television, listening to the radio or reading the polemics in a newspaper.

rules. The audience is usually heterogeneous and not interactive but the members of this audience determine nevertheless the outcome of the disputation because they are the ones who decide in the end whether they (or some of them) have changed their mind or whether the initial situation will be maintained and in case it concerns a settlement they decide on how to vote.

There is room for strategic maneuvering in all stages of the exchange and the conventional constraints on the maneuvering are in the first place dictated by the institutional mission of the parties to reach their primary audience via a critical exchange with the secondary audience consisting of their actual interlocutors. In order not to seem non-cooperative, unresponsive, impolite or even rude to the primary audience, the participating parties have to take note of each others' questions, statements and other contributions and need to conduct their strategic maneuvering accordingly. In addition, the format of the disputation may impose still other constraints on the parties, like a chairman deciding on speaking turns, judging the relevance of contributions and allowing or not allowing interruptions. In all cases, whether it concerns parliamentary debate or other cases of public debate, the debaters have to conduct their strategic maneuvering in accordance with the prevailing institutional preconditions.

The following example taken from the 2008 General Debate in Dutch Parliament, shows the Prime Minister, Mr. Balkenende, maneuvering strategically by turning to the next point in order to escape from answering a question asked by a Member of Parliament (MP). In this case, Balkenende does not get away with his evasive maneuver because Dutch MPs have a right of information that entitles them to have all questions answered they regard necessary to judge the government's performance. After the MP whose question is ignored has protested, the Chair of the Second Chamber, Mrs. Verbeet, prevents Balkenende from carrying out this strategic maneuver by using her right as the Chair to intervene when a Member of Government denies an MP the information he requires.[11]

> *Prime Minister Balkenende*:
> I will now start with the next part.
> *Mr. Rutte* (*Conservative Liberal Party*):
> I thought you would also go into the asylum policy, but I did not get an answer to my question yet.
> *Chair*, *Mrs. Verbeet*:
> Part of the asylum policy has been addressed in an earlier stage of the debate, but not your question. […] You are right.
> (Parliamentary Proceedings, 18 September 2008)

This fragment illustrates how in some respects the institutional preconditions for strategic maneuvering may differ from communicative activity type to communicative activity type depending on the impact the need for realizing the institutional

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[11]According to Tonnard (in preparation), who examines in her forthcoming doctoral dissertation the various ways in which standpoints (and doubt) can be excluded from further consideration in Dutch parliamentary debate, Mrs. Verbeet supports the Members of Parliament in their pursuit for clear and relevant answers (www.tweedekamer.nl).

point of the communicative activity type and the ensuing goals and requirements of a particular genre of communicative activity have on the argumentative characteristics of the various stages of the argumentative process. The institutionalized macro-context of the General Debate in Dutch parliament puts certain conventional constraints on the strategic maneuvering that is deemed acceptable in this activity type. Such general constraints can be determined for whole genres of communicative activity but within individual communicative activity types, due to specific requirements, some more specific constraints may apply.

As a consequence of these contextual peculiarities, in analyzing and evaluating argumentative discourse we need to take account not only of the dialectical and rhetorical aims intrinsic in strategic maneuvering but also of the extrinsic constraints imposed on the maneuvering by the institutional aims of the communicative activity type in which the argumentative discourse takes place. When taking our point of departure from the specific speech event we happen to examine, in the analysis and evaluation of argumentative discourse we turn, via the macro-context that determines in a certain communicative domain together with the genre of communicative activity that is used the institutional point of the communicative activity type, to the specific properties defining this communicative activity type as an argumentative activity type. In order to give a more precise account of the contextual constraints on strategic maneuvering in activity types making use of disputation, we shall concentrate on the communicative activity type of plenary debate in European Parliament, because it is at the level of an individual activity type that the institutional preconditions for strategic maneuvering manifest themselves most specifically.

46.4   Plenary Debate in the European Parliament

Together with the Council of the European Union, consisting of government ministers from all the member states of the European Union (EU), the European Parliament decides on legislation and policies initiated and proposed by the European Commission, the politically independent institution representing and upholding the interests of the EU as a whole. Although the European Parliament blends a wide variety of national parliamentary traditions in its procedures, seating arrangements and style, it also has certain distinctive features of its own, owing to the various phases in which its powers in the European Union (EU) have evolved, the linguistic diversity it has to face and the specific treaty obligations it has to meet. Currently there are 785 Members of European Parliament (MEPs), drawn from the 27 member states of the enlarged Union; these MEPs represent over 140 different political parties, which are in the European Parliament organized in 7 Political Groups.

Initially, the powers of the European Parliament were limited to the right of veto. The implementation of the co-decision procedure for legislation, however, which was established under the Treaty of Maastricht and the Treaty of Amsterdam, substantially increased the political impact of the European Parliament and hence

the importance of its debates. In areas where the co-decision procedure applies, the power is more or less equally divided between the Parliament and the Council. The co-decision procedure allows the European Parliament not only to veto legislation but also to amend it. At the same time, it locks the Parliament into a complex and intricate relationship with the Council, because a Commission proposal is presented to both the Parliament and the Council. If one reading does not lead to a decision, two more readings may follow.

In practice, the parliamentary work is organized through a system of standing and temporary committees that are responsible for the preparatory work for plenary parliamentary sittings. The committees draw up, adopt and amend legislative proposals as well as own-initiative reports, consider Commission and Council proposals and, where necessary, prepare reports to be presented to the plenary assembly. Much of their time the committees spend drawing up reports on legislation that is proposed by the Commission, but they can also draw up "own-initiative reports" on issues that fall within the scope of the committee's competence.

Through the Political Groups, Parliament represents the people of Europe. The Groups play a decisive role in choosing the President, Vice-Presidents and the committee chairs. They set the parliamentary agenda, choose the rapporteurs and decide on the allocation of speaking time (Corbett et al. 2007, pp. 70–71). At present there are 7 Political Groups, which represent the political lines of thought prevalent in Europe, including the Eurosceptic movement, which is represented by the Independence/Democracy Group. Each Political Group consists of a great many national political parties. The Group of the European People's Party (Christian Democrats) and European Democrats (EPP-ED) is since 1999 the largest Group; since 2007 it has 277 members, which are distributed over 50 political parties.

Political Groups issue voting instructions to their members, both about how to vote on texts and amendments and about which votes are particularly important. The position of a Group is defined not by instructions from above but by discussion and negotiation within the Group, involving the Group's coordinator in the relevant committee in the process. For a number of reasons Group "whipping" systems are less strict than in most national parliaments.[12] First, in Europe there is no government demanding systematic support from its parliamentary majority. Second, on some issues it is hard to agree on a common group line because of the diversity of regional interests, national party interests and other interests represented within a Group. Third, there are fewer effective sanctions a Group can take against dissident members than most national parliaments can bring to bear (Corbett et al. 2007, p. 108). Nevertheless, Corbett, Jacobs and Shackleton observe, "most Groups can count on well over 80 % of their members supporting the Group line and this in turn means that it is the positions taken by Groups that are usually decisive in

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[12]Some Political Groups have taken up the British tradition of issuing one-, two- or three-line whips (Corbett et al. 2007, p. 107).

determining parliament's position" (2007, p. 108). However, if their own member state's interests are at stake, members may turn against Group decisions.

Debates in the European Parliament are generally not as lively and certainly not as interesting to the media as those conducted in national parliaments, even if the European Parliament has developed methods to enhance its members' role in actually shaping the policy outcomes rather than just rubberstamping them or serving simply as a forum (Corbett et al. 2007, p. 183).[13] During the twelve plenary sessions held each year in Strasbourg and the six held in Brussels the President ensures that Parliament's Rules of Procedure are adhered to. Through his arbitration, the President guarantees that all activities of the institution and its constituent bodies run smoothly. Central to the organization of the debate is Rule 141 (Calling speakers and content of speeches):

1. Members may not speak unless called upon to do so by the President. Members shall speak from their places and shall address the Chair; the President may invite them to come to the rostrum.
2. If speakers depart from the subject, the President shall call them to order. A speaker who has already been called to order twice in the same debate may, on the third occasion, be forbidden by the President to speak for the remainder of the debate on the same subject.
3. Without prejudice to his other disciplinary powers, the President may cause to be deleted from the reports of debates of sittings the speeches of members who have not been called upon to speak or who continue to speak beyond the time allotted to them.
4. Speakers may not be interrupted except by the President. They may, however, by leave of the President, give way during their speech to allow another member, the Commission or the Council to put a question to them on a particular point in their speech.

Plenary debate typically starts with an opening statement by the rapporteur of the committee that prepared the draft report or opinion for the relevant issue. Next the speakers contribute to the debate in the pre-designated order and in the designated time. The President closes the debate when all speakers on the list have had their say. Within a few days after the debate voting takes place.

There is relatively little regulation when it comes to individual contributions to the debate. The most important rules are that the speeches should be within the allocated speaking time and that the speaker should not depart from the subject. There are hardly any rules for order in the Chamber.[14] In most debates each MEP taking part in the debate speaks only once and although the possibility to ask

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[13]According to Corbett, Jacobs and Shackleton, the European Parliament "is not a very sexy Parliament in media terms. Compared to many national parliaments, it lacks the cut and thrust of debate between government and opposition. Like in the US Congress, its real work is done in committee. The plurality of languages used makes the debate far from spectacular" (2007, p. 9).

[14]The Onesta report from 2005 stated that the rules "shall in no way detract from the liveliness of parliamentary debates nor undermine Members' freedom of speech."

questions exists (Rule 141, part 4), interrupting a speaker is hardly customary. Each MEP is free to use the allocated speaking time freely and can therefore also react to earlier contributions to the debate. Responding later to criticism by other MEPs, however, is not possible. The general conclusion can be that in plenary European parliamentary debate there is all in all little room for direct interaction.

46.5   Preliminary Observations Concerning Strategic Maneuvering in European Parliamentary Debate

Debates held in the plenary sessions of European Parliament about the acceptability of legislative or non-legislative proposals prepared by the Committee or about the acceptability of amendments to proposals start from a report prepared by the relevant committee and presented by its rapporteur. Although the report may mention reasons for adopting a proposal, neither the committee nor its rapporteur should be seen as a party in the Chamber discussion. This is an important observation to start with.

In the initial situation of the debate that can be reconstructed as the confrontation stage a Member of Parliament puts forward a positive standpoint in which he expresses agreement to the proposal or a negative standpoint in which he expresses non-agreement. In addition, the MEP can also put forward a standpoint in which he expresses conditional agreement depending on whether one or more amendments will be adopted. Each speaker addresses via the President the parliament as a whole. Since we may take it that the Members of Parliament have no common opinion on the matter, there will be a difference of opinion between some of them that is in the simplest case non-mixed. If another Member of Parliament puts forward an opposing standpoint, this initiates a mixed difference of opinion between him and the first speaker. Then there is presumably also a non-mixed (if not mixed) difference of opinion between him and all or some of the other members of the audience in the Chamber.

The Rules of Procedure of the European Parliament provide explicitly the official procedural rules for the plenary debate that are part of the mutual agreement in the opening stage. The set-up of the debate is basically monological and the speaking time of the participants in the debate and the total duration of the debate are fixed in advance. The speakers may take all legislation and motions that have been accepted earlier to be part of the material starting points of the debate. Because of the heterogeneous make-up of the European Parliament, the agreement on material starting points in the opening stage will in many other cases only be partial and cannot be presumed without any further verification.

There are no special constraints as to the argument schemes that can be employed in the argumentation stage. The types of argumentation used in European parliamentary debates will be largely determined by the fact that the debate is a political debate dealing with legislation and policy matters (cf. Plug, this issue).

Communicative activity type of a plenary debate in European Parliament				
genre of communicative activity	*initial situation*	*procedural and material starting points*	*argumentative means and criticism*	*outcome*
Disputation	disagreement on policy issue that is in principle mixed and exceptionally non-mixed; decision through a settlement by voting up to the audience consisting of all MEPs	explicitly codified and implicit rules of debate; explicit and implicit political concessions by (Groups of) participants in the debate	argumentation for or against the proposal or policy at issue in response to expressed or anticipated criticism in exchanges of speeches by the participants in the debate	resolution of disagreement for parts of the audience and subsequent settlement of disagreement by majority of votes audience; no return to initial situation

Fig. 46.3 Argumentative characterization of the communicative activity type of a plenary debate in European parliament

Due to the monological set-up of the debate mentioned in our characterization of the opening stage, there is not much possibility for asking critical questions in reaction to argumentation advanced by fellow parliamentarians. In practice, parliamentarians can only respond to such critical questions by anticipating that they might rise. This means that in the normal course of events in European parliamentary debate the argumentation stage will not be passed through to the full.

Although plenary debates in European Parliament are always officially and explicitly closed by the President, there is no real concluding stage. Just like in national parliamentary debates the differences of opinion are not concluded by way of an intersubjective agreement on the outcome of the debate. The reason for this is that in such parliamentary debates one hardly ever sees the debaters come to agreement about the outcome of any of the (sub)discussions, if only because the value-related material starting points of the various (Groups of) MEPs are as a rule so different. The plenary parliamentary debates serve as a basis for justifying the casting of votes by the various (Groups of) MEPs in the voting that always concludes the decision-making process (Fig. 46.3).

