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Editorial

On Pragma-dialectics and Pragma-dialecticians: Notes on an inconclusive theoretical itinerary¹

Is there a code of conduct that natural language users follow when they argue in daily life? Are natural language users aware that they pass through different stages during a discussion with friends, colleagues or relatives? Is it necessary to be aware of fallacious moves in order to avoid unreasonableness? If these questions were addressed to lay arguers, none of them might make any sense. The complaint would be that it is not clear what the meaning of 'code of conduct' is; the same would go for 'different stages' of a discussion, or for the maxim 'if you want to have a critical discussion then you must avoid fallacious moves'.

The above first paragraph is often the easiest beginning for a not-so-well informed reviewer of pragma-dialectics within the field of argumentation theory; a reviewer who, of course, wants to appear smarter than she is. All these critical questions are, nevertheless, very important at the empirical level. These questions/criticism of the pragma-dialectical theory at the empirical level are important when the theory as a whole is put into perspective, considering all its components. This has been, in fact, one of the main achievements of the pragma-dialectical theory: to convince us of the feasibility of a particular program for the study of argumentation.

The pragma-dialectical research program is constituted by five components, dimensions or estates: the philosophical, theoretical, analytical, empirical and the practical one. Pragma-dialecticians seem committed to the notion that this multi-dimensional approach is the only way to achieve a comprehensive overview of argumentation.

¹ I thank Steve Patterson and Frank Zenker for their comments and fine revision of this editorial text. Any mistakes still remaining are mine.

Perhaps one critical remark one could make here is that pragma-dialecticians have placed too much emphasis on their theoretical structure. Certainly they have repeated constantly, in each main book (1992, 1993, 2004, 2009, 2010), that their theory has five components, that there are four analytical stages for a critical discussion, that the code consists of 10 commandments (at a practical level) or 15 rules (at a technical level) and that fallacious moves are “derailments”, etc. But this critical remark could easily be answered by acknowledging the many papers in which pragma-dialecticians have discussed specific problems in argumentation theory and in pragma-dialectics, have confronted criticisms, have shown, step by step, the progress of the theory in terms of adding new concepts like “strategic maneuvering”, “dialectical power”, “derailments of strategic maneuvering”, and by working towards a synthesis of dialectics, linguistics, rhetoric, philosophy, and other disciplines.

But, to what extent do all these new concepts and recombinations count as real progress, or development of the pragma-dialectical theory? Could it not be the case that the new concepts only constitute a repackaging of rather old ideas, and that the pragma-dialectical theory has found itself compelled in that direction because of its commitment to its “research program”? One possible route to the answer takes us back to the beginning, to the theory’s earliest days.

One might assume that the initial ideas (and perhaps also speculations) of the two main scholars of pragma-dialectics, Frans van Eemeren and Rob Grootendorst, flourished in the liberal Amsterdam of the 1970s. Similarly, one might say that everything started when those initial ideas and speculations resulted in the appearance of a book with a rather grand title: *Speech Acts in Argumentative Discussions: A Theoretical Model of the Analysis of Discussions Directed towards Solving Conflicts of Opinion*. This was in 1984 – the Orwellian year.

Twenty-six years later, and throughout all the intervening years of constant academic production, we can say with full confidence that the pragma-dialecticians have used all the means available to develop their theory and, at the same time, the entire field. They have established one of the main conferences in the field, ISSA, and founded one of the field’s main journals, *Argumentation*. They have also fostered the growth of the field by produc-

ing some of its best academic masters and Ph.D. programs, by constantly organizing colloquia on different topics with different guests, by engaging the main scholars of the field, including those who from the beginning criticized the theory and a long list of other activities too that, even if strategically carried out to improve their theory, certainly were done with a generous disposition.

These are some of the reasons why *Cogency* dedicates this issue to the ‘1984 book’, bringing together some of the research lines that have since been part of its agenda. In this special issue, *Cogency* has accepted only papers from former students and current researchers of the Amsterdam School. Our wish is to have a future special issue with papers commenting on these.

In more than one sense, at a theoretical level, the 1984 book marks the stance from which the theory has been guided: normative pragmatics. As Bart Garssen, our guest editor, points out in the *Introduction*, in this seminal book five main aspects of the theory were addressed: 1) argumentation as an illocutionary speech act, 2) the perlocutionary effect of argumentation, 3) the analytic model of a critical discussion, 4) the explicitization of implicit elements in argumentation, and 5) the code of conduct for rational discussants.

Thus, from the very first moment, one could reasonably ask why a normative theory of argumentation appeared in a liberal country where, one could imagine, there is little or no need for such rules. Perhaps the Protestant spirit, perhaps the Dutch “poldermodel” can explain this. Whatever the reason, the important matter is that, before the 1984 book, there was no systematic view on argumentation in which the pragmatic, dialectical, linguistic, and normative insights were combined in a single framework to study argumentation.

Normativity is one of the central topics of argumentation theory, likewise for pragma-dialectics, yet to many scholars the normative aspect of the Dutch theory is not yet well accounted for. In fact, today there is an open discussion about this issue. For example, to touch upon one of the richest dialogues between critics and supporters of pragma dialectics, Siegel and Biro (2008) have pointed out that the norms that configure the pragma-

dialectician's model do not ensure rational resolutions; Garssen and van Laar (2010) have replied that this critique is a misconception. The discussion is very much a live one.

In the middle of this motivating and challenging exchange, and as in any human enterprise, the Amsterdam School also had to live through tragic moments. Two of the greatest scholars of the core group passed away: Rob Grootendorst in 2000 and Peter Houtlosser in 2008. Their passing was not merely a loss to the pragma-dialectical school, but to the entire community of argumentation theorists.

Since 1984, and despite these painful losses, the pragma-dialectical theory of argumentation has become perhaps the most influential approach within contemporary argumentation studies to developing a theoretical account of our natural competence as arguers. Then again, being the most influential attempt is not necessarily the same thing as being the most complete or the most useful. Today, for example, we can still ask why the important links to evolutionary theory or the cognitive dimension have yet to be explored.

No matter what one's judgment on the ultimate merits of the theory, its disciplinary importance is clear. It is the first perspective that attempted to function as a bridge between formal and informal logic, discourse analysis and argumentation theory. For this we should thank the Amsterdam School. It was, is, and for the foreseeable future will presumably remain one of the main impulses for our field.

Cristián Santibáñez Yáñez
Diego Portales University

Santiago/Amsterdam, July 2010

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Introduction to the Special Issue: Twenty-five years of *Speech Acts in Argumentative Discussions*

Introducción al número especial: Veinticinco años de *Speech Acts in Argumentative Discussions*

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This special issue is to celebrate the twenty-fifth's anniversary of a highlight of modern argumentation theory: *Speech Acts in Argumentative Discussions. A Theoretical Model of the Analysis of Discussions Directed towards Solving Conflicts of Opinion* by Frans H. van Eemeren and Rob Grootendorst.¹ *Speech Acts* is a groundbreaking book that can be seen as the kick-off of the development of the pragma-dialectical approach to argumentation.² It marks the beginning of this development but it is also surprisingly complete. It is remarkable that all major elements of the pragma-dialectical theory of argumentation can already be found here; sometimes in an embryonic state, but mostly in a more elaborated and worked-out form.

Speech Acts is meant as a contribution to the theoretical analysis of argumentation conducted for the purpose of resolving disputes. With this seminal work Van Eemeren and Grootendorst provide a theoretical foundation for the systematic analysis and evaluation of verbal utterances in argumentative discussions.

¹ *Speech Acts* is a revised translation of Frans van Eemeren and Rob Grootendorst's doctoral dissertation in Dutch, which was published in 1982.

² The term 'pragma-dialectics' was introduced much later; it does not appear in *Speech Acts*.

The contribution of *Speech Acts* to the study of argumentation can be summarized in five themes: 1) argumentation as an illocutionary speech act, 2) the perlocutionary effect of argumentation, 3) the analytic model of critical discussion, 4) the explicitization of implicit elements in the argumentation, and 5) the code of conduct for rational discussants. In what follows I will give a short overview of these themes.

Van Eemeren and Grootendorst observe that speech act theory is the best analytical instrument so far developed in descriptive interpretative pragmatics.³ However, analyzing argumentation from a speech act perspective is not something that could be done without further ado. Searle's observation that it is characteristic for speech acts to have a one-to-one relation between sentence and illocutionary act certainly does not count for argumentation. A special analysis of the illocutionary act was necessary. Van Eemeren and Grootendorst have to solve three problems. First, a complete argumentation consists of more than one sentence. Second, sentences uttered in an argumentation have two illocutionary forces simultaneously: they are (to be reconstructed as) assertives which are part of a complex (constellation) of the illocution argumentation. Three, advancing a constellation of statements can only be regarded as a performance of the speech act *argumentation* if the sentences used stand in a particular relationship to *another* sentence, whose utterance counts as the advancing of an *expressed opinion*. Van Eemeren and Grootendorst's analysis of argumentation as a *complex speech act* accords with Searle's basic theory of illocutionary acts and with their own definition of argumentation.

Before the publication of Van Eemeren and Grootendorst's book speech act theorists paid little attention to *perlocutionary effects* that are associated with illocutionary acts. How should the relation between the illocution of *arguing* and the perlocution of *convincing* be characterized? The relation between these two aspects of the speech act can be found in the argumentation schemata. The perlocution convincing may be regarded conventional in the sense that in the attempt to achieve the perlocutionary effect of the listener being convinced of the acceptability or unacceptability of an

³ Before introducing the speech act perspective Van Eemeren and Grootendorst explain the general methodological principles for their research: functionalization, externalization, socialization, and dialectification.

expressed opinion in the argumentation certain schemata are employed which meet all three conditions for *conventionality*. A specific *argumentation schema* represents a regularity in the usage of the members of the community of language users, the occurrence of the argumentation schema is expected by the members of the community of language users, and the members of the community prefer to use this particular argumentation schema in cases in which it will resolve a particular interactional problem.

The next question is what theoretical conception of a rational discussion can supply a theoretical model which enables an analysis of argumentative discussions. For a complete discussion model a typology of disputes had to be developed, an outline of the discussion in discussion stages needed to be given, a distribution of speech acts over these stages needed to be introduced, and several types of relations between the arguments making up the argumentation structure needed to be distinguished.

A discussion may centre on a dispute of greater or lesser complexity. Van Eemeren and Grootendorst make a systematic distinction between, on the one hand, *simple* and *compound disputes* and, on the other hand, *single* and *multiple disputes*. In simple disputes only one (positive or negative) standpoint is advanced in respect of an expressed opinion and in compound disputes two different standpoints (one positive and one negative) are propounded in respect of one and the same expressed opinion. Single disputes have to do with one and no more than one expressed opinion, while multiple disputes have to do with more than one expressed opinion.

The process of resolving a difference of opinion involves a number of discussion stages: the *confrontation stage* (where standpoints and doubt are put forward), the *opening stage* (where discussion roles and starting points for the discussion are established) the *argumentation stage* (where argumentation is put forward and criticism is vented), and the *concluding stage* (where the outcome of the discussion is established). The argumentation stage is sometimes regarded as 'the discussion proper'. The complexity of this stage depends on the structure of the argumentation. For the analysis it is necessary to establish what arguments are advanced at this stage and how these are related. For analyzing this relationship Van Eemeren and Grootendorst introduce the notions of single argumentation, multiple argumentation, co-ordinative compound argumentation and subordinative compound argumentation.

In order to be able to carry out a proper analysis of argumentative discussions one has to have an insight into the moves that have to be made for the resolution of disputes and into the nature of the speech acts that may play a part in this endeavour. The propositional content of an assertive in which a point of view is propounded always consists of the expressed opinion to which an argumentation refers. Expressed opinions need not necessarily be exclusively statements of a factual nature but may also be ethical, esthetical or other normative statements to which the true/false criterion does not easily apply. Van Eemeren and Grootendorst provide an overview of the *distribution of speech acts* in rational discussions.

Another problem is that the contributions to the resolution of a dispute that are made in discussions in colloquial speech are not always explicit. The theoretical necessity and practical usefulness of the speech act perspective also transpires in Van Eemeren and Grootendorst's treatment of unexpressed premises (or standpoints) in discussions. They augment Grice's general inference plan for conversational implicatures. Leaving an element in the argumentation unexpressed is in Van Eemeren and Grootendorst's view a form of indirect language use which can be analyzed using the Gricean maxims of relation and quantity.

Since not all speech acts performed in a discussion conducted in colloquial speech contribute to the resolution of the dispute, it is necessary to establish rules for the way in which language users must behave in discussions. The rules that are formulated for this purpose are designed to further the resolution of disputes about expressed opinions by means of argumentative discussions. They are directly linked to the distribution of speech acts over the stages of critical discussion and specify for each of the four dialectical stages the way in which the speech acts that are allowed should be performed. Furthermore, Van Eemeren and Grootendorst show that the traditional fallacies can be regarded as violations of the rules constituting a code of conduct for critical discussion.

This is not the place for a complete historical overview, but from the list of monographs that followed *Speech Acts* it becomes clear how important this work has been for the development of pragma-dialectics.⁴ In *Argu-*

⁴ The influence of *Speech Acts* is also visible in the notable list of doctoral dissertation about pragma-dialectics that have been published in the last three decades: Verbiest (1987),

mentation, Communication and Fallacies (1993) the code of conduct is simplified in 'ten commandments' and a specification of the discussion rules by way of a comprehensive overview of fallacies that can be seen as rule violations is provided. *Reconstructing Argumentative Discourse* (1993), co-authored with Sally Jackson and Scott Jacobs provides an elaboration of the analysis of argumentative discourse. In *A systematic Theory of Argumentation. The pragma-dialectical Approach* (2004) Van Eemeren and Grootendorst fine-tune the code of conduct and introduce also their view on relevance in argumentative discussions. In *Argumentative Indicators in Discourse. A Pragma-Dialectical Study* (2007) Van Eemeren, Houtlosser and Snoeck Henkemans, provide (starting from Van Eemeren and Houtlosser's 'dialectical profiles') linguistic insights into the characteristics of argumentative discourse which enable a better analysis of argumentative discourse. In *Fallacies and Judgments of Reasonableness. Empirical Research Concerning the Pragma-Dialectical Discussion Rules* (2009) Van Eemeren, Garssen and Meuffels present empirical research concerning the conventional validity of the pragma-dialectical discussion rules. Finally, in *Strategic Maneuvering in Argumentative Discourse. Extending the pragma-dialectical theory of argumentation* (2010) Van Eemeren presents the extended pragma-dialectical approach in which the dialectical and the rhetorical dimensions of argumentation of reasonableness and effectiveness are brought together by introducing the concept of strategic maneuvering.