Strategic maneuvering in plenary debates in European Parliament is not only preconditioned by institutional regulations such as the debate format but by extension also by other factors pertinent to realizing the institutional point of this activity type such as the pursuit of the political goals of the Members of Parliament. Because the debate is conducted between MEPs belonging to different Political Groups and—at the current stage of European development also very important—having different national backgrounds, in analyzing the strategic maneuvering that takes place these other factors must also be taken into account. Because it is unavoidable that MEPs in European Parliament not only promote the European cause but also try to serve the national interests of the countries they come from, when analyzing their strategic maneuvering both the pursuit of the common cause

and the pursuit of national causes must be considered.[15] While European legislation is designed for the good of Europe as a whole, MEPs who feel (as may in particular easily happen when agriculture and industry are at issue) that their country will not really benefit from the new legislation or may even suffer from it may be inclined to promote views or propose amendments that combine serving the interests of the European Union with protecting their national interests in a better way.

In discussing European agricultural policy typical reactions to proposals that are made are the use of pragmatic argumentation or argumentation by example in which the MEP warns Parliament against the negative consequences the new legislative measures will have for his country. This happened, for instance, in a European parliamentary debate held on May 19, 2008 when a proposal was discussed to "continue deducting 5 % of the tobacco aid granted for the calendar years 2008 and 2009 and to use those funds to continue financing the Community Tobacco Fund, whose sole purpose is to finance information initiatives for improving European citizens' awareness of the harmful effects of tobacco consumption." Diamanto Manolakou, a Greek MEP, reacted as follows:

> Diamanto Manolakou, on behalf of the GUE/NGL Group. Madam President, tobacco growers are being cruelly persecuted, as the anti-smoking campaign is tantamount to an anti-tobacco policy. […] Tobacco growing in Greece has declined by 73%. Ever-increasing numbers of tobacco growers are unemployed. Whole areas are being abandoned because no alternative crops are grown there […].

Manolakou refers in her argumentation to the negative consequences of the European tobacco policy for her own country. She presents her complaint strategically as a general one (tobacco growers are persecuted cruelly), but this general (and not specified) claim is backed up by an argument by example in which she refers only to Greece.

In a contribution to the same debate, the Polish MEP Janusz Wojciechowski tries to make it likely that the problems exceed the one country limits:

> Janusz Wojciechowski, on behalf of the UEN Group. Madam President, rarely do decisions debated in this House have such serious consequences for such a large number of people. The issue before us today is the existence or non-existence of tobacco producers in Europe. Tobacco production is the livelihood of around 120 000 farmers and, including seasonal workers, it employs almost 400 000 people in both old and new Member States. The case of Greece has already shown that the so-called reform of the tobacco sector in fact means its liquidation. It is a death sentence for 120 000 farms, mostly small family holdings. I know such tobacco farms in Poland, but we find them here too, on the outskirts of Strasbourg […].

By mentioning also the small family holdings on the outskirts of Strasbourg, Wojciechowki emphasizes the fact that the problem is not just a Polish or a Greek problem, but a general European one, that even exists very close to where Parliament meets. Both Manolakou and Wojciechowki make an effort to avoid

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[15]When it is not immediately clear that a country's national interests are heavily affected by the proposed legislation or measure MEPs are generally inclined to take a political view on the matter and vote along political party lines.

giving the impression that the problems are only regional and that they are only arguing to protect the interests of their own country. They have to live up to the adage *united in diversity*.

Another mode of strategic maneuvering used to reconcile serving the interests of the European Union with serving the different interests and views of the member states is emphasizing the coherence of the EU legislation. Because all members of the European Parliament may be expected to be in favor of a coherent legislation that does not contain any contradictions, the requirement of coherence can be seen as a common starting point. The coherence of European legislation and policy can be emphasized by means of different types of argumentation and the need for this coherence can be defended in different ways. A strategic maneuver that is based on the jointly recognized need for coherence is pointing out that taking a certain measure is contrary to European policy—or, as the case may be, in line with European policy. In such a case the arguer points at an undesired consequence of adopting the proposal concerned, namely that European policy will no longer be coherent. In the debate about the tobacco subsidies we referred to earlier most MEPs opposing subsidies for the European tobacco growers emphasized in one way or other the resulting inconsistency of European policies. Here is an example provided by MEP Lily Jacobs:

> Lily Jacobs (PSE). Tobacco kills about half a million European citizens a year. Even amongst non-smokers there are 19 000 deaths a year from passive smoking. How do I know that? That is the message in the television adverts the European Union itself is having shown in all 27 Member States as part of a big anti-smoking campaign. […] Is it not very strange that we are trying to combat smoking and at the same time are funding tobacco production with European tax revenue? […]

Another MEP, Kartika Tamara Liotard, stresses in her contribution to the debate along a different line the importance of a non-contradictory EU policy. She claims that examples of incoherence have a negative effect on the public image of the European Union:

> Kartika Tamara Liotard (GUE/NGL). It is difficult to say what is more absurd, that the European Union subsidies tobacco growing, or that Europe then uses part of the subsidies for a fund that discourages tobacco smoking. Totally hypocritical measures like that are precisely the reason why the EU has so little credibility with the public. […]

These contributions to the debate on the issue of tobacco subsidies have in common that the arguers point at the negative consequence of incoherence in European policy resulting from accepting or rejecting a proposal. In so doing they employ symptomatic argumentation of a specific type. For the same purpose, however, they could just as well have made use of comparison argumentation in which similar legislation that has been accepted before is compared with the proposed legislation in order to increase or decrease the acceptability of this new legislation.

46.6   Conclusion

This exploration of plenary debate in the European Parliament has led to a defi-
nition of this debate as a specific argumentative activity type characterized by a
particular initial situation, particular procedural and material starting points, par-
ticular argumentative means and criticism, and a particular kind of outcome. The
institutional preconditions for strategic maneuvering in argumentative discourse
conducted in plenary debates in the European Parliament are determined by these
characteristics, but also by the diverse national and political backgrounds of the
European parliamentarians that play at this stage of European development an
important part in how the parliamentarians try to achieve unity in diversity in actual
argumentative practice. We have illustrated the predicament of the European
Parliament by giving some examples of modes of strategic maneuvering reflecting
these preconditions. In this way we have introduced the new research project
regarding strategic maneuvering in European Parliament we are carrying out in
collaboration with José Plug and Francisca Snoeck Henkemans.

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Chapter 47
Exploiting the Room for Strategic Maneuvering in Argumentative Discourse Dealing with Audience Demand in the European Parliament

Frans H. van Eemeren and Bart Garssen

47.1 The Contextualization of Strategic Maneuvering in Communicative Activity Types

Against the background of the standard pragma-dialectical theory, some fifteen years ago van Eemeren en Houtlosser set about to extend the available analytic and evaluative tools by introducing the notion of 'strategic maneuvering' (van Eemeren and Houtlosser 2002). Strategic maneuvering refers to the arguers' continual efforts to reconcile in their argumentative moves aiming for effectiveness with being reasonable. Strategic maneuvering takes place in all stages of the argumentative process of resolving a difference of opinion on the merits. Taking account of the strategic maneuvering involved in argumentative discourse means integrating rhetorical insights into the pragma-dialectical framework for analysis and evaluation. In *Strategic Maneuvering in Argumentative Discourse*, a monograph van Eemeren published last year, he has made clear in what ways taking account of the strategic maneuvering leads to deeper and more precise analyses and evaluations, which can—on top of that—be accounted for more thoroughly (van Eemeren 2010).

Strategic maneuvering manifests itself in all argumentative moves in the choice that is made from the 'topical potential' available at a particular point in the discourse, the adaptation to 'audience demand', and the 'presentational devices' that are used. Because these three aspects of strategic maneuvering always manifest themselves simultaneously, they can only be distinguished analytically. However, in order to achieve a satisfactory analysis, all three aspects need to be taken into account, together with their mutual interaction. When strategic maneuvering is also taken into account in the evaluation of argumentative discourse, the evaluation concentrates in the first place on 'derailments' of strategic maneuvering in which one or more of the rules for critical discussion have been violated, so that a fallacy has been committed. Incorporating strategic maneuvering in the analysis and evaluation of argumentative discourse requires in both cases taking account of the 'macro'-context of the kind of communicative practice in which the discourse takes

place. This is necessary because the contextualization of the discourse in a specific 'communicative activity type' may create certain preconditions for strategic maneuvering that must be considered in the analysis and the evaluation.[1]

Strategic maneuvering in argumentative discourse can only be studied in the context of real-life communicative activities. These communicative activities are always in some way connected with certain more or less institutionalized contexts, such as the legal context, the political context or the interpersonal context, in which they serve institutionally relevant purposes.[2] In the various kinds of contexts, the types of communicative activities pertinent to the context concerned will have become conventionalized in accordance with varying kinds of requirements. As a consequence, in the argumentative discourse taking place in such communicative activity types the possibilities for strategic maneuvering are to some extent determined by certain institutional preconditions. This means that in the analysis and evaluation of argumentative discourse due attention needs to be paid to the macro-context of the communicative activity type in which the discourse takes places and the institutional preconditions this activity type imposes on the strategic maneuvering (van Eemeren and Houtlosser 2005; van Eemeren 2010, pp. 129–162).

47.2   Characterizing Communicative Activity Types Argumentatively

Defining a communicative activity type amounts to describing, starting from the communicative domain to which the communicative activity belongs, the institutional conventions of the activity type that are instrumental in realizing the 'institutional point' of the activity type through the use a particular 'genre' of communicative activity. In some strongly formalized communicative activity types the institutional conventions may be fully explicit constitutive or regulative rules. In less formalized communicative activity types the institutional conventions are largely implicit rules of some kind, informally established practices or simply extractions of common usage.[3] The conventionalization of every communicative practice that can be intersubjectively recognized as a communicative activity type

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[1]The concept of activity type is explained in more detail in van Eemeren (2010, pp. 129–163). Levinson described an activity type as a "fuzzy category whose focal members are goal-defined, socially constituted, bounded, events with constraints on participants, setting, and so on, but above all on the kinds of allowable contributions" (1992, p. 69).

[2]We use the term *institutionalized* in a very broad sense, so that it refers to any established macro-context in which certain communicative conventions have developed.

[3]This approach connects with "rational choice institutionalism" within New Institutionalism (March and Olsen 1984, p. 734). According to Hall and Taylor, rational choice institutionalism draws our attention to "the role that strategic interaction between actors plays in the determination of political outcomes" (1996, p. 951).

may be deemed dependent on the rationale of the existence of the communicative activity that constitutes its institutional point.

The institutional point of a communicative activity type reflects the institutional needs the communicative practice aims to satisfy. In the communicative domain to which the communicative activity type belongs the institutional point manifests itself in all speech events that are specimens of that communicative activity type. Although individual speech events can very well be examined for their own sake,[4] when we examine speech events as argumentation theorists we generally view them as tokens, instantiations or representations of a communicative activity type we are interested in. Our attention is then concentrated on a particular communicative activity type as a communicative practice whose conventionalization serves the institutional needs of a certain domain of communicative activity through the implementation of a specific genre of communicative activity in actual speech events.[5]

Communicative activity types may very well be non-argumentative. More often than not, however, in communicative activity types argumentation plays a part, whether structurally or incidentally. A public debate, for example, is inherently argumentative, and a political interview is argumentative in essence. As a rule, love letters and prayers, for instance, are not argumentative, but even they may coincidentally be argumentative.[6] When communicative activity types that are inherently or essentially argumentative, or other communicative activity types with argumentative components, are analyzed for their argumentative dimension, so that these communicative activity types are characterized argumentatively, it can be said that they are viewed as *argumentative activity types* (van Eemeren and Houtlosser 2005).

In characterizing a communicative activity type argumentatively, the pragma-dialectical model of a critical discussion can be instrumental. Depending on the requirements of the institutional context concerned, in the various argumentative activity types that can be distinguished in argumentative reality the four stages of a critical discussion will be "realized" in different ways. In their empirical counterparts in the speech events actualizing certain argumentative activity types, the stages of a critical discussion take a specific shape, which differentiates the

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[4]This happens, for instance, when a case study of a certain historical text is conducted, as van Eemeren and Houtlosser (1999, 2000) did with the Apologia pamphlet published by William the Silent in 1580 in response to the Ban Edict issued by King Philip II of Spain.

[5]As explained in van Eemeren and Houtlosser (2005), communicative activity types are not on a par with theoretical constructs such as the pragma-dialectical ideal model of a critical discussion. While theoretical constructs are based on analytic considerations concerning the best way of reaching a certain (abstract) objective (such as resolving a difference of opinion on the merits), communicative activity types are empirically-based prototypes of conventionalized communicative practices. By distinguishing ideal models in this way between from argumentative activity types, we deviate from approaches to argumentative discourse types such as Walton and Krabbe's (1995). See van Eemeren et al. (2010).