All papers in this special issue are written by scholars who approach argumentation from a pragma-dialectical perspective. Their contributions cover a wide array of subjects, ranging from philosophical considerations regarding dialectics to linguistic devices in argumentation. In all cases, however, it is clear that the authors are directly influenced by *Speech Acts*.

In 'Dialectics and Pragmatics' Jean Wagemans aims to make the dialectical dimension of pragma-dialectics more explicit by giving a philosophical analysis of the 'standard version' of the theory as it has been developed since the publication of *Speech Acts*. The analysis of the theoretical notion 'criti-

Feteris (1989), Pröpper (1989), Edwards (1990), Jungslager (1991), Oostdam (1991), Snoeck Henkemans (1992), Koetsenruijter (1993), Slot (1993), Viskil (1994), Houtlosser (1995), Garssen (1997), Gerritsen (1999), Plug (2000), Kloosterhuis (2002), van Laar (2003), Jansen (2003), Wagemans (2009), Tseronis (2009), Mohammed (2009), and Lewinski (2010).

cal discussion' has shown that, viewed more precisely, three dialectical starting points of pragma-dialectics are to be distinguished. These starting points pertain to: (I) the aim; (II) the structure; and (III) the regulation of a critical discussion respectively.

In 'Strategic maneuvering by retracting a standpoint in response to an accusation of inconsistency', Corina Andone explains the strategic function of a protagonist's confrontational move of retracting an earlier standpoint when he is confronted with an accusation of inconsistency. First, she characterizes the retraction of an earlier standpoint pragmatically as an illocutionary act that creates a number of commitments both for the protagonist and the antagonist. Second, she describes how the protagonist exploits the incurred commitments to his advantage in order to achieve an opportunistic outcome of the discussion. As an illustration, Andone analyzes an argumentative exchange taken from a political interview in which a politician strategically retracts an earlier standpoint that the interviewer had declared inconsistent with another standpoint of the politician on the same issue.

In 'The allocation of the burden of proof in mixed disputes in legal and non-legal contexts' Eveline Feteris addresses problems pertaining to the allocation of the burden of proof in mixed disputes in legal and non-legal contexts. She starts with a discussion of the traditional view on the allocation of the burden of proof based on Whately's legal conception of 'presumption'. Whately's proposal, she explains, is not adequate for the solution of problems related to the allocation of the burden of proof in everyday mixed disputes where there is no presumption of *status quo*. Using the pragma-dialectical perspective, Feteris explains how practical questions regarding the division of the burden of proof are solved in a legal context. She shows that for argumentation theory, the combination of material and procedural rules for the allocation of the burden of proof offers an instrument for the allocation of the burden of proof in both legal and non-legal discussions.

In "'Anyway' and 'even' as indicators of complex argumentation' Francisca Snoeck Henkemans establishes a connection between the semantic descriptions of 'anyway' and 'even' given by linguists such as Ducrot and Anscombre, Bennett, and Kay and Van Eemeren and Grootendorst's (1984) pragma-dialectical characterization of independent and interdependent arguments. She argues that by combining linguistic insights with in-

sights from pragma-dialectics a more systematic explanation of the indicative function of ‘anyway’ and ‘even’ can be given.

Finally, in ‘Ruling out a standpoint by means of an accusation of inconsistency’ Dima Mohammed examines the argumentative move in which a discussant responds to a standpoint by accusing the protagonist of that standpoint of being inconsistent in an attempt to exclude the standpoint from the discussion. In analyzing this type of move she connects the pragmatic characteristics of the move to its dialectical function. Dialectically, the move counts as an expression of critical doubt aimed at eliminating an initial disagreement. Pragmatically, the response is an instance of doubt that is expressed indirectly by means of the speech act of accusation of inconsistency. The characterisation is intended to show how the accusation attempts to bring about the retraction of the standpoint doubted as a particular perlocutionary effect of the speech act, namely repairing the alleged inconsistency by retracting one of the mutually inconsistent commitments.

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Strategic manoeuvring by retracting a standpoint in response to an accusation of inconsistency

Maniobrando estratégicamente mediante retractación de un punto de vista en respuesta a una acusación de inconsistencia

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Abstract: This paper explains the strategic function of a protagonist's confrontational move of retracting an earlier standpoint when he is confronted with an accusation of inconsistency. First, the retraction of an earlier standpoint will be characterized pragmatically as an illocutionary act that creates a number of commitments both for the protagonist and the antagonist. Second, I will describe how the protagonist exploits the incurred commitments to his advantage in order to achieve an opportunistic outcome of the discussion. As an illustration, I will analyze an argumentative exchange from a political interview in which a politician strategically retracts an earlier standpoint that is declared by the interviewer inconsistent with another standpoint on the same issue.

Keywords: Illocution, inconsistency, political discourse, strategic maneuvering.

Resumen: Este trabajo explica la función estratégica de la movida confrontacional de un protagonista cuando se retracta de un punto de vista expuesto con anterioridad al momento de enfrentarse con una acusación de inconsistencia. Primero, se caracterizará pragmáticamente la retractación de un punto de vista expuesto con anterioridad, en tanto un acto ilocutivo que crea compromisos tanto para el protagonista como para el antagonista. Segundo, describiré cómo el protagonista explota a su favor los compromisos adquiridos para alcanzar una salida oportunista en la discusión. Como ilustración, analizaré un intercambio argumentativo en una entrevista política en la que un político estratégicamente se retracta de un punto de vista expuesto y que es

declarado por el entrevistador inconsistente con otro punto de vista ya utilizado en el mismo tema.

Palabras clave: Discurso político, ilocución, inconsistencia, maniobra estratégica.

1. Introduction

In a BBC political interview dating from December 9, 2007, Jon Sopel interviewed Alan Duncan, then Shadow Foreign Secretary of State for Business, Enterprise and Regulatory Reform in Britain on the issue of nuclear energy. At some point in the discussion, Sopel accuses the politician of being inconsistent with regard to the use of nuclear energy. According to the interviewer, in a previous interview on the same topic, Duncan has been of the opinion that nuclear energy is not a solution to the problem of energy sources, yet in the current interview the politician states exactly the opposite. In principle, the politician has two possibilities to respond to the accusation: either he maintains his current standpoint or retracts his current standpoint.¹ In the present discussion, merely maintaining his current position is not an option for Duncan. Sopel backs up his accusation of inconsistency with a quote from an earlier interview on the basis of which the interviewer attributes to the politician the view that nuclear waste is not a solution to the problem of energy sources. The attributed view is obviously inconsistent with the view that nuclear waste is the solution to the problem of energy sources, which Duncan advances in the current interview. Therefore, Duncan's current position cannot be maintained. The politician is thereby obliged to retract his standpoint in order to resolve the inconsistency.

Examples such as the one just presented are common in public political discussions such as a political interview. From a pragma-dialectical perspective on argumentation, in such discussions the arguers can be said to maneuver strategically in order to achieve a favorable outcome of the discussion within the bounds of reasonableness (van Eemeren and Houtlosser 2002). The interviewer, who assumes the role of the antagonist in the discussion, may try, for example, to do so by advancing an accusation backed

¹ In a characterization of an accusation of inconsistency as an illocutionary act, I have shown that maintaining a standpoint or retracting a standpoint are the possible interactional effects of such an accusation (Andone 2009).

up with a fact which cannot be denied by the politician. The politician, acting as the protagonist, may attempt to obtain a favorable outcome by resolving the inconsistency and remaining engaged in the discussion. In this paper, I shall concentrate on explaining the strategic function which the protagonist of a standpoint attempts to achieve when he is confronted with an antagonist's accusation of inconsistency and has no other choice but to retract his current position and he does so.

The paper will be organized along the following lines. First, I shall specify the commitments which the protagonist and the antagonist in a discussion incur when the illocutionary act of retraction is performed. Second, I shall describe how the protagonist can exploit the incurred commitments to his advantage in order to achieve an opportunistic outcome of the discussion when he is accused of an inconsistency. As an illustration, a detailed analysis is provided of the argumentative confrontation mentioned in the beginning, in which Duncan retracts a standpoint that is declared by Sopel inconsistent with another standpoint on the same issue.

2. Retraction and commitments

In the pragma-dialectical approach to argumentative discourse, the arguers' moves are seen as the performance of illocutionary acts which realize analytically relevant moves of a dialectical procedure (van Eemeren and Grootendorst 1984). As an illocutionary act, every move creates commitments for the speaker and the interlocutor, which become clear from the felicity conditions applying to the act. For a correct identification of such commitments in the case of the move at issue, *retraction* needs to be characterized as an illocutionary act for which two groups of felicity conditions apply: (1) identity conditions defining what makes an utterance an instance of retraction, and (2) correctness conditions defining what a correct performance of that illocutionary act amounts to (van Eemeren and Grootendorst 1984: 42).

Crucial for a proper account of the identity and correctness conditions is that retraction involves an illocutionary negation of an earlier illocutionary act performed by the speaker. By retracting an earlier illocutionary act the speaker explicitly makes it clear that he no longer regards himself as com-

mitted to the propositional content expressed in the earlier illocutionary act.² Taking this view as a starting point, the following conditions can be formulated for a happy performance of the illocutionary act of retraction:

Identity conditions

Essential condition

Retraction counts as the withdrawal of a commitment to the propositional content of an earlier illocutionary act by the speaker.³

Propositional content condition

The propositional content of a retraction is identical to the propositional content of the earlier illocutionary act.

Correctness conditions

Preparatory conditions

- (1) The speaker believes that the addressee will be prepared to accept that the speaker is no longer committed to the earlier illocutionary act.
- (2) The speaker believes that the addressee does not already know or believe that the speaker is no longer committed to the earlier illocutionary act.

² This view is based on van Eemeren and Grootendorst's (1984) observation concerning the retraction of an assertion. By retracting an assertion the speaker "no longer regards himself as committed to the propositional content expressed in the assertion" (1984: 101). This view coincides with Peetz' (1979) interpretation of an illocutionary negation as withdrawal.

³ The essential condition of an illocutionary act relates to the interactional aspect of the act by including the response which a speaker hopes to elicit from the addressee (van Eemeren and Grootendorst 1984: 21). Unlike other illocutionary acts, retraction brings with it an end to the discussion in which the interlocutors are involved and a response is no longer expected from the speaker. An interactional purpose is not specified in the formulation of the essential condition, because strictly speaking, a response is no longer possible from the addressee. As will be shown, this does not mean that no commitments are created for the interlocutor.

Sincerity conditions

- (1) The speaker no longer wants to assume responsibility for the earlier illocutionary act.
- (2) The speaker believes that the withdrawal of the earlier illocutionary act is needed.

What commitments are created when a speaker retracts an earlier illocutionary act? To answer this question, the identity and correctness conditions just formulated can provide clues. These conditions indicate both what the speaker is committed to having performed an illocutionary act of retraction and what the addressee is committed to when accepting the speaker's illocutionary act as understandably and correctly performed.⁴ The identity conditions for a felicitous performance of retraction indicate that the speaker is committed to withdrawing exactly the propositional content of the earlier illocutionary act. The addressee who accepts the speaker's illocutionary act, i.e. achieves the minimal perlocutionary effect, commits himself to the implicit consecutive consequence of no longer holding the speaker committed to the earlier illocutionary act which is being withdrawn. The correctness conditions point to the speaker's commitment to act in accordance with the consequences of giving up the earlier illocutionary act. In addition, the correctness conditions require that the speaker be committed to assuming that the addressee is ready to accept the speaker's withdrawal of earlier illocutionary act.⁵

The commitments resulting from the performance of the illocutionary act of retraction are useful starting points for establishing what participants

⁴ This idea is based on the view that the performance of any illocutionary act implies that a set of commitments is created (van Eemeren and Grootendorst 1984). For a detailed discussion of other views, see de Brabanter and Dendale (2008).

⁵ The identity conditions usually point to the addressee's commitments, because the essential condition, which is one of the identity conditions, includes the interactional aspect of the act. The propositional content condition can be taken, however, to indicate the speaker's commitment to a particular 'content'. The correctness conditions provide most of the times clues about the speaker's commitments. The sincerity conditions, in particular, which indicate some of the conditions under which an act can be considered correct, relate to the responsibilities which a speaker assumes by performing a particular illocutionary act (cf. van Eemeren and Grootendorst 1984, who propose that the sincerity conditions could more aptly be called responsibility conditions).

commit themselves to in an argumentative confrontation when a standpoint is retracted in response to an antagonist's accusation of inconsistency. Particularly important to indicating the relevant commitments is that the retraction of a standpoint realizes an analytically relevant move that responds to an accusation of inconsistency instantiating an expression of criticism. The antagonist's criticism expressed by means of an accusation of inconsistency conveys that the protagonist's standpoint is unacceptable because it is inconsistent with another standpoint advanced earlier. Drawing on the concept of illocutionary negation, the accusation of inconsistency involves the illocutionary negation of acceptance, i.e. the non-acceptance of the protagonist's standpoint (van Eemeren and Grootendorst 1984: 102). By retracting a standpoint, the protagonist admits that the allegedly inconsistent standpoint is unacceptable and implicitly accepts the accusation. In accepting the accusation, the protagonist expresses that the correctness conditions of the antagonist's illocutionary act have been fulfilled (van Eemeren and Grootendorst 1984).⁶

Given the identity conditions for retraction, a protagonist who accepts an accusation of inconsistency may be considered committed to giving up one of the allegedly inconsistent standpoints (in exactly the scope and force with which it has been initially advanced). The antagonist commits himself to no longer holding the protagonist responsible to the expressed opinion which constitutes the propositional content of the standpoint which is being given up. In this way, the antagonist admits that the protagonist's response is one of the intended interactional effects of the accusation of inconsistency.