[6]This is, for example, the case when the writer of the love letter or the one who says the prayer tries to make things go his way by supporting the desired outcome of the speech event with arguments.

various activity types in argumentatively relevant ways from each other. In characterizing the activity types argumentatively it must therefore be determined what the distinctive features are of the way in which the four stages of a critical discussion manifest themselves in these activity types in their empirical counterparts. This means that a characterization needs to be given of the way in which the confrontation stage manifests itself in the activity type prototypically in the 'initial situation', the way in which the opening stage manifests itself prototypically in the procedural and material 'starting points', the way in which the argumentation stage manifests itself prototypically in the 'argumentative means and criticism', and the way in which the concluding stage manifests itself prototypically in the kind of outcome of the activity.

47.3 Extrinsic Constraints on Strategic Maneuvering in Political Deliberation

In this paper we would like to concentrate on some problems involved in analyzing and evaluating strategic maneuvering by means of deliberation in the political domain. Although we will only discuss strategic maneuvering in the plenary debate in the European Parliament, political deliberation also takes place in other communicative activity types, such as—to mention just a few examples examined by our research group in Amsterdam—the so-called *general debate* in Dutch Parliament, political interviews, and the 'lawmaking debate' and Prime Minister's Question time (PMQ) in British Parliament.[7] The general institutional point all these communicative activity types have in common on an abstract level is preserving democracy by deliberation. These communicative activity types differ, however, in their specific institutional aims and conventions. In the case of the general debate in Dutch Parliament, for instance, the specific institutional aim is to confront the government with the views of the elected representatives of the Dutch people on their policy plans and their financial backing. The institutional conventions of the general debate and its format are laid down in parliamentary procedure supplemented by established parliamentary tradition.

Each in their own way, the deliberative communicative activity types in the political domain we are concentrating on involve a discussion of political issues in front of an audience consisting of people who may be actively engaged in the discussion or not. As a rule, the format of the discussion is established in such a way that it imposes certain extrinsic constraints on the strategic maneuvering—extrinsic because they are not inherent in strategic maneuvering. The format may, for instance, determine beforehand who decides about the speaking turns and whether there is a possibility of interruptions. It may even be determined that the participants may only address the chair of the meeting and that this chair judges the

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[7]See Tonnard (2009), Andone (2009), Ihnen (2010), and Mohammed (2009), respectively.

relevance of the contributions that are made. In these communicative activity types, in their critical exchanges, the parties always have to act in accordance with the explicit or implicit procedural rules of the communicative activity type concerned.

Among the extrinsic constraints imposed on the strategic maneuvering in the plenary debate in the European Parliament are not only institutionally determined regulations, such as the debate format. There are also extrinsic constraints of a different kind, which are not inherent in the European Parliament as an institution but go nevertheless together with it. The most striking of these constraints is the general precondition that we have dubbed "the European Predicament" (van Eemeren and Garssen 2009). The term *European Predicament* refers to the fact that at this point in time the Members of the European Parliament (MEPs) are not in the position to promote only the European cause, as they are officially expected to do, but have to make sure that they also keep in mind the particular interests of the country that elected them and pursue their national cause as well. More strongly than parliamentarians representing a certain local constituency in national parliaments, they are forced to support their national interests emphatically.[8] Otherwise they will be severely criticized, not just by their own voters but by their home country in general. It is clear, for example, from the contributions made by certain MEPs to the plenary debate in European Parliament about the growing of tobacco that they are fully aware of their unofficial national obligation.[9] This is why next to 'primary preconditions' for strategic maneuvering, which are as a rule official, usually formal, and often procedural, we distinguish also 'secondary preconditions', which are as a rule unofficial, usually informal, and often substantial (van Eemeren 2010, p. 152).

Next to the European Predicament, more specific preconditions can be mentioned that play a part in pursuing the institutional point of the activity type of plenary debate in the European Parliament which are secondary preconditions for the strategic maneuvering. Just as in other types of political deliberation, the political goals that are pursued by the participants in the debate are a secondary precondition for the strategic maneuvering. Because the plenary debate is conducted between MEPs belonging to different Political Groups, this precondition constitutes a factor pertinent to the analysis. Another secondary precondition stems from the typical place the European Parliament occupies in the institutional organization of the European Union (EU). The European Parliament has in particular close ties with two other institutional bodies, the Council of the EU, consisting of government ministers from all member states, and the European Commission, the

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[8]As we showed earlier, in particular when agriculture or industry is at issue, MEPs who feel that their country will not really benefit from the legislation that is proposed (or may even suffer from it) are inclined to promote views or propose amendments that better combine serving the interests of the European Union with protecting their national interests (van Eemeren and Garssen 2010).

[9]See van Eemeren and Garssen (2010).

politically independent institution upholding the interests of the EU as a whole.[10] In accordance with the so-called *co-decision procedure*, the European Parliament decides together with the European Council on legislation and policies initiated and proposed by the European Commission. The plenary debate can be attended both by members of the Commission and by members of the Council. A normal procedure for MEPs is, for instance, to ask questions in writing to European Commissioners. Often these questions are about new regulations or policies proposed by the Commission. Such a written question can give occasion to a debate that is attended by the Commissioner responsible for the regulation at hand. Characteristically, the debate then opens with the 'author' of the question reading it out to the Parliament. Next, the commissioner replies to the question and subsequently MEPs react. This results in a rather complex situation, because the MEPs are addressing several audiences at the same time.

47.4 The Complexities of Dealing with Audience Demand in Political Deliberation

Adaptation to audience demand in strategic maneuvering has to do with securing communion with the people the argumentative discourse is aimed at. As has been recognized in the pragma-dialectical meta-theoretical principle of socialization, argumentative discourse is always aimed at achieving certain communicative and interactional effects on an audience. In order to be able to achieve these effects, the argumentative moves that are made must at each stage of the resolution process connect well with the audience's frame of reference, so that they will be optimally acceptable. This requirement makes it necessary to go into the question of who are the audience and which are their relevant views and preferences.

It may be the case that the arguer only wants to reach his immediate addressee(s), but it also happens that, additionally, he intends his argumentation to affect others (or his argumentation may affect others unintentionally[11]). These others can be people who are present when the argumentation is delivered but do not participate actively in the discussion, but they can, for instance, also be listeners to a radio broadcast of a speech delivered to another audience or television viewers watching a discussion between politicians. Other examples of intended 'third party' audiences are the readers of a polemic between newspaper columnists and the scholars reading a

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[10]There usually is a real opposition between the European Parliament and the two other European institutions.

[11]Ede and Lunsford (1984) distinguish between the 'audience addressed', which consists in principle of people who are physically present when a speech is delivered, and the 'audience invoked', which refers to the intended audience. This is not the same distinction as I make here, because people who happen to listen in can be present when the argumentation is delivered without being the intended audience. See also van Eemeren and Grootendorst (2004, p. 99).

discussion between some of their colleagues in a scholarly journal. In all these cases, the protagonist of a standpoint addresses in fact more than one antagonist. In such a 'triadic argument' (or even more complex exchange) there is, next to the 'official' antagonist, who is addressed directly by the protagonist, some third party antagonist, addressed indirectly, who also judges the acceptability of the argumentative moves that are made. In certain cases the third party antagonist's verdict may even be the more important one, such as when in an election debate between politicians potential voters are addressed indirectly as a third party antagonist.

When it is clear which audience represents the antagonist the arguer considers the more important one to affect, we call these people the arguer's *primary audience*. The person or persons directly addressed by the protagonist may then represent the arguer's *secondary* audience. In an election debate conducted on television between two politicians, for instance, it is clear from the outset that there is a dual audience and that the politicians consider the viewers at home their primary audience. Each other they will consider only their secondary audience, even to the extent that they do in fact not really aim to convince each other of their standpoints. The argumentation they advance to each other in the debate will be primarily calculated to convince the viewers—or at least the largest possible part of the viewers susceptible to their views—and the debate with each other is made instrumental in achieving this purpose. However, in order not to be viewed as non-cooperative, unresponsive, impolite or even rude, inadequate or incompetent by their primary audience, each party taking part in the debate must take due note of the other party's statements, critical questions and other argumentative moves, and needs to respond to them in a satisfactory way. Although in this kind of political deliberation the political opponent that is addressed directly is as a rule not the primary target for convincing, the argumentative moves he makes need to be dealt with adequately all the same. A vital part of the strategic maneuvering going on in such political deliberation is aimed at doing exactly that.

As a matter of course, the audience addressed in political deliberation with a third party audience is hardly ever completely homogenous. In a public debate on politics, for instance, a protagonist's official antagonists, who are in this case his secondary audience, have as a rule rather different political views and preferences because they represent other political parties in the debate than the protagonist. The primary audience consists in this case of the people attending the debate who the protagonist regards as his potential voters. If the primary audience is homogenous, it can be regarded as a "collective" antagonist (just as a homogenous group of advocates of a standpoint can be regarded as a "collective" protagonist). Often, however, the people attending or viewing a political debate will differ not only in the way they speak or dress, but also in ways more relevant to their appreciation of the argumentative moves that are made. They may, for instance, have different professional and cultural interests so that different kinds of issues and considerations are important to them. An audience which is heterogeneous with respect to the points at issue or the starting points of the argumentative exchange is called a

composite audience.[12] In analyzing and evaluating the management of audience demand in strategic maneuvering in the communicative activity types of political deliberation not only the difference between primary and secondary audiences, but also the composition of composite audiences needs to be taken into account.

47.5 The Audience's Frame of Reference and the Argumentative Situation

In a dialectical perspective on argumentative discourse, such as the pragma-dialectical one, the audience is always considered to be an active and critical discussion partner of the protagonist, an antagonist,[13] even if the discourse takes place in an argumentative activity type that is not dialogical. In the analysis of argumentative discourse, taking such a dialectical approach involves reconstructing systematically the commitment sets that have developed for the protagonist and the antagonist at the point in the discourse the analysis focuses on. The results of the reconstruction will be different at every point in the discourse, so that the inherent dynamics of argumentative discourse is reflected in the analysis. In this respect, the pragma-dialectical approach, however different its theoretical orientation may be, is fully in line with Tindale's ambition "to capture and express the dynamics of argumentation as a communicative process" (2004, p. xi).[14]

In argumentative practice, adaptation to audience demand amounts to choosing the argumentative moves that are made in such a way that there is the broadest possible zone of agreement between the relevant views and preferences of the arguer and the audience. This means that, on the one hand, the arguer adopts, as much as his strategic purposes allow him to do, at every point in the discussion the frame of reference that, going by its avowed commitments, the audience may be expected to have. It means that, on the other hand, the arguer tries to convey, as much as the audience's views and preferences seem to allow him to do, the kind of perspective on the argumentative situation that he intends the audience to have. In choosing his arguments in an audience-directed way he may, for instance, consider

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[12]Others just speak of a *heterogeneous audience* (e.g. Ede and Lunsford 1984). Benoit and d'Agostine (1994) use the term *multiple audience*. Perelman and Olbrechts-Tyteca (1969/1958, p. 21) use the term *composite audience* when different groups are simultaneously addressed.

[13]Because pragma-dialecticians are interested in how argumentative discourse is used to convince rather than merely persuade, they presume that the audience consists of discussants that are in principle out to establish in a reasonable way whether the standpoints at issue are acceptable. For the distinction between convincing and persuading, see van Eemeren and Grootendorst (1984, pp. 48–49).

[14]Although it is often not recognized, according to Tindale, "rhetorical argumentation is dialogical. That is, there is a dynamic sense of dialogue alive in the context" (2004, p. 89). To pragma-dialecticians such a dialogical rhetoric makes it easier to establish connections with their own (dialogical) theoretical framework than would be the case if rhetoric were monological, as it often appears to be.

that certain arguments among the arguments ready for topical selection create exactly the kind of perspective on the argumentative situation that suits his strategic purposes well while it also connects with the audience's avowed views and preferences.[15]

Adaptation to audience demand takes place—in combination with the management of the other aspects of strategic maneuvering—in all discussion stages argumentative discourse has to go through. It may manifest itself in the confrontation stage, for example, in keeping the difference of opinion at issue non-mixed to avoid creating contradictions between the positions of the parties that are hard to solve. Perelman and Olbrechts-Tyteca (1969) have pointed out that one way of avoiding unsolvable contradictions is to communicate a disagreement regarding values as a difference of opinion over facts, because the latter is generally easier to deal with. In the opening stage, adaptation to audience demand may, for instance, consist in giving presence only to starting points that the audience has no problems with and putting the difference of opinion in a perspective that is favorable to its resolution. Adaptation to audience demand in the argumentation stage may involve choosing only those arguments that agree with the interest sphere of the audience. In the concluding stage, finally, it may consist in portraying the result of the discussion in such a way that exasperating the audience by rubbing in consequences that are not to their liking is avoided.

Taking account of the frame of reference of the audience means that the views and preferences of the audience need to be identified which may be considered (if only presumptively) to belong to their starting point. In this endeavor a distinction can be made between 'descriptive' commitments, which relate to what Perelman and Olbrechts-Tyteca (1969) call 'the real' (and include facts, truths and presumptions), and 'normative' commitments relating to 'the preferable' (which include values, value hierarchies and *loci*). The normative commitments in particular may vary to some extent between different audiences and different members of the same audience. In adapting in their strategic maneuvering to their (primary and secondary) audience's demand, the discussants will have to rely on their audience's commitments. They have to rely not only on the explicit commitments expressed in the opening stage, which can be viewed as "concessions", but also on the implicit "contextual commitments" pertaining to the argumentative situation and the commitments consisting of generally accepted views and preferences which have been known since Aristotle as *endoxa*.[16] Together these commitments define the audience's frame of reference.

Next to the commitments that are a more or less fixed part of their frame of reference as an audience the parties taking part in argumentative discourse have also acquired commitments by making the argumentative moves they have made in the

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[15]For the kind of "framing" involved in this endeavor, see van Eemeren (2010, p. 112, 126–127).

[16]*Endoxa* refers to the views generally accepted in a specific culture or subculture. Referring to Aristotle's *Topics*, Irwin (1988) defines *endoxa* as commonly held beliefs (p. 8) and "beliefs of the many or the wise or both" (p. 37).

discourse. These commitments can be externalized by identifying the (direct or indirect) speech acts the parties have performed in making these moves. They can be derived from the identity and correctness conditions applying to these speech acts.[17] In this way the analyst can determine the *sets of commitments* the parties have accumulated at a certain point in the discourse, which define the 'dialectical situation' at that point. Together with the 'rhetorical situation', defined by commitments to be identified with the help of contextual information and the institutional conventions of the communicative activity type in which the argumentative discourse takes part, the dialectical situation provides a full picture of the argumentative situation at a particular point in the discourse.[18] In handling audience demand in their strategic maneuvering, the arguers have to deal both with the requirements stemming from the views and preference that define their audience's frame of reference and with the requirements stemming from the commitment sets of the discussants that define the argumentative situation.

47.6 Adapting to Audience Demand in the Plenary Debate in the European Parliament

As an illustration of the complexities involved in strategic maneuvering in political deliberation, we focus in this paper on the intricacies of adapting to audience demand in the plenary debate in the European Parliament. Political deliberation in the argumentative activity type of such a debate starts, as a rule, from differences of opinion about policy issues between MEPs or Political Groups and (members of) the European Commission. Usually these differences of opinion take the form of a mixed disagreement. If it concerns a proposal or bill introduced by the European Committee, then there may also be a mixed difference of opinion between certain MEPs or Political Groups. This means that there will in fact be several mixed disagreements about the same issue at the same time.

The primary audience of each MEP consists of the fellow MEPs expected to be open to considering accepting the standpoint defended by that MEP, because it is in the end the European Parliament that will decide. However, the member of the European Commission who made the proposal and the other MEPs or Political Groups represented in the European Parliament will also be addressed by the MEP. As long as the MEP has the intention to convince them, the Commission member and the MEPs who are not expected to be really open to considering accepting the

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[17]For the identity and correctness conditions of speech acts, see van Eemeren and Grootendorst (1992, pp. 30–33).

[18]Tindale considers 'the rhetorical audience' to be a "complex and fluid" idea, because "audiences change, even in the course of argumentation" (2004, p. 21). Granting that during the exchange an audience my subtly change in a psychological sense, we only speak of a change of audience if some or all active members of the audience are no longer committed to the same definition of the difference of opinion or to the starting points previously agreed upon.

standpoint are not just a secondary audience but part of the primary audience. Because the sessions of the European Parliament are only scarcely watched or reported to the voters, the electorate hardly counts as an audience, not even as an inactive one, and is in practice virtually never the primary audience. A complication connected with the primary audience consisting of fellow MEPs who may be inclined to respond positively is that this audience is often heterogeneous, if only because the European Predicament applies and there are even within Political Groups almost always certain political differences. If such differences regarding the issues or the starting points of the discussion exist, the primary audience is also a *composite audience*.[19]

The following plenary debate on freedom of information, held in the European Parliament on October 8, 2009, provides an example of a difference of opinion between an MEP and the European Commission which involves, since the European Parliament still has to be convinced, at the same time a difference of opinion between the MEP and the parliament as a whole. In other words: there are here two primary audiences or a primary audience that consists of two different parts. European Commissioner Viviane Reding started the debate by stating that the EU institutions should not be used to solve problems which under the existing Treaties are to be solved at a national level. The MEP Sophia in 't Veld shows herself to be a true European Parliamentarian by reacting as follows against this standpoint:

> I have to confess I was rather shocked by the statement of Commissioner Reding because, indeed, the Member States are primarily responsible for ensuring respect for democracy and fundamental rights. But you are wrong if you say that the EU has no role to play here. First of all, there is Article 6 of the Treaty on European Union, which reads: 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.' And to prove that that was not just a hollow statement, the European Union furnished itself with Article 7 – the legal instrument to enforce Article 6. Secondly, Mrs Reding, when we are negotiating with candidate states, we insist that they apply the highest standards of press freedom, otherwise they cannot join the European Union.

The MEPs constituting the primary audience in plenary debates in the European Parliament are the ones who need to be convinced of the acceptability of new legalization or policy proposals. When a European Commissioner is as a 'third' party present at the debate, MEPs frequently seize the occasion to make it seem as if there is a conflict of opinion between the European Parliament as a whole and the European Commission. The strategic advantage of this to the debater is that it may look as if his standpoint has already been accepted by the Parliament. An example of this occurred in a debate that took place on May 5, 2009, when European Commissioner Mariann Fischer Boel had to react to a series of questions from

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[19]If the members of an audience have different positions in the difference of opinion, the composite audience is called a *multiple audience* and if they have different starting point it is called a *mixed audience* (van Eemeren 2010, p. 110). In a great many cases a composite audience will be both multiple and mixed.

MEPs about the Commission's proposal to allow labeling wines composed of a mixture of white and red wine as *rosé wine*. This would give the European wine growers a better position on the world market since in the USA and in other parts of the world these kinds of mixtures are already sold as rosé wine. The Italian MEP Elisabetta Gardini reacted as follows:

> Not long ago, very recently, in my region – I am from the Veneto – an event was held known as Vinitaly, which is one of the most important events in the world of wine and a hugely successful petition was drawn up there in defense of rosé wines. It was signed by great Italian wineries, great wine producers, but signatures also came from other parts of Europe – signatures came from the public in Holland, France, Spain, Belgium, Luxembourg, Slovenia, Poland, Lithuania and Ukraine. Passion for rosé wine, as you can see, is authentic and knows no borders except, so it seems, within the European Commission, even though we may talk about culture, local values and tradition.

By stating that the passion for real rosé wine is internationally recognized and that the European Commission is the only real opponent to the proposal to protect rosé wine, Ms. Gardini's strategic maneuvering creates the impression that there is a mixed debate between the European Parliament and the European Commission, thus making it look as if the Parliament has already agreed about this issue. This, however, is not the case. There is in fact a mixed disagreement between Gardini and the Commissioner, and the other MEPs may not be in agreement with Gardini at all.

Françoise Grossetête, one of the MEPs who had asked the questions uses the same kind of tactic. She uses the personal pronoun 'we', as if she can refer to the whole parliament, and talks about 'our' wine growers, thus indicating that this is not just her own opinion or that of her Political Group. On top of that, she stresses by the harsh tone of her concluding remarks the opposition between the European Parliament and the European Commission:

> Commissioner, earlier you said that you had not received any suggestions and that you were waiting for proposals, and so on. On the contrary, suggestions have been put to you. You met our wine growers. They told you that they did not want this. They told you that they personally did not want to be forced to specify the designation 'traditional rosé wine' in order to distinguish it from the rosé wine which naturally will not state 'blended'. Therefore you cannot say that no one has suggested anything to you. Above all, with regard to rosé Champagne, we are well aware that it is an oenological product which has nothing to do with the blending as proposed here: white wine and red wine. We are asking you to find the courage, Mrs Fischer Boel, not to call blended white and red wine 'rosé wine'. This is what we are asking you. This is our suggestion to you. Do not penalize real wine growers. How do you expect our fellow citizens to understand such a stance on the part of the European Commission? You turn a deaf ear to all our arguments: this is absolutely incomprehensible.

47.7   Conclusion

The purpose of this paper was to illustrate that the room for strategic maneuvering in political deliberation in the plenary debate in the European Parliament is neither exclusively determined by the topical potential of reasonable, i.e. analytically

relevant, argumentative moves that can, according to the pertinent dialectical profile, in principle be made by the arguer, nor by the verbal repertoire of presentational options that are in principle available to the arguer for carrying out these argumentative moves. We have shown that the room for strategic maneuvering available to the arguer is also determined by the demands of the audience he intends to address. It depends on the choices he is willing to make in adapting to their frame of reference at the point the strategic maneuvering takes place and on the perspective on the argumentative situation he induces the audience to adopt. If in strategic maneuvering a primary and a secondary audience need to be addressed at the same time and the primary audience and the secondary audience are on top of that not homogeneous, then the audience the arguer intends to address is complex in several respects. Due to the primary and secondary institutional preconditions of this communicative activity type, in the strategic maneuvering that takes place in the plenary debate in the European Parliament this is usually the case. When engaging in this communicative activity type, MEPs need to meet audience demand by making both the adaptations that are required because of the views and preferences that determine in a particular case the frame of reference of (the relevant part of) each audience and the adaptations that are required because of the commitment sets defining in a particular case the argumentative situation for (the relevant part of) each audience.

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Chapter 48
Flexible Facts: A Pragma-Dialectical Analysis of a Burden of Proof Manipulation

Frans H. van Eemeren and Peter Houtlosser

48.1 Odd Communications

Advertisements can be surprising.[1] About five years ago the following advertisement was during a series of months published in American and British magazines: "*Carlsberg*, probably the best beer in the world". In the same period, the advertisers of the 'fully rejuvenated' Dutch morning paper *Trouw* [*Trust*] treated Dutch radio listeners to the following announcement—which has been repeated *ad nauseam* ever since: "*Trouw*, perhaps the best newspaper in the Netherlands".[2] It is not difficult to see that there is something awkward about these two slogans. But what is it? Is it the firm and at the same time surprisingly cautious wording that makes one wonder whether *Carlsberg* is indeed the best beer in the world and whether *Trouw* is indeed the best newspaper in the Netherlands? Or is it the fact that a qualifier has been added to the appraisal that is wholly out of tune with the convention of advertising that products are recommended only in the boldest terms ("*Durex*, the best there is")? Or is it yet something else?

   We shall attempt to shed some more light on this problem. For this purpose, we first analyse the *Carlsberg* and *Trouw* slogans dialectically as standpoints in a critical discussion. Next we give a pragma-linguistic interpretation of the way in which these standpoints are phrased. Finally, we explain what the advantageous effects of this particular way of phrasing a standpoint may be. In offering this explanation we apply our recently developed views concerning the ways in which parties engaged in a critical discussion may manoeuvre strategically to realise their rhetorical aim of winning the discussion.

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[1]We are grateful to Thomas Hollihan, Erik Krabbe, Agnès van Rees, Patricia Riley and Francisca Snoeck Henkemans for their useful comments on an earlier version of this article.

[2]The Dutch version is: "*Trouw*, misschien *wel* de beste krant van Nederland". The addition of the word 'wel' (which does not translate well) suggests a refutation of contrary expectations. Because this element does not affect the point of our analysis, we have left it out in order not to distort the slogan quality of the statement.

48.2 Standpoints in a Critical Discussion

In a dialectical analysis, advertisements are, just like any other form of argumentative discourse, viewed as contributions to a critical discussion aimed at resolving a difference of opinion.[3] In an advertisement, the difference of opinion is whether or not the appraised product should be purchased. The advertiser is the protagonist who makes an attempt to convince the antagonist—the reader or listener—of the acceptability of the standpoint that the product should be purchased. In the advertiser's message, however, this *inciting* standpoint usually remains implicit. As a rule, advertisers restrict themselves to advancing—and justifying—an *evaluative* standpoint in which the product they want to sell is positively assessed. It is merely implied that this positive assessment is at the same time the justification of the implicit standpoint that this product should be purchased.

In the *Carlsberg* and *Trouw* slogans evaluative standpoints are expressed.[4] In a dialectical analysis these standpoints must be situated in the confrontation stage of a critical discussion in which, ideally, the standpoint that is at issue in the discussion is presented. At the same time, the nature and the force of the standpoint are specified. Is the standpoint descriptive, evaluative or inciting? Is it upheld firmly or cautiously? In the confrontation stage, the presented standpoint meets with doubt on the part of the presenter's interlocutor, so that a difference of opinion develops.