The correctness conditions point to the protagonist's commitment to assuming that the antagonist is ready to accept his response as an answer to

⁶ The preparatory conditions of an accusation of inconsistency are: (a) the speaker believes that the addressee will accept that he has committed an inconsistency; (b) the speaker believes that the addressee will acknowledge that the presence of an inconsistency obstructs the argumentative exchange he and his interlocutor are engaged in, and (c) the speaker believes that the addressee will take on the obligation to provide a response that answers the charge of inconsistency (Andone 2009: 156). The sincerity conditions stipulate that (a) the speaker believes that the addressee has committed an inconsistency, (b) the speaker believes that the presence of an inconsistency constitutes an obstruction to the exchange and (c) the speaker believes that a response that answers the charge needs to be provided (Andone 2009: 156).

the charge. The antagonist is committed to accepting the assumption that the protagonist's response is an answer to the charge.

The consequence of the commitments which a protagonist's move of retracting a standpoint in response to an accusation of inconsistency brings in an argumentative confrontation is specified in the ideal model of a critical discussion: if the protagonist retracts the current standpoint the discussion ends, because in the absence of a standpoint, there is nothing which the antagonist can criticize (van Eemeren and Grootendorst 1984).⁷ This outcome is to the protagonist's disadvantage, because the antagonist can maintain his doubt. In public political discussions, such an outcome damages the protagonist's image in the long term: he shows that he cannot be trusted because he is someone who acts inconsistently. In order to repair this image, a protagonist maneuvers strategically in an attempt at achieving a favorable outcome while allowing for the critical testing procedure to unfold. The analysis of the argumentative exchange between Sopel and Duncan, mentioned in the introduction, will illustrate the strategic function which the politician, as the protagonist in the discussion, attempts to achieve in a political interview when he has to retract his current standpoint in response to an interviewer's accusation of inconsistency.

3. Exploiting commitments

In the fragment below, introduced in the beginning of this article, Alan Duncan retracts a standpoint in response to the accusation of inconsistency from the BBC interviewer Jon Sopel. The argumentative confrontation between the two participants runs as follows:

Jon Sopel:

And on nuclear, the government says that obviously has to be part of the mix. Are you on that page as well.

⁷ For an overview of possible outcomes resulting from following a particular dialectical route, see van Eemeren and Grootendorst (1984).

Alan Duncan:

Our policy is absolutely clear and it's again, very similar, we want approval for sites and designs. We want a proper carbon price, we want honesty about costs, with no subsidy. Get on with the decision to do something with the waste, again, David Cameron said that this week, and I think the government has been a bit slow on working out what to do with nuclear waste. So then people can invest and I think probably they will.

Jon Sopel:

You were rather more skeptical the last time I spoke to you when you were on this programme – we can just have a listen to what you said last time.

‘we think that the nuclear power sector, should be there as a last resort in many respects. We want to explore every conceivable method of generating electricity before we go to nuclear’.

Alan Duncan:

so fluent.

Jon Sopel:

Yes. But you were completely different, you were very skeptical there. It has to be the last option, now you're saying, we're on the same page as the government and yes, let's get on with it.

Alan Duncan:

I think what's important with nuclear is to explain the policy. I think it's unhelpful to get hooked on two words and I think the policy as it has always been is exactly as I've just explained.

Jon Sopel:

So, you're fine about nuclear. [...]

In this argumentative exchange, Duncan advances in his last contribution to this exchange a move of retraction by manoeuvring strategically with dissociation: *I think what's important with nuclear is to explain the policy. I think it's unhelpful to get hooked on two words and I think the policy as it has always been is exactly as I've just explained.* The politician dissociates between two new notions that are derived from the notion of nuclear energy, originally considered as a conceptual unity. Each of the two new notions contains part of the original notion: one of them concerns aspects of nuclear energy that belong to the realm of the practical, the other one concerns aspects which belong to the realm of the policy. Duncan seems to suggest that as far as the policy is concerned, his position has remained unchanged. His original standpoint concerned an entirely different matter, namely the practice of using nuclear energy, which implies that the alleged inconsistency no longer exists.

Duncan's response realized by means of retraction of a standpoint is a confrontational strategic maneuver aimed at balancing a clear definition of the difference of opinion with doing so to his advantage (van Eemeren and Houtlosser 2004).⁸ By dissociating between the practice and the policy of using nuclear energy, the politician advances a modified version of the standpoint put forward in the beginning of the exchange.⁹ Although strictly speaking retracting a standpoint and replacing it with a modified version results in ending the current discussion and beginning a new confrontation, in this example the discussion can be considered as being continued. That is so because the arguments advanced to support the original standpoint are not

⁸ In the pragma-dialectical view, the arguers' dialectical concern in the confrontation stage is to define the difference of opinion without hindering the critical testing procedure. The arguers, for example, are dialectically interested in clearly defining the issues that are at the heart of the difference of opinion as well as making explicit the positions they assume in relation to these issues. The arguers' rhetorical concern is to steer the confrontation towards a favorable definition of the difference of opinion. The arguers, for instance, try to achieve an advantageous definition of the difference of opinion and to assume a position that increases the chances of making their standpoint acceptable (van Eemeren and Houtlosser 2002).

⁹ The retraction of the original standpoint is implicit in the advancement of the modified standpoint. Advancing a modified version of the original standpoint implies that the original standpoint has been withdrawn. The first sincerity condition for retraction, which states that a speaker who retracts no longer wants to assume responsibility for an earlier illocutionary act, provides a sufficient clue for identifying an illocutionary act as retraction.

withdrawn.¹⁰ The dissociation is made precisely in an attempt at resolving the inconsistency and remaining engaged in the discussion.

By retracting a standpoint, Duncan accepts the criticism raised by Soper in an accusation of inconsistency. Because simply accepting the criticism implied in the accusation would expose the politician to a negative evaluation by the audience, Duncan employs dissociation to give up a standpoint in an effective way by replacing it with another one that is more acceptable by means of dissociation.¹¹ In this way, the politician lives up to the commitment of giving up one of the allegedly inconsistent standpoints, and he does so to his liking. The use of dissociation opens up, in addition, an opportunity for Duncan to use the commitments the interviewer incurs to his advantage. As the antagonist in the discussion, Soper commits himself to no longer holding Duncan responsible to the expressed opinion constituting the propositional content of the standpoint which is being given up. The dissociation is probably the best available means for the politician to escape being held responsible for an earlier standpoint, but at the same time remaining engaged in the discussion and holding a more acceptable standpoint.

4. Conclusion

In this paper, I have examined how the protagonist in an argumentative confrontation can strategically retract a standpoint when he is accused of

¹⁰ This view relies on Snoeck Henkemans' remark that when arguments have not been withdrawn and still serve as a defense of the original standpoint, "the new discussion can be seen as a continuation of the original discussion" (1997: 88, footnote 15). A closely related way to decide whether the discussion is continued or represents a new discussion would be to examine whether the modified standpoint is a new standpoint or the same standpoint presented differently. Van Rees (2006) proposes that a decision could be arrived at only if due attention is paid to the consequences of the newly formulated standpoint on argument evaluation: if the modified standpoint has consequences for the evaluation, strictly speaking it is a new standpoint, and implicitly the discussion is a new discussion. Taking a decision by following van Rees' proposal requires an evaluation of the arguments, and that is beyond the scope of this paper. An additional difficulty in taking a decision in this way would arise from the fact that "there could be empirical arguments so that in case of different formulations it is possible to speak of the same standpoint, also when, strictly speaking, they have different evaluative consequences" (van Rees 2006: 111, footnote 4, my translation).

¹¹ For a detailed account of the rhetorical advantages which dissociation can create for the protagonist of a standpoint, see van Rees (2009).

an inconsistency. The analysis of an example from a political interview has shown that, although the discussion should end as soon as the protagonist retracts his standpoint, he makes an attempt at resolving the inconsistency and remaining engaged in the discussion. The protagonist's strategic manoeuvring has been described as exploiting the commitments created when the illocutionary act of retraction is performed. The commitments which a protagonist can exploit to his advantage have been derived from the felicity conditions applying to the act at issue.

The analysis of the protagonist's strategic manoeuvring can become more specific if attention is paid to the activity type in which it is carried out (van Eemeren and Houtlosser 2007). For instance, in the activity type of a political interview, from where the argumentative exchange in this paper has been selected, the fact that the politician is expected to provide an account of his words on the use of nuclear energy plays a vital role in understanding the strategic function of the move: it counts as an attempt at giving an account, while a mere retraction would show precisely that such an account is not possible. By taking into account the influence of the characteristics of the activity type on the argumentative moves, the function of the strategic manoeuvring can be better accounted for. Finally, an analysis of the argumentative exchange is not enough on its own, but needs to be followed by an evaluation of the discussion. After all, the ideal model of a critical discussion is not just a tool for analysis, but provides a normative ideal of rational resolution of differences of opinion that serve an evaluative purpose.

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The allocation of the burden of proof in mixed disputes in legal and non-legal contexts

El lugar del peso de la prueba en disputas mixtas en contextos legales y no legales

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Abstract: In this paper the problems pertaining to the allocation of the burden of proof in mixed disputes in legal and non-legal contexts are addressed. First the traditional view on the allocation of the burden of proof based on Whately's legal conception of 'presumption' is discussed. Whately's proposal is not adequate for the solution of problems related to the allocation of the burden of proof in everyday mixed disputes where there is no presumption of *status quo*. Using the pragma-dialectical perspective it is explained how practical questions regarding the division of the burden of proof are solved in a legal context. It is shown that for argumentation theory, the combination of material and procedural rules for the allocation of the burden of proof offer an instrument for the allocation of the burden of proof in both legal and non-legal discussions.

Keywords: Burden of proof, presumption, starting points.

Resumen: En este trabajo se discuten los problemas de la ubicación de la carga de la prueba en disputas mixtas en contextos legales y no legales. Primero, se discute la perspectiva tradicional respecto de la ubicación de la prueba basada en la concepción de Whately de 'presunción'. La propuesta de Whately no es adecuada para la solución de los problemas relacionados con el lugar del peso de la prueba en disputas mixtas cotidianas donde no hay presunción de *status quo*. Utilizando la perspectiva de la pragma-dialéctica, se explica cómo las preguntas prácticas en relación con la división del peso de la prueba son resueltas en un contexto legal. Se muestra que, para una teoría de la argumentación, la combinación de reglas materiales y procedimentales

para la ubicación del peso de la prueba ofrece un instrumento para determinar su lugar en discusiones legales y no legales.

Palabras clave: Peso de la prueba, presunción, puntos de vista.

1. Introduction

The concept of 'burden of proof', which is originally a legal concept, has been introduced in the context of non-legal discussions by Richard Whately in his *Elements of Rhetoric*. Since Whately, the concept has been widely discussed in the literature on argumentative discussions.

In argumentation theory, everyone agrees on the fact that whoever advances a standpoint in a discussion has a *burden of proof* for this standpoint: he or she must be prepared to defend this standpoint with arguments if asked to do so. To decide whether a standpoint is acceptable, it is necessary that the party who advances the standpoint puts forward arguments or proof in defense of this standpoint which enables the other participants to the discussion to decide whether the standpoint is defensible or not.

At first sight, the question of the burden of proof does not pose any problems, but in discussions in everyday contexts and institutional contexts such as the law, there is often a situation in which both participants to the dispute adopt a standpoint. In these situations, there is, what is called a *mixed* dispute that the participants try to resolve to their advantage.¹

With respect to the apportioning of the burden of proof in mixed conflicts, the question can be raised whether both participants have a similar burden of proof for their own standpoint, whether the burden of proof must be divided in a specific way among the parties, or whether in some cases it suffices that only one party defends his or her standpoint. This question is important because, if a party does not succeed in defending his or her standpoint, this does not necessarily imply that the other standpoint is the right one. To say this would amount to committing the fallacy of the *argumen-*

¹ Authors who use the concept of a mixed conflict are Barth and Krabbe (1982: 14), Van Eemeren and Grootendorst (1992: 16 ff), and Rescher (1977) who calls it a 'symmetrically contradictory debate'.

tum ad ignorantiam, which is that it is concluded that a standpoint is right because the opposite standpoint has not been defended successfully.²

The aim of this contribution is to show how the allocation of the burden of proof in mixed conflicts should be allocated in mixed conflicts in legal and non-legal contexts in order to resolve the conflict in a rational way, and how practical problems related to the division of the burden of proof can be solved in these contexts.

First, in (2), I will explain that the traditional rule for the apportioning of the burden of proof, which is based on Whately's translation of the legal rules for the burden of proof, is not always adequate for the division of the burden of proof in mixed conflicts in everyday discussions. In (3) I will argue that a pragma-dialectical approach offers an answer to questions with respect to the division of the burden of proof in mixed disputes. Then in (4) I will describe how, from a pragma-dialectical point of view, insights from the law can contribute to the solution of some problems of the allocation of the burden of proof in mixed conflicts in everyday discussions.

2. The traditional perspective on presumption and burden of proof in mixed disputes

In his *Elements of Rhetoric* (of which the first edition was published in 1828) Richard Whately introduces the concepts of presumption and burden of proof, which originate from Roman law, to the field of non-legal argumentation. According to Whately, the rule for the allocation of the burden of proof is that it lies with the person who attacks a standpoint with a presumptive status.

Whately (1846: 112-113) illustrates the principle that the presumption lies with the side who defends an existing institution which 'occupies the ground' by referring to the legal principle taken from criminal law 'that ev-

² This kind of argument has been introduced by John Locke (1980: 423) who describes this way of arguing as follows: 'another way that men ordinarily use to drive others, and force them to submit their judgements, and receive the opinion in debate, is to require the adversary to admit what they allege as a proof, or to assign a better. And this I call *argumentum ad ignorantiam*'.

ery man is to be *presumed* innocent till his guilt is established'.³ According to Whately, 'this does not, of course, mean that we are *to take for granted* he is innocent (...) nor does it mean that it is antecedently *more likely than not* that he is innocent (...). It evidently means that the 'burden of proof' lies with the accusers (...) they are to bring their charges against him, which if he can repel, he stands acquitted. Similarly, according to Whately (1846: 114), 'There is a Presumption in favor of every existing institution. Many of these (we will suppose, the majority) may be susceptible of alteration for the better; but still the 'Burden of proof' lies with him who proposes an alteration; (...) No one is *called on* (though he may find it advisable) to defend an existing institution, till some argument is adduced against it.' So, a consequence of Whately's conception is that if someone who has the burden of proof does not succeed in rebutting the standpoint of the other party (which has the presumption) and in defending his own standpoint, he will lose the discussion.