In the cases of *Carlsberg* and *Trouw*, there is, of course, no question of an explicit expression of doubt. There is no antagonist who responds and the discussion remains implicit—the standpoint is presented and that is all. The way in which *Carlsberg*'s and *Trouw*'s standpoints are phrased, however, causes a problem: it is not exactly clear what the dialectical positions are that *Carlsberg* and *Trouw* have assumed. On the one hand, the force of their standpoints is rather weak ('probably', 'perhaps'), on the other hand the evaluation expressed in these standpoints is quite strong ('the *best* beer', 'the *best* newspaper'). This makes it hard to determine what the burden of proof is that *Carlsberg* and *Trouw* would have to discharge in order to justify their standpoints in the argumentation stage of the discussion. The question, however, is now whether it is really the combination of a weak force and a strong evaluation in one and the same standpoint that leads to these problems of interpretation. Are these problems not caused by something else? A more detailed pragma-linguistic analysis may provide an answer.

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[3]A dialectical analysis of predominantly textual advertisements such as *Carlsberg*'s and *Trouw*'s is certainly relevant because listeners and readers will at least demand faithful information and good reasons for buying the advertised product, even if the advertisers cannot be expected to make any serious attempt at critical dispute resolution.

[4]The standpoints are, of course, elliptically phrased. In full they would read: "*Carlsberg* is probably the best beer in the world" and "*Trouw* is perhaps the best newspaper in the Netherlands", or even "You should buy *Carlsberg* beer because *Carlsberg* is probably the best beer in the world" and "You should buy *Trouw* because *Trouw* is perhaps the best newspaper in the Netherlands". In the last constructions the inciting standpoints have been made explicit.

48.3   Standpoints and Modalities

Our pragma-linguistic analysis of the *Carlsberg* and *Trouw* standpoints starts from the assumption that a standpoint is to be viewed as the verbal outcome of the performance of the speech act of advancing a standpoint. Just as any other speech act, this speech act has certain felicity—identity and correctness—conditions (van Eemeren and Grootendorst 1984). The most significant of the correctness conditions of the speech act of advancing a standpoint is the preparatory condition that says that a speaker or writer who advances a standpoint must assume that the listener or reader does not already accept the proposition expressed in the standpoint at face value (Houtlosser 1995, 2002). This condition provides a useful clue for a more precise analysis of the standpoints advanced by *Carlsberg* and *Trouw*: it leads straight to the question *why* the speaker or writer expects the listener or reader not to accept the proposition expressed in the standpoint at face value.

What kind of answer can be given to this question generally depends on the nature of the proposition that is at issue. If this proposition is *descriptive*, the speaker or writer will expect the listener or reader not to consider the state of affairs represented in the proposition to be the case at face value. If the proposition is *evaluative*, it will be assumed that the listener or reader will not regard the value judgement represented in the proposition as necessarily shared by both parties. If the proposition is *inciting*, the speaker or writer will expect the listener or reader not to be immediately prepared to perform the action represented in the proposition. Therefore, the nature of the proposition expressed in a standpoint has consequences for the type of justification that is to be given in defence of that standpoint. In the case of a descriptive proposition, argumentation is called for that makes it credible (to the extent claimed in the standpoint) that the state of affairs represented in the proposition is indeed correct. In the case of an evaluative proposition, argumentation is required that shows that the value judgement expressed in the proposition is rooted in some normative common ground. In the case of an inciting proposition, argumentation should be advanced that underlines the urgency for the listener or reader to perform the action represented in the proposition.

The propositions expressed in *Carlsberg*'s and *Trouw*'s standpoints is in both cases evaluative. More precisely, in both standpoints a proposition is expressed that represents a subjective value judgement that must be assessed with the help of commonly shared assessment criteria and on the basis of some normative common ground for its intersubjective validity, not for its truth. Going by the nature of the propositions expressed in their standpoints, *Carlsberg* and *Trouw* have taken on the obligation to show, with the help of a set of intersubjectively shared assessment criteria and on the basis of a normative common ground, that their value judgements on the beer and the newspaper may claim intersubjective validity—in other words, that these judgements can—and should—be shared by their listeners and readers.

If advanced in its complete form, however, a standpoint expresses not just a proposition but also some specifications of the nature and the force of the speaker's or writer's commitment (van Eemeren and Grootendorst 1984; Houtlosser 1995;

Henkemans 1992). Some of these specifications are not related to the nature of the proposition expressed in the standpoint. This applies for example to the specification of the speaker's or writer's commitment to the expressed proposition as being positive or negative: "It *is* imperative to buy new shoes first and then a new pair of trousers, instead of the other way around" and "It *is not* imperative to buy new shoes first and then a new pair of trousers, instead of the other way around". Other specifications, however, *are* closely related to the nature of the expressed proposition. Examples are the speaker's or writer's indication of his propositional attitude vis-à-vis the expressed proposition and the modal qualifications of his commitments to the expressed proposition. Both indications of propositional attitudes and modal qualifications of commitments have to be congruous with the nature of the proposition. Some combinations are 'allowed', other combinations are not. A descriptive proposition, for example, may not be combined with an indication of an 'evaluative' propositional attitude such as 'in my view': normally, the statement 'In my view it is four o'clock' is unacceptable. This is so because by definition 'in my view' introduces a personal opinion and 'It is four o'clock' is not a personal opinion.[5]

Conversely, an evaluative proposition expressing a value judgement may not be introduced by a descriptive modal qualification that specifies the extent to which the factualness of the state of affairs represented in the proposition is conceivable, such as 'it is possible that' (alethic modality), or knowable, such as 'it is certain that' (epistemic modality). Even if such combinations of value judgements and descriptive modal qualifications may merely sound a little bit odd in colloquial speech, conceptually they are absurd. Value judgements simply *cannot* be 'the case' or 'not the case'. Whether something is the case or not is in principle an objective issue that is determined by the extent to which it can (conceivably or according to our knowledge) be considered a fact. Value judgements are merely 'valid' or not, i.e., valid for a particular person or a particular group of persons. Whether a value judgement is valid or not is not an objective but a subjective—and at best inter-subjective—matter.

What happens in the *Carlsberg* and *Trouw* standpoints is precisely that which we have just diagnosed as conceptually absurd: an evaluative proposition is combined with a descriptive modal qualification. In *Carlsberg*'s standpoint the evaluative proposition that *Carlsberg* is the best beer in the world is introduced by the epistemic modality 'probably'; in *Trouw*'s standpoint the evaluative proposition that *Trouw* is the best newspaper in the Netherlands is introduced by the alethic modality 'perhaps'. The answer to the question what makes *Carlsberg*'s and *Trouw*'s standpoints so awkward is therefore not that these standpoints are at the same time firm and cautious, but that they are at the same time evaluative and descriptive. They sound odd because they are absurd.

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[5]One can, of course, claim that "In my view it is four o'clock" is an acceptable statement provided that it is meant to be, or interpreted as, an *interpretation* (in a discussion, for instance, on whether it is now four o'clock when the seconds hand nears the top of the clock but has not reached it). Then, however, the expressed proposition would be no longer descriptive but (implicitly) evaluative (see Ducrot et al. 1980; Houtlosser 1995; Labov and Fanshel 1977).

Should we now conclude that the advertisers of *Carlsberg* and *Trouw* are not in command of their own language? Or should we assume that they know very well what they are doing and that the reason why they are advancing an absurdity is that they try to gain a certain advantage that outweighs the 'disadvantage' of advancing an absurdity?[6] Our pragma-linguistic analysis points already to the direction in which this advantage could be sought. After all, just as expressing an 'evaluative' propositional attitude such as 'in my view' seems to turn a descriptive proposition into an evaluative proposition (see also Footnote 5), expressing such a clash—or at least the appearance of such a clash—from occurring. They will a descriptive modality such as 'probably' or 'perhaps' seems to make an evaluative proposition descriptive. It is quite plausible that this is the very reason why these modal words are added. At the same time, it is obvious that neither *Carlsberg* nor *Trouw* is interested in presenting a claim that is merely descriptive. They want the public to agree that this beer is the best beer and this newspaper the best newspaper—and that this consent will incite them to dash to the shop where these products are for sale. We think that it can be explained why the advertisers nevertheless use a descriptive modality if our pragma-linguistic analysis is situated in a framework of analysis that combines the dialectical perspective of a critical discussion with a rhetorical perspective on the effects that are pursued in the presentation of a standpoint. In the next section we shall make clear how this combination can be realised.

48.4   Strategic Manoeuvring

In practice, standpoints are not usually put forward just to subject them to a critical testing procedure, but to have them accepted by one's audience as well. Obviously, in most advertisements the latter aim will prevail. There is actually nothing against pursuing one's 'rhetorical' intentions in addition to trying to live up to one's 'dialectical' ambitions. In principle, there is no reason why the two should necessarily stand in each other's way: the aims of resolving a difference of opinion and resolving the difference in one's own favour are after all not incompatible. But the two aims may also clash. Therefore the arguers will manoeuvre strategically to prevent do all they can to see their own position through while meeting their critical obligations at the same time. Such manoeuvring, however, can derail and merely serve to disguise that certain dialectical obligations have been ignored. To be able to determine whether a particular instance of strategic manoeuvring is sound or 'derailed' in this sense, an analytic framework is needed that makes clear what sorts of opportunities the dialectical discussion situation provides to maximize the

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[6]A rhetorical function of this way of phrasing, apart from simply drawing the reader's or listener's attention, could be raising *Carlsberg*'s and *Trouw*'s *ethos*: the descriptive caution formula conveys that the firms do not skate on thin ice and want their standpoints to be founded on facts. It could also serve to make it impossible to disprove the claims in court. (We thank Patricia Riley for drawing our attention to this legal consideration.)

chances of reaching a rhetorical effect by strategic manoeuvring, and how they can be exploited in an acceptable way.

A fruitful point of departure for developing the desired framework of analysis is the pragma-dialectical model of critical discussion. As we have argued earlier each of the dialectical goals of each of the four stages of a critical discussion can be rhetorically exploited by each of the parties to complete the stage concerned to their own advantage (van Eemeren and Houtlosser 1998, 2002). In the confrontation stage, for example, the dialectical goal of externalising the difference of opinion can be rhetorically realised by the parties to come to a definition of the difference that suits their own purpose best. And in the opening stage, the dialectical goal of agreeing on procedural and material starting points for the discussion can be rhetorically realised by the parties to establish the point of departure that is most expedient for their own case.

In all stages, strategic manoeuvring will be aimed at maintaining a balance between realising dialectical goals and pursuing their rhetorical analogues. In our perspective, a party's strategic manoeuvring is manifested in the selection that is made from the topical potential of the discussion stage concerned, in the assimilation to the other party's beliefs and preferences, and in the use of specific presentational devices.

If we incorporate our pragma-linguistic analysis of *Carlsberg*'s and *Trouw*'s standpoints in the integrated framework of analysis just outlined, we can advance the hypothesis that the conceptual absurdities noted in these standpoints are the result of a deliberate attempt at strategic manoeuvring, in this case a form of strategic manoeuvring that utilises a certain presentational device. The next question is in what sense the presentational device used in presenting these standpoints is precisely strategic.

48.5 Strategic Absurdity

A strategic presentation of a standpoint in a critical discussion consists in phrasing the standpoint in such a way that it can be justified convincingly by the protagonist. Obviously, it cannot be predicted with complete certainty what will be a convincing justification in practice. In a concrete case, this ultimately depends on the concessions the other party is prepared to make in the opening stage of the discussion. The *nature* of the standpoint that is to be justified, however, plays an important role on a more abstract level. Standpoints of the descriptive type can in the best case be 'proven' whereas evaluative and inciting standpoints cannot. In principle, it can after all be decided *objectively* whether or not something is the case and it cannot be decided in the same sense whether something should be valued in a particular way or whether a certain action should be performed.

If it is not clear beforehand which concessions can be relied upon by the protagonist of a standpoint, the protagonist cannot know for certain whether he will be able to give a convincing justification of the standpoint. In such cases it is difficult

to create a solid point of departure for the discussion in the opening stage. One thing the protagonist can do is try to attribute the concessions to the antagonist that can be used effectively in the justification of the standpoint. Another possibility is to suggest that such concessions are not needed because the standpoint at issue can be justified on the basis of *conclusive* arguments, i.e., this standpoint is an *objectively justifiable* standpoint. The last strategy is precisely the strategy that *Carlsberg* and *Trouw* employ. By using the epistemic modality 'probably' and the alethic modality 'perhaps', they imply that their standpoints can be justified objectively. By using 'probably', *Carlsberg* suggests that it can be determined objectively whether *Carlsberg* beer is the best beer in the world and that chances are high that this is the case. By using 'perhaps', *Trouw* gives the impression that it could be an objective fact that *Trouw* is the best newspaper in the Netherlands and that it is not so silly to think that this may indeed be the case.

Instead of advancing one ambiguous statement, *Carlsberg* and *Trouw* make in fact *two strategically motivated discussion moves*. The first move consists in advancing the evaluative standpoint that *Carlsberg* is the best beer in the world and *Trouw* the best newspaper in the Netherlands. The second move consists in suggesting by means of 'probably' and 'perhaps' that these standpoints can be objectively justified. While the first move is really confrontational, the second move belongs to the opening stage of the discussion. It serves to suggest that there is agreement about the burden of proof that has to be discharged for the standpoints at issue to be defended satisfactorily.