Following Whately, various modern authors of textbooks in argumentation and debate, adopting the approach of the *stock issues*, such as Dick (1972), Freeley (1975), Klopf and Mc. Croskey (1978), Thompson (1971), Ziegelmüller and Dause (1975) contend that the status quo always has the presumption and that the individual who attacks an existing practice always has the burden of proof.⁴ The burden of proof in this approach implies that the party who defends the status quo of a policy has the presumption, and that the party who wants a fundamental change of policy has the burden of proof. The party who argues for a change has the burden of proof for various main issues: that there exists a need for a fundamental change, that the proposal remedies significant problems inherent to the present policy, and that the remedy can be applied without serious disadvantages.

This traditional doctrine of presumption and burden of proof has several restrictions and does not offer an adequate principle for the allocation

³ I refer here to the final seventh edition of *Elements of Rhetoric* from 1846, the first edition was published in 1828.

⁴ According to Ehninger and Brockriede (1978: 135) there are two kinds of presumption: an *interpretative presumption* which reflects things as they are viewed in the world (examples are existing interpretations, institutions, practices, and values), and an *assigned presumption* which is the result of ground assigned arbitrarily, a preoccupation by agreement rather than by interpretation (for example the presumption of innocence in the criminal process).

of the burden of proof in various kinds of controversies.⁵ From the perspective of a rational resolution of a difference of opinion, it does not offer an equal division of obligations: the party attacking the status quo has a double burden of proof (he or she must show that the existing state of affairs is not satisfying, and that the proposed course of action is a better alternative) and therefore a disadvantage in comparison with the party defending the status quo. From the perspective of practical application, this rule does not seem applicable in all discussion contexts. In a problem-solving discussion for example, the starting point is not an existing situation but a problem which must be solved. There are several solutions for solving this problem and the aim of the discussion is to choose the best solution for the given problem.⁶

A more serious problem addressed by van Eemeren and Grootendorst (1984; 1992: 121) and other authors is that in a mixed dispute, the problem to be solved regarding the burden of proof is not a problem of choice but a problem with respect to the order in which the two standpoints must be defended. According to Whately and other authors representing the traditional perspective on the burden of proof, this problem is presented as a problem of choice. Often, each party makes an attempt to force a decision and lay the burden of proof at the door of the other party. In such cases, a way out is sometimes found by assuming that the burden of proof rests on the party who is attacking a received wisdom, a prevailing tradition or an existing state of affairs. The burden of proof then rests on the party who wishes to change the *status quo*. He must prove that the alternative he is propounding is better. This means that the *status quo* has the status of a *presumption*.

However, as was argued earlier, the principle of presumption as introduced by Whately, cannot be used in all cases. There is not always a clear *status quo*. Furthermore, there is a suggestion in the principle of presump-

⁵ For a survey of this discussion see Ehninger and Brockriede (1978: 139-141). See also Gaskins (1992: 34-35).

⁶ See also Cronkhite (1969: 39) who argues that the view adopted by Whately and modern textbooks in debate creates some real problems when applied to 'real-life' argument, since the status quo cannot always be identified. Goodnight (1980) makes a distinction between conservative and liberal presumptions, where the liberal presumption is to embrace change unless there are good reasons for avoiding it. Cf. Willard, 1983.

tion that the apportioning of the burden of proof that the principle leads to is also the most just. This need not be the case. It is certainly the most conservative, and the principle thus soon acquires an ideological connotation, even though it is intended to be purely practical.⁷

If the parties basically agree to the application of the principle of presumption, there will be no objection to this from the perspective of the pragma-dialectical theory. So, faced with the dilemma of which party must lead with his defense, the principle will sometimes present a solution. But the application of the principle must not be allowed to result in the burden of proof being placed unilaterally on one party. So, use of the principle solves the problem of who is to argue first, but it does not remove, or lessen, the burden of the other protagonist.

With respect to applying the principle of presumption, according to Van Eemeren and Grootendorst (1984; 1992: 122), it cannot be applied unilaterally by one party against the wishes of his opponent. In some institutionalized discussion situations, such as a court of law, there is a third party, for instance, a judge, who is in a position to break the deadlock by applying the principle. In everyday discussions, the parties must themselves try to get past the impasse. If they fail, there is no alternative but for one of the two simply to go ahead and begin his defense. Otherwise, the discussion reaches a stalemate at the opening stage.

If there is a clear *status quo*, which is also recognized as such by both parties, then there is, of course, no difficulty in applying the principle of presumption, but then, indeed, the problem will generally not arise at all. This is simply because if there is a recognized *status quo* there will probably not be two rival standpoints but only one, because the status quo is unlikely to be formulated in a standpoint unless there is some particular reason to

⁷ According to authors representing the *comparative advantages* perspective, if both parties put forward a standpoint they both have, in principle, a burden of proof. The focus of the debate is on the advantages the new policy has in the future in comparison with the old one. (For a discussion of this comparative advantages perspective see among others Ehninger and Brockriede (1978:168-173). Before entering a discussion, the traditional as well as the modern perspective must be taken into consideration. The traditional approach can be adopted in discussions about an accepted policy, system, etcetera, in which the participants agree that it must be maintained until a better alternative has been defended. In situations in which the existing practice is not sacrosanct, and in which a change would be welcome, the modern perspective can be adopted in which both parties have a burden of proof.

do so. To advance what everyone already knows and accepts is, in principle, to perform an unnecessary speech act and, hence, to violate the communication rule of efficiency.

So, from the perspective of a rational discussion in which both parties adopt a standpoint, both parties have, in principle, a burden of proof, regardless of the content of their standpoint. In such contexts, the legal principle of presumption does not offer an adequate solution for problems concerning the allocation of the burden of proof.

In order to be able to show that the law offers other useful procedures for the solution of problems related to the burden of proof in mixed conflicts, in the following section I will first describe the pragma-dialectical perspective on the allocation of the burden of proof in mixed disputes. I will use this perspective to show which problems can arise regarding the burden of proof in mixed conflicts.

3. The pragma-dialectical approach of the allocation of the burden of proof in mixed disputes

As has been explained by van Eemeren and Grootendorst (1984; 1992), the pragma-dialectical theory offers a systematic theoretical basis for resolving problems with respect to the allocation of the burden of proof in mixed conflicts, and it explains why certain forms of behavior with regard to the burden of proof, such as evading or shifting the burden of proof, can be considered as fallacies which hinder the resolution of a conflict. The pragma-dialectical approach offers a tool for answering the question of who has a burden of proof, what the burden of proof consists of and when the burden of proof has been discharged. For our purpose this approach offers a useful perspective to clarify which problems can arise regarding the burden of proof.

The basis for the allocation of the burden of proof is rule 2 of the code of conduct for rational discussants, that is based on one of the preparatory conditions of the speech act of asserting, and which states that a party that advances a standpoint is obliged to defend it if the other party is asked to do so. In mixed disputes, there are two opposed standpoints and on the basis of rule 2 both parties have, in principle, a burden of proof. If a party tries to evade the burden of proof by presenting it as self-evident so that it does not

require further defence, and tries to lay the burden with the other party, or tries to shift the burden of proof by shifting the burden with the other side, a party hinders the resolution of the dispute. If there is a difference opinion about a standpoint, a resolution of the difference implies that it is shown which of the two standpoints is 'acceptable', which implies in a pragma-dialectical approach that it can be defended against critique in accordance with a set of commonly accepted rules and starting points.

From a practical perspective, the question that rises in a mixed dispute concerns the order in which two opposing standpoints regarding the same issue are to be defended: who is to be the first to assume the burden of proof in a mixed dispute. They remark that the way in which this problem is to be solved depends in the first place on the institutional practice or context in which the discussion takes place. If there are no institutional procedures operatives, certain specific conventions provide a pragmatic rationale for deciding on issues such as the order of defense.

The burden of proof implies the obligation to give an adequate reaction to the critical responses of the other party. Furthermore, the burden implies the obligation to reply to all the critical questions advanced in challenging the argumentation schemes that underly the argumentation put forward in defense of the standpoint at issue. The burden of proof has only been discharged when all the 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.

From this perspective, with regard to the content of the burden of proof the central question is which critical responses by the antagonist constitute relevant forms of critique to which the protagonist should answer and which critical questions are relevant for various argumentation schemes.

So, according to the pragma-dialectical approach, in mixed disputes both parties have an obligation to defend their standpoint against the critical reactions of the antagonist which amounts to a burden of proof with respect to a satisfactory answer to relevant forms of critique and to the relevant critical questions belonging to an argumentation scheme that underlies the argumentation that he has put forward. The parties can make arrangements with respect to the order of defending standpoints, and can, for reasons of efficiency, decide that only one standpoint will be defended and that the outcome of the discussion will depend on this defense.

The question then is what kinds of arrangements could be made in the context of a rational critical discussion with respect to the order of defending standpoints and with respect to the critical questions that should be answered. To answer this question, in the next section, I will address the question which arrangements are made with respect to the burden of proof in the institutionalized context of the law and what these arrangements amount to from a pragma-dialectical perspective.

4. The allocation of the burden of proof in mixed disputes in law

In this section I will go back to the law, where the concept of the burden of proof originates from, and I will look at the procedures and rules for the allocation of the burden of proof. I will establish which procedural and material rules are operative regarding the allocation of the burden of proof in mixed disputes in terms of the order in defending standpoints and the critical reactions a protagonist of a standpoint has to react to.

As I have argued elsewhere, legal procedure offers a good starting point for finding solutions for practical questions related to argumentative discussions.⁸ The legal system offers the most concrete illustration of how practical problems that have to do with the structural and procedural constraints which are imposed on the discussion can be solved in order to reach concrete results.⁹ In a non-legal discussion, if the participants cannot reach agreement on the division of the roles and on certain necessary starting points, they can decide that it is impossible to reach a resolution of the dispute. In the law, however, there is a need for a final and clear outcome and therefore the law offers certain procedural and material rules for resolving legal conflicts by a neutral third party, the judge.¹⁰

According to Habermas (1988: 244-247) the law institutionalizes and restricts moral-practical discussions in four ways. First, the discussion is

⁸ See Feteris (1990).

⁹ See also Gaskins (1992:36) and Habermas (1988: 244-247).

¹⁰ In Anglo-Saxon legal systems, it may be the jury who decides about the outcome of various questions of fact and various questions of law. In Continental law systems, there is no jury and it is the judge who decides on legal and factual matters, and therefore also on the apportioning of the burden of proof.

limited methodically, because it is tied to the valid law of the country. Second, it is limited substantively by the subjects that can be discussed and by the division of the burden of proof. Third, it is limited socially, by the conditions for participation and the division of roles. And fourth, it is limited temporally by the time limits imposed on the proceedings. In guaranteeing the impartiality of the procedure, the judge has an important role. In Habermas's view, in courtroom proceedings impartiality is guaranteed by the role of the judge as an impartial arbiter, by the principle *audi et altera partem*, by the rules for the division of the burden of proof, and by the judge's obligation to justify his decision.¹¹

However, Habermas does not go into the question of how this division is organized and regulated. He seems to suggest that the procedural and material rules regulating the division of the burden of proof have an important function in providing a solution for problems related to the issues that can and should be addressed in a legal discussion. The rules concerning the burden of proof specify which issues should be proven and by whom they should be proven. For reasons of impartiality, it is the task of the judge to divide the burden of proof among the parties on the basis of these rules.

In this section the central question to be answered is which institutional rules and procedures govern the allocation of the burden of proof. I will show that the combination of procedural and material rules offers a useful perspective for the organization of the burden of proof that could also be applied to non-legal contexts of discussion.

4.1. Material and procedural rules for the allocation of the burden of proof

In the law, the allocation of the burden of proof is based on a combination of *material* and *procedural* rules. The material rules specify legal rights and obligations. They also specify the legal consequences of an infringement of a right or obligation. The procedural rules specify how the legal rights and obligations laid down in the material rules can be maintained

¹¹ For a discussion of the role of the judge in legal proceedings from a pragma-dialectical perspective see Feteris (1987, 1990, 1993).

and enforced through legal procedures and how legal sanctions against infringements and violations of a legal right or obligation should be enforced. The procedural rules regulate the behavior of the parties, the judge and other persons during the proceedings and lay down the rights and obligations during these proceedings.

From the perspective of the burden of proof, the material rules (in continental law systems laid down in, for example, civil codes and criminal codes) specify for certain types of situations which concrete legal grounds and facts have to be proven by the party initiating the proceedings and which legal grounds and facts have to be proven by the other party if this party wants to rebut the claim. The procedural rules specify how the procedure with respect to the allocation of the burden of proof should be organized by the judge and which decisions are relevant in the context of the burden of proof. This explicit material and procedural organization of the allocation of the burden of proof is very important from the perspective of legal security and predictability: in this way a party knows in advance which rights and facts have to be proven by whom and how the judge will decide in the absence of convincing evidence.

For argumentation theory, this combination of material and procedural rules for the allocation of the burden of proof makes clear that the procedural rules for the burden of proof should be supplemented by rules specifying the material obligations of the participants to the discussion in relation to concrete issues.

The procedural rules (in systems of continental law specified in codes of procedure such as Codes of Civil Procedure and Codes of Criminal Procedure) govern the procedure with respect to the way in which standpoints must and can be presented to the court, how the burden of proof is divided, how the order of defending and attacking standpoints is organized, how the evidence must be evaluated and how the judge must decide about the outcome.

With regard to the burden of proof, the main procedural rule in for example Dutch civil procedure is that a party who invokes a legal consequence, based on certain facts or rights, bears the burden of proof of these facts or rights, unless a special rule or the requirements of reasonableness and fairness point to another allocation of the burden of proof.¹² It is for the court

¹² See clause 177 of the Dutch Code of Civil Procedure.

to decide which party has to be charged with the burden of proof according to this rule. The court may allow exceptions for reasons of fairness. A judge can apply the principle of fairness and decide, for example, that if the defendant denies the claim by bringing forward an exception to the general rule, that the burden of proof for this exception lies with the defendant, or he can assign the burden