It will be clear that this way of strategic manoeuvring amounts to a manipulation of the burden of proof that is, strictly speaking, dialectically unacceptable. What, to be sure, would an objective justification of an evaluative standpoint amount to? *Carlsberg* and *Trouw* give the impression that it will be sufficient to make an inventory of the domain of entities that are to be compared or the criteria that are to be applied in the evaluation. They act as if such an inventory automatically yields the result that they suggest: "We have not yet tested *all* the existing brands of beer, but as soon as that has been done *Carlsberg* will (probably) turn out to be the best beer in the world", "We do not yet know *exactly* what makes a newspaper a good newspaper, but once we have found out it will appear that *Trouw* is (perhaps) the best". Yet, there is ample reason left for doubt. If it can indeed be established by means of a test that *Carlsberg* is the best beer in the world, why then has such a test not yet been run? And should we really assume that the editors of *Trouw* have not yet found out what a good newspaper is, but will do so soon?[7]

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[7]It is implausible though that *Carlsberg* and *Trouw* intend to convey this type of consumers' guide appraisal: 'the best' would in such an interpretation mean no more than 'the best in the test'. This qualification would turn 'the best' into a merely descriptive indication of the fulfilment of certain criteria (see Hare 1952; Toulmin 1958/2003; Mackie 1977). An undesirable consequence of this interpretation is that it invites follow-ups such as "*Trouw* has emerged as the best from the test, but in the office we all prefer *de Volkskrant*" (*the People's Paper*, another Dutch newspaper).

48.6   Conclusion

In this article we have analysed two advertisements published by *Carlsberg* and *Trouw* making use of a combination of dialectical, pragma-linguistic and rhetorical insight. Our analysis makes clear that in both cases a standpoint is presented that might seem ambiguous—because it is upheld firmly and cautiously at the same time —or even absurd—because it is both evaluative and descriptive—but is in fact a firmly upheld evaluative standpoint that is presented in a way that suggests that it can be objectively justified. When evaluated critically, this presentation is a way of strategic manoeuvring that involves a burden of proof manipulation because an objective justification of an evaluative standpoint cannot be given. As we have shown, an integrated dialectical, pragma-linguistic and rhetorical analysis is a sound basis for detecting such derailments of strategic manoeuvring when they occur.

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Chapter 49
William the Silent's Argumentative Discourse

Frans H. van Eemeren and Peter Houtlosser

49.1 William the Silent and the Dutch Revolt

This paper is the second part of a two-part paper; the first part is entitled *Delivering the goods in critical discussion* (this volume). The general outlines of the framework we are developing for analysing argumentative discourse are explained in the first paper. As a brief illustration of the application of our method, we shall here reconstruct some important features of an argumentative discourse produced by William the Silent, our 16th century revolutionary.

As you may know, the years between 1555 and 1648 were a heroic period in Dutch history; they were decisive for the existence of the Netherlands as an independent state. These were the years of protest against the persecution of Lutheran, Calvinist and other Protestants, and resistance against the tyrannical Spanish Duke of Alva. Alva was governor of the Netherlands on behalf of King Philip II, who preferred to live permanently in Spain, which made that monarch more of a foreigner than his father, the Emperor Charles V, had been. The Revolt, at this period in Dutch history is generally called, led to the Abjuration of King Philip II and the founding of the Republic of the United Netherlands.

The political system Philip II inherited in the Netherlands can be described as a '*dominum politicum et regale*'. On the one hand, the sovereign governed according to laws and rules of his own design. On the other hand, he needed the people's consent to maintain these laws and rules (van Gelderen 1994). The political actions of Philip and his representatives were divisive in various aspects; they led to an uproar that developed step by step into a real revolt. In this escalating development, various kinds of events and ideological considerations played a part. In the process, the Dutch Revolt became a fundamental source for the evolution of modern thinking about political power, the right of opposition, and national sovereignty.

The leader of the Dutch Revolt was William of Orange, better known as William the Silent—because of his gift of keeping his real purposes diplomatically hidden. Since William was not only in political and practical sense the inspiration and

guardian of the Revolt, but also the intellectual leader, he is honoured to this day as the Father of the Fatherland, *Pater Patrias*. Born in 1533 as son of the ruler of the German principality of Nassau, he achieved his prosperity and a prominent position at the court of Charles V by unexpectedly inheriting from his cousin René of Châlons the title 'Prince of Orange', with all its accompanying wealth. William then became one of the mightiest men in the Netherlands.

After Philip II had succeeded his father in 1555, gradually the whole power structure of the Netherlands began to collapse. Owing to various factors, one of them being the severe repression of the Reformation by the King and his collaborators, an anti-Hispanic movement started to grow. The basic principles of sovereignty and their practical consequences became a matter of debate. As the revolution gained momentum, numerous texts—varying from public letters of extensive *apologias*—were published in an effort to legitimize the Revolt.

We are interested in examining the qualities of the argumentative discourse in which the motives for the Revolt are discussed—and usually defended. In particular, we would like to reconstruct the justification of William's actions offered by his famous *Apologie*. In reconstructing the historical meaning of the text, we follow Skinner (1978) and Pocock (1985, 1–34) in taking due notice of the political and, more particularly, intellectual and ideological context.

49.2   An Integrated Method of Analysis

In *Delivering the goods in critical discussion* we explained that a pragma-dialectical analysis of argumentative discourse amounts to a methodical reconstruction from the perspective of the projected ideal of resolving a difference of opinion by critical discussion. In the 'confrontation' stage of the discussion the difference is defined; in the 'opening' stage the starting point is established; in the 'argumentation' stage arguments and critical reactions are exchanged; in the 'concluding' stage the result of the discussion is determined. The pragma-dialectical analysis results in an analytic overview that contains all moves that are made in the discourse which are relevant in the various discussion stages; it can serve as a basis for a critical evaluation (van Eemeren and Grootendorst 1992).

The project we are currently engaged in aims at enriching the pragma-dialectical method of analysis with rhetorical insights into the strategic manoeuvring taking place in argumentative discourse. How exactly are the opportunities offered by the dialectical situation in a discourse being exploited by the speaker or writer? Each stage in the resolution process has its own dialectical aim; it therefore depends on the stage the discourse has reached as to what kinds of advantage can be achieved rhetorically.

Strategic manoeuvring may, in our view, takes place in choosing from the 'topical potential' available in a particular discussion stage, in adopting to 'auditorial demand', and in exploiting 'presentational devices'. The selection potential we view as a *topical system* associated with a particular stage in the resolution

process. By selecting certain issues, defining and interpreting them, they are given 'presence' in the discourse, and by suppressing issues their importance and pertinence are denied. In adapting to auditorial demand, in each stage the moves that are made comply with the audience's good sense and preferences. The audience, which coincides with the antagonist in a critical discussion, may consist of various parts, so that certain moves can be effective in creating communion with one part, but not with another. In exploiting presentational devices, rhetorical figures are used to make the various moves most effectively present to the mind. In one case, this may, be achieved by means of *praeteritio*: drawing attention to something by saying that you will refrain from dealing with it. In other cases, a rhetorical question may be a more effective manoeuvre.

49.3   Williams' Apologie as a Specimen of Argumentative Discourse

Let us now return to William the Silent. Having led the revolt against Philip II, numerous attacks on William's life were planned—one of them, incidentally, by a sea-captain called Hans Hanssen. At first Philip formally kept himself apart from such actions, but in 1580 a royal Proclamation and Edict was published against the Prince of Orange, which officially outlawed him. Apart from grossly misrepresenting the course of the Revolt and William's role in it, this document attributes the word imaginable vices to the Prince, accusing him of being 'the public plague of Christendom' and 'the enemy of mankind'. It promises a large sum of money and a peerage to the person who will kill the Prince. William the Silent's *Apologie*, written by his court chaplain Villiers in close co-operation with the Prince, was his response: it is a defence against various accusations, and a justification of his behaviour.

In the first place, the *Apologie* is a political pamphlet, albeit it a very lengthy one (more than one hundred pages). To a large extent, it has shaped future positive views on the Prince of Orange, as well as future negative views on his adversary, King Philip II.[1] The *Apologie*, submitted to the States General in December 1580, was published in 1581 in French, together with a Dutch translation. In the same year, five French, two Dutch, and several Latin, German and English editions appeared.[2] It is clear that the *Apologie* appealed to a great many readers—not just to those to whom it was immediately directed (Wedgewood 1989, 222).

It is characteristic of William the Silent's writings that they are calculated to take carefully account of the ideas of the people to whom they are addressed (Swart 1978, 1994). The attitude assumed by the author seems to a large extent to depend on his addressee (Smit 1960, 7–10; de Vrankrijker 1979, 123). It is therefore

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[1]The 'black legend' concerning the Spaniards finds its origin in William the Silent's *Apologie*.
[2]We shall refer to Wansink's (1969) edition of the English translation (1581).

important to realise that the *Apologie* is addressed simultaneously to a number of different readerships. In this text, William of Orange is the protagonist, but the antagonists vary: the formally addressed States General—the collective of the Provincial States of the Netherlands; the rules of the European principalities to whom the *Apologie* was also sent; the formal protagonist of the counter standpoint, i.e., the avowed adversary Philip II; the successive governors and their counsellors —such as cardinal Granvelle—who shared Philip's standpoint; the malcontent Dutch Roman Catholic nobility that has turned against the Revolt; and individual traitors who implicitly defended contrary positions.

Being an apologia, William the Silent's essay represents a specific text genre: a special type of argumentative discourse, aimed at justifying oneself against accusations by others. Viewed from a pragma-dialectical perspective, the *Apologie* involves a delicate balancing of—real or professed—dialectical resolution-mindedness with strategic manoeuvring, with a view to achieving the rhetorical objective of having William's position accepted by all. William the Silent's *Apologie* can be analysed as an attempt to achieve certain rhetorical aims without sacrificing any dialectical ambitions. To show how the available opportunities are used to this end in the *Apologie*, we shall give an analysis that integrates the rhetorical dimension into the dialectical dimension. We do not pretend to provide a fully-fledged integrated dialectical and rhetorical analysis of the text: we merely intend to illustrate our view of the various levels of strategic manoeuvring in the consecutive stages of argumentative discourse.

49.4   Analysis of Williams' Strategic Manoeuvring

The *Apologie* gives the impression of being an angry outcry in which various perspectives and views are unsystematically combined and scattered bits of information are presented in arbitrary order. However, when viewed analytically, and particularly when seen against the background of King Philip's Proclamation, the *Apologie* proves to be an argumentative discourse in which the dialectical stages can be readily identified. We shall here concentrate on reconstructing the strategic manoeuvring in each of these stages.

49.4.1   Confrontation Stage

Starting with the confrontation stage, which introduces the differences of opinion that occupy the author, it becomes clear that the Prince has selected an overwhelming number of issues, intending to cover virtually everything that relevantly can be said about the subject. These issues can be divided into several conglomerates. Most are a direct response to accusations made in the ban edict. They affect political, religious and personal aspects of the Prince's supposed rebellion. The

political issues involve the juridical right of the Dutch—with the Prince as their leader—to stand up against their Sovereign, and the Prince's view of who is, in the end, entitled to take over government: the States General. The most important religious issues are Philip's suppression of Protestants and the right of freedom of conscience. Personal issues concern the Prince's descent, his marriages, his actions against Philip, and his motives for leading the Revolt.

A second, and surprisingly large, number of issues echo themes that earlier had been sounded by the Prince's compatriots. A telling example of this manifestation of internal dissent is the accusation that the Prince has stolen public money. But, as he himself emphasizes, everybody knew that he had spent his whole income and capital on the war against the Spaniards.

Last but not least, are the issues not really dealt with, but at best hinted at, although they are mentioned in the ban edict or known to have been discussed at the time. Of particular importance, in this respect, is the accusation in the ban edict that the Prince, at the time that he was still a Privy Councillor, had already started his dealings with the government's enemies.[3] The Prince clearly evades this issue.

Williams's adaptation to his readership consists primarily in securing that the various components of his audience are being targeted by addressing the kinds of issue they are particularly interested in. The States General are met by the treatment of political issues, particularly those where agreement with the Prince can be expected. Religious issues are of additional interest to the German rulers, who preach moderation, as well as to the Calvinist, who want to defend the Reformation, but probably also to the non-Calvinist Dutch nobility that wishes to protect Roman Catholics and other non-Calvinists. The Germans are approached by condemning the excesses of Calvinism, the Calvinists by an emphasis on their religious primacy, the non-Calvinist nobility by guarantees for the safety of the Roman-Catholics.

Among the presentational devices that the Prince uses most frequently in the confrontation stage are *praeterio* and irony. *Praeterio* is used to raise topic 'in passing', implying that they are not worth going into, while at the same time making the point. Important issues, such as the attitude of Philips and his governors towards William of Orange, are in this way effectively dealt with: 'I will not repeat the perjuries and deceits of the Duchess [of Parma], nor of the King of behalf of My Lords the Counts of Egmont and Horne [decapitated by Alva], nor the baits and allurements which they prepared for me' (*Apologie*, 94). Irony plays an important part in representing certain assertions made by the King in the ban edict, as for instance his denial that he ordered the Duke of Alva to levy the notorious tenth and twentieth penny taxes 'But that, my Lords, which is greatly to be esteemed in this Proscription, so true and well grounded, is this, that the King did not command the Duke of Alva to impose the tenth and twentieth penny without the consent of the people' (*Apologie*, 89).

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[3]The Prince's letters to the Lutheran Count Philip of Hessen—cited in Klink (1997, 12)—show that in this period the Prince was, in fact, guilty of high treason because he passed on state secrets to foreign rulers.

49.4.2   Opening Stage

In the opening stage of the discussion, the Prince's repeated attempts to evade the burden of proof by shifting the issue is a dominant technique. The technique is used when dealing with the issue of disloyalty. The Prince claims: 'We have not had, on our part, any infidelity or treason, or understanding with the Spaniards; as our enemies on their part have had. Have they not, against their faith and promise, with an armed power, begun a war?' (*Apologie*, 110). The accusation of violating the provisional peace treaty known as the Ghent Pacification by turning the issue upside down: 'Often times in the execrable Proscription, and in their little foolish defamatory libels and secret letters, they object unto me that I have violated and broken the Pacification. Let us see how [the Spaniards] on their behalf have maintained and kept it' (*Apologie*, 102). The Prince's attempts at creating a favourable starting point further involve establishing his *ethos* by an artful narration of the 'factual' background of his predicament and the course of events. In his narrative, his account stands out of a conversation he had long before the beginning of the Revolt with the French King Henry II. Henry is said to have revealed to the Prince Catholic plans for exterminating the Dutch Protestants, which filled the Prince with deeply-felt pity and presumably motivated him at this early stage to adopt the Protestants' cause.

Emphasizing common interest and shared goals, William adapts to the most important components of his audience by associating himself with the Dutch parties in the Revolt—the States General, the moderate nobility and the extreme Calvinists —and with the German Lutherans, while dissociating himself consistently from Philip II and the Spaniards by attributing despicable secret intentions to them. A striking example of the Prince's attempt to create a bond with the Dutch is his vehement reaction to Philip's contention that William is of foreign descent. Apart from dealing with this contention directly, the Prince also deals with it indirectly by spending a substantial part (about ten pages) of his *Apologie* on an elaboration of his ancestors' services to the Netherlands.[4] As regards his use of presentational resources, the most prominent devices William exploits in the opening stage are those that implicate the States General, repeatedly using the introduction 'As you know, My Lords'—meanwhile ridiculing his opponents.

49.4.3   Argumentation Stage

In the argumentation stage, the Prince favours three categories of arguments: arguments about whether he can be blamed for certain actions, religious arguments, and political arguments. The main thrust of his 'I am not to blame' -arguments is that the Spaniards and the malcontents themselves did much worse things. As far as

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[4]Pace Swart, who considers the Prince's elaboration on this point irrelevant (1994, 191).

religion is concerned, William silently exploits his account of how he had taken pity on the Protestants in order to guarantee his protection of the Reformation. His political arguments refer to the protective relation between a sovereign and his subjects, to Philip's violation of the oath of allegiance between lord and vassal, and to the disastrous consequences that the current course of events would have—the suppression of the Reformation would be only a first step towards suppression of the whole population and tyrannical terror.

In the 'I am not the blame' -arguments, adaptation to the audience involves reinforcing the idea that he who does worse things loses his right to speak up. The religious argument rests on *ethos*; it consists, in fact, in a pathetic arousal of emotion in the audience. The warrant brought to bear in the first political argument is the appealing idea that a sovereign can be expected to protect his subjects rather than oppress them. The presentational device exploited in this argument is the use of folk wisdom: 'The people will more esteem him that maintains them, than him that would oppress them' (*Apologie*, 120–121). The second political argument is warranted by the principle that violating an oath eliminates an existing relation; the third by the rule that everything goes from bad to worse. In the oath argument, a counter-argument is turned into a pro-argument: 'If then I am not the King's natural subject—which he himself says—, I am by this unjust Proclamation and sentence absolved from by oath' (*Apologie*, 73). The argument that everything goes from bad to worse is its presentation supported by a citation from the Bible, which was earlier used—but then meant as a threat—by the Duchess of Parma and Granvelle: 'The father has corrected you with rods, but the son will chastise you with scorpions' (*Apologie*, 66).

49.4.4   Concluding Stage

In the concluding stage, the Prince's object is to have his views accepted. At a further remove, the rhetorical aim, which can be described as a 'consecutive per-locutionary effect', is to win the political and financial support of the States General. The selection made in the *Apologie* involves an appeal for their solidarity and an urgent request for money: 'My Lords, […] keep your Union but do it […] not in words nor by writing only, but in effect also, so that you may execute that which your sheaf of arrows, tied with one band only, doth mean' (*Apologie*, 125). 'Employ all the means that you have, without sparing, I say, not the bottom of your purses, but that which abounds therein' (*Apologie*, 145). The adaptation which is to encourage the States General's acceptance of this request consists in emphasizing the Prince's disinterest and loyalty, and his willingness to obey them under any circumstances. Rhetorical questions are prominent among the presentational means used to achieve the target conclusion: 'Would to God, my Lords, either my per-petual banishment, or else my very death itself, bring onto you a sound and true deliverance from so many mischiefs as the Spaniards […] do devise against you […], how sweet should this banishment be onto me, how delightful should this

death be onto me, for wherefore is it that I have given over, yea lost all my goods? Is it to enrich myself? Wherefore have I lost my own brothers, whom I loved more than my own life? […] Wherefore have I so long time left my son a prisoner, my son, I say, whom I ought so much to desire, if I be a father? Is it because you are able to give me another? Or because you are able to restore him to me again? What other recompense, what other reward, can I look for of my long travails, […] except to purchase and to procure your liberty, and, if need be, with the price of my blood?' (*Apologie*, 146).

49.5 Conclusion

On our definition, one can claim that a 'rhetorical strategy' is being followed in a certain stage of the discourse only if the strategic manoeuvrings from the available potential, adapting to the auditorial demand, and exploiting the presentational devices converge. In William the Silent's *Apologie* this is often the case. A major confrontation strategy is that of overburdening the difference of opinion by bringing up an exhaustive list of issues and at the same time concealing some important issues from the audience. The opening strategy is to create a broad zone of agreement by being at all parties' beck and call. The argumentation strategies are intended to overwhelm the opponents, and to foster unity among his compatriots by sketching a doomsday scenario. The main concluding strategy, as it relates to the States General, can be characterized as making them bite the bullet.

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Chapter 50
The Rhetoric of William the Silent's *Apologie* a Dialectical Perspective

Frans H. van Eemeren and Peter Houtlosser

50.1 The *Apologie* Situated in Its Historical Context

Inspired by Toulmin's views on the 'formal turn' in post-Renaissance appreciation of reasonableness, we react in this paper against the strict separation between dialectical and rhetorical approaches to argumentation. For a sound analysis of argumentative discourse we believe that these two approaches must be systematically combined. We shall illustrate our integrated method of analysis by a partial reconstruction of William of Orange's famous *Apologie* (1581), which justifies his actions as leader of the Dutch Revolt against King Philip II, the Spanish ruler of the Low Countries. Let us begin by offering some historical background information.

The years between 1555 and 1648 were decisive for the existence of the Netherlands as an independent state. In 1555, King Philip II inherited from his father, the Emperor Charles V, a political system in the Netherlands that can be characterized as a *dominium politicum et regale*. On the one hand, the sovereign governed according to laws and rules of his own design; on the other hand, he needed the people's consent to maintain these laws and rules. Several of Philip's political actions, however, were dismissive of the existing charters and privileges. Particularly his negligence of the political position of the Dutch nobility and his severe repression of the upcoming Reformation met with resistance, which developed step by step into a real revolt. The justification for this revolt became a fundamental source for the evolution of modern thinking about political power, the right of opposition, and national sovereignty. In *Political Thought of the Dutch Revolt*, van Gelderen points out that, although inspired by the same intellectual movements, the political ideology of the Dutch Revolt eventually made a significant further step beyond the doctrine of the French Monarchomachs, since it includes justifying the removal of the King and the foundation of a republic.

The leader of the Dutch Revolt was William of Orange, better known as William the Silent—because of his diplomatic gift of keeping his real purposes hidden. Born in 1533 as the eldest son of the ruler of the German principality of Nassau, William

of Orange achieved prosperity and a prominent position at the court of Charles V by unexpectedly inheriting from his cousin René of Châlons the title 'Prince of Orange' and all its accompanying wealth. This led to William becoming one of the most powerful men in the Netherlands.

After first collaborating with Philip for some years, William started to act against the Spaniards' policy of eradicating every form of heresy. Never a great admirer of religious dogmas, the traditional but tolerant Prince publicly defended freedom of belief and consciousness. At the end of the Sixties, the King accused him of undermining his power in the Netherlands. William fled to his principality in Germany, where he wrote the *Justificatie ofte Verantwoordinghe* (1568), a justification of his behaviour. This was his first substantial contribution to the 'war of pamphlets', which, according to the American historian Harline, raged between 1555 and 1590.

Soon afterwards, William returned to the Netherlands, where he began to lead the Revolt. However diffuse the situation may have been, by the end of the Seventies the Revolt had spread from Holland and Zealand over the whole territory of the Netherlands. The King's official representation, the State Council, tended to collaborate with the revolutionaries. In fact, even the King counteracted his own politically and military successful governor of the Netherlands, the Duke of Parma, by giving priority to capturing Portugal. The King came to the conclusion that the revolt could not be suppressed and initiated peace negotiations. But these negotiations failed and Philip saw no other solution than to have William the Silent killed. In 1580 a royal Proclamation and Edict was published which officially outlawed the Prince of Orange.

Apart from grossly misrepresenting the course of the revolt and William's role in it, in this Ban Edict the worst imaginable vices were attributed to the Prince, accusing him of being 'the public plague of Christendom' and 'the enemy of mankind'. A large sum of money and a peerage were promised to the person who would kill the Prince. William the Silent's *Apologie*, written at the end of 1580 by his court chaplain Pierre Loyseleur de Villiers in close co-operation with the Prince and some others, was his response: the *Apologie* is a defence against virtually all accusations in the Ban and a strident justification of William's behaviour. The *Apologie* was presented to the States-General. In 1581 it was published in five languages and sent to the 'Kings and potentates of Christendome'. With one new edition being published after the other, the *Apologie* became a real 16th century bestseller.

According to Voltaire, 'la réponse de Guillaume est un des plus beaux monuments de l'histoire'. The early nineteenth century leading protestant historian and politician Groen van Prinsterer observes that 'Il est certain que l'Apologie est écrite sans détours et sans euphémismes. […] L'exemple étoit donné par les antagonistes' (*Archives*, pp. 452–453). Villiers' biographer, Boer, opines that the Ban 'has received a masterly reply in the *Apologie*' (1952, 118). In the introduction to a modern edition of the *Plakkaat van Verlatinge*, the political follow-up to the *Apologie*, it is called 'a skilful defence of [William's] own way of acting as well as an unprecedented fierce attack on the politics and the person of the Spanish king'

(Mout 1979, 12). According to another introduction to the *Plakkaat*, however, the *Apologie* is not of great significance: the real response to the Ban is the *Plakkaat van Verlatinge*, in which the States-General abandon King Philip II. van Gelderen calls the *Apologie* 'in the first place a moving personal defence by Orange, who felt deeply humiliated not only as a politician but also as a nobleman' (1991, 68). 'Orange', he says judiciously, 'attacks the King by just as personal accusations and twisted reasonings' (1991, 66–67). William of Orange's biographer Swart considers the *Apologie* as a plea for his own cause 'much less of a success' than the *Justification* published in 1568. He adds, however, that 'presumably the author believed that he was telling nothing but the real truth' (1994, 190).

  We are interested in the *Apologie* from an argumentative perspective. What is *our* considered judgement of the argumentative discourse involved?

50.2   A Pragma-Dialectical Method of Analysis

When analyzing the *Apologie*, we view the text as an attempt to convince its readership and we try to reconstruct it in such a way that its argumentative potential can be optimally evaluated. In various publications we have explained that such a dialectical reconstruction amounts to analyzing the discourse methodically from the perspective of the projected ideal of a critical discussion and results in an analytic overview of all the moves that are relevant to the process of resolving a difference of opinion (van Eemeren and Grootendorst 1992).

  Currently we are engaged in a project aimed at enriching our method of analysis with rhetorical insight into the *strategic manoeuvring* that takes place in argumentative discourse. How exactly are the opportunities offered by the dialectical situation in a discourse exploited by the speaker or writer? Each stage in the critical discussion constituting the resolution process has its own dialectical aim. In the *confrontation* stage the difference of opinion is defined; in the *opening* stage the positions of the parties and other starting points are established; in the *argumentation* stage the arguments and critical reactions are exchanged; and in the *concluding* stage the results of the discussion are determined. What kinds of advantage can be rhetorically achieved depends on the stage the discourse has reached.

  The need to balance a resolution-oriented dialectical objective with the rhetorical objective of having one's position accepted will be occasion for strategic manoeuvring. Strategic manoeuvring may take place by *selectively choosing one's move from the options* available at a particular discussion stage, by *adapting to audience demands*, and by *exploiting presentational devices*. The options available for selection at a particular stage in the resolution process we view as the *topical potential* associated with that particular dialectical stage. Selecting certain issues gives them 'presence' in the discourse; suppressing certain issues denies their importance and pertinence. By adapting to audience demands, the moves that are made in each stage aim to comply with the audience's good sense and preferences. The audience may be heterogeneous, so that certain moves can be effective in

creating communion with one group, but not with another. By exploiting presentational devices, rhetorical figures are used to make the various moves effectively present to the mind. For instance, this may be achieved by means of *praeteritio*—that is, drawing attention to something by saying that you will refrain from dealing with it—or by the use of a *rhetorical question*.

We say that a *rhetorical strategy* is being followed if the strategic manoeuvrings with respect to topical selection, adaptation to audience demands, and use of presentational devices in the discourse all systematically converge. Rhetorical strategies in our sense are methodical designs, or 'blueprints' of moves, for influencing to one's own advantage the result of a dialectical stage, or of the discourse as a whole.[1]

50.3   Strategic Manoeuvring in the Opening Stage of the Apologie

William's *Apologie* provides an excellent example of strategic manoeuvring to reconcile rhetorical aims with dialectical obligations. On the one hand, William has to make a serious effort to deal with the accusations leveled against him in the Ban Edict, convincing the European rulers and nobles that he is not out for personal gain but is acting as a responsible and sincere political leader who supports a fully justified revolt. On the other hand, he may—at the same time—be expected to do everything he can to further the case of the revolt and to make an equally serious effort to turn the accusations of the King to his own advantage.

In an earlier paper (van Eemeren and Houtlosser 1998), we have shown that strategic manoeuvring is immanent in all the dialectical stages of the implicit discussion conducted in the *Apologie*. In this paper we shall concentrate specifically on William's strategic manoeuvring in the *opening stage*. At this particular stage, one of the main dialectical aims is to establish the proper discussion roles for each of the parties: who is going to defend which standpoint, and which concessions made by the other party can be taken as the starting point? Viewed rhetorically, in this stage the parties position themselves in the way they think most advantageous, both with regard to their own concessions—making sure that the burden of proof they assume is manageable—and with regard to their credibility as a discussion partner—presenting themselves as a serious and authoritative party. The latter aspect of

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[1]Rhetorical strategies manifest themselves in a systematic, co-ordinated and simultaneous exploitation of the opportunities afforded by the dialectical situation at hand. There are specific 'confrontation strategies,' such as 'humptydumptying'—defining the difference "to one's own content." There are also specific 'opening strategies,' such as 'first listing all the things that we *do* agree about.' Well-known 'argumentation strategies' are referring to a particular authority, and pointing out all kinds of undesirable consequences of adopting the opponent's standpoint. A notorious 'concluding strategy' is stressing the 'need for consensus,' which can obviously not be fulfilled if the listener or reader does not accept the speaker's or writer's standpoint.

William's manoeuvring in the opening stage of the *Apologie* will be highlighted in this paper: how exactly does William proceed to shape an advantageous position for himself compared with his main opponent in the discussion, the King of Spain?

First of all, the *Apologie* appears to contain a great many efforts at establishing the Prince's *ethos*. Prominent among them—and, of course, highly common in this kind of text—are claims of modesty. As convention prescribes, they are expressed at the beginning of the pamphlet: 'Knowing the ordinarie trade and course of my life, who love not more to blame an other man, than to prayse my selfe, yet if it is so fall out that I do, either the one or the other, as it is very harde thing not to do so (albeit that it shal be with the greatest modestie that I can) and if there be any thing that may seeme not very seemely, it shal be long to you (my Lordes) to attribute the same, rather to the necessitie so to do (which mine enemies have layde upon me) than to my nature' (p. 16). In line with this *topos of modesty*, William emphasizes that he leaves judgement of his case to the States-General: 'Leaving you to iudge (my Lordes) whether it be possible to purge my selfe from such slaunders, without ripping up in some matters, the ordinarie course of my life, & without exceeding my custome, in speaking of my selfe and other men' (p. 17).

While stressing his loyalty and sincerity, however, the Prince also forshadows a certain judgement resulting from the States-General's deliberations: 'I am so assured of the iustice of my cause, and of my foundnes and faithfulnes towardes you, and on the other side, of your equitie and roundnes, and of the knowledge that you have, howe & after what sorte all things have passed, that I demaunde no other thing of you, but onely that you would iudge, and take notice of this matter' (p. 17). By claiming that the facts speak for themselves, William implies that mere knowledge of the way in which things have in fact proceeded demands a favourable judgement of his case. This factual basis for his case is then supplemented with an equally 'objective' judicial basis. William writes: 'I suppose that it is necessary, yea in deed most iust, that I aunswere to such slaunders, to the ende that some being mooved or perswaded by such words, may not yet receive this my defence, with a hearte more estraunged from me, than the lawe allowed amongst people, and iustice it selfe requireth' (pp. 18–19). And: 'If [...] seeing that against all right and equitie, yea against his own othe, he [the King] hath by force constrained me, to attempt so necessarie a warre, [...] who is he (the premises being rightly considered) that can accuse me of any other fault, then this, that I framed my selfe to much to the time, before that I would take armes, and that I would not enioye that, whiche the lawe of warre, and of al nations yeelded unto me, unto me I say, who am borne a free Lorde, and who have this Honour to carie the name and title, of an absolute Prince, albeit that my Princedome, be not of anie great length or largenes?' (p. 73).

Apart from establishing his own ethos and his role as the protagonist of a case which is based on facts and justice, William attempts to create an advantageous position for himself in the debate by discrediting his immediate opponent, Philip II. He attacks the King severely, not merely for his political and military actions during the revolt, but first and foremost for his 'verbal actions' in the Ban Edict. The King himself knows that he is lying, and so does everybody else: 'I doubt not, but that as many among you have seene the whole, or else some part of my actes and

behaviours, or else have understoode it from their fathers, and other good people, whiche have bin witnesses thereof: so having hearde me, ye wil as easelie iudge my words to be as true, as those of mine enemie are false and shamelesse' (p. 52). Again, mere knowledge of the facts suffices to see that William has a case, unlike his opponents.

The *Apologie* suggests that William's opponents are not susceptible to facts, but are led by their emotions, making it impossible for them to discuss matters in a reasonable way: 'For, who is it that knoweth not, that without choise or discretion, they cast at my head, every thing that they finde in the waye, so great is their furie, and their passion so outragious and unmeasurable?' (p. 89). This clouded vision causes William's opponents to say things either which they know to be untrue, or which apply much more to *them* if they are to a certain extent true. This is, for instance, the case with regard to the accusation of treason and that of violating the Ghent Pacification, of which William points out: 'We have not had, on our parte, any infidelitie or treason, or intelligence with the Spaniards, as our enimies on their parte have had. For have not they, against their faith and promise, with an armed power begunne a warre?' (p. 110). 'They obiect unto me', William says, 'that I have violated and broken the [Pacification]: Let us see, howe [the Spaniards] on their behalfe have mainteyned and kept it' (p. 102).

William uses the same tactic of reversal in dealing with the accusation that he is a foreigner: 'They object unto me also, that I am a straunger, as if the Prince of Parma, were a great countrey man, who was not borne in this countrey, nor hath a farthing worth of goods here, nor any title […]' (p. 48). In further discussing this point, an additional technique is used by the Prince: that of pointing out inconsistencies in the opponents' starting points. 'What do they meane by the terme straunger?', he wonders, 'Verely such a one, as is borne out of the countrey; then if that be so, hee him selfe [the King] shal be a straunger as well as I, for he was borne in Spaine' (p. 48). And Germany, where the Prince was born, is 'a countrey which is naturallie a freend and fellowe of this countrey', whereas Spain 'is naturally the enemie of the lowe countrey'. Of course, the point is here also that being a long time inhabitant of the Netherlands increases the Prince's ethos as a rightful protagonist of the cause of the revolt for the States-General.

Often the pointing out of inconsistencies is phrased as an ironical twist, aimed at ridiculing the opponent. When William discusses Philip's efforts to bribe him into returning forever to his native country, the Prince refers to the Ban Edict, where Philip motivates his offer by pointing out that 'it is a pleasant thinge for every one to live in his owne Countrey'. Orange's reply to this proclaimed common starting point is to ask: 'Wherefore then, doth this cursed race of Spaniardes, go from countrey to countrey, to torment and to trouble all the worlde?' (p. 132).

Not only are the abilities of the opponents to argue in a sensible way ridiculed, but also their oratorical style: 'Now then (my Lordes) upon these fraile and weake foundations, they come to build the sentence of their Proscription and here they lay out all their tragicall eloquence: they thunder: they lighten: they storme and rage: […] after that I have looked rounde about me, I finde that they are, but windes of wordes, and noises, to make children afrayde, rather than a man' (p. 135). Irony is

in fact the Prince's favourite stylistic device, even from the beginning of the *Apologie*, where William sets the stage by characterizing the Ban as the 'most excellent flowre of glorie, that I had bin able to have desired, to have bin crowned with, before my death' (pp. 13–14).

The greatest failure of the Prince's opponents, however, is—as he presents it—not their untruthfulness, their emotionality, their obvious inconsistency, or their bad style, but their incapacity to see that what they present as an accusation is in fact a compliment to the Prince. This applies, for instance, to the accusation that the Prince has relations with the common people: 'I confesse then, that I am, and that I wil al my life long be popular, that is to saie, that I wil pursue, mainteine and defende, your libertie and your priviledges. Thus you see, howe there wise braines, are utterly voide of common wit and understanding, and howe that even then when they blame me they praise me' (p. 120).

The accusation of his involvement with the Request of the Nobles to the erst-while governess of the Netherlands, the Duchess of Parma, is also turned around: 'I confesse, that I thought it not evill, that the request was presented […]. I count it a most great profit, both for myne owne honor and reputation, and also for the service of the King and the countrey, for if the wise Counsellors of the King, had bin so well advised as to yeelde thereunto, there had not insued so many miseries, by whiche, there wanteth but a litle, but that the whole countrey had bin consumed' (pp. 65–66).

In this way, even the most serious accusations are interpreted as attributing honour to the Prince, instead of blame: 'They have offered me (they say) great commodities, to the ende that I might depart to the place where I was forme, where every one ought to desire most to live, to the which I meant not to consent. What could they say (my Lordes) which might make me more for mee than this? Consider I pray you their folie, or their shamelesnesse. For this must needes be, either that they speake shameleslie, or else they are so voide of goode under-standing, that they praise me, when they thinke to blame me' (pp. 131–132).

In sum, we can conclude that in the opening stage of the discussion that is implicitly conducted in the *Apologie* William's efforts are aimed both at estab-lishing his own dialectical ethos and at destroying the dialectical ethos of his opponents. The Prince's own ethos is built on references to his modesty, loyalty and sincerity as well as on references to the factual and judicial basis of his case. Conversely, Philip's ethos is diminished by referring to his untruthfulness, emo-tionality, inconsistency and bad style, and by showing he mistakes praise for blame.

50.4 Conclusion

The historian Groen van Prinsterer has argued that one of William's main objectives in presenting the *Apologie* was to move the States-General towards abjuring Philip II as the sovereign ruler of the Netherlands. To realize this objective, the Prince thought it necessary to damage as much as possible Philip's personal and

political reputation. 'Il nous semble', writes Groen, 'que la véhémence des expressions n'étoit pas sans but et calcul politiques: le Prince, convaincu que la rupture désormais étoit irrévocable, désiroit ne laisser à personne le moindre doute à cet égard' (Groen 1839, pp. 452–453). William of Orange's biographer Swart (1994, p. 198) adds that the Prince had just concluded his negotiations with the Duke of Anjou in which he had agreed that the French Duke would come as soon as possible to the Netherlands to accept sovereignty. Until the official abjuration of Philip had taken place, this would, of course, not be possible.

Starting from an argumentative point of view, we have in this paper displayed an extra dimension in the *Apologie* in the Prince's attempts to damage Philip II. We have shown there is substantial evidence that, besides attacking the King's personal behaviour and his political capabilities, in the *Apologie* William the Silent also aims at discrediting Philip II as a reasonable 'discussion partner': he undertakes a fierce attempt to disqualify Philip's dialectical attitude and discursive abilities as manifested in the Ban.

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Erratum to: Student Performance in Identifying Unexpressed Premisses and Argumentation Schemes

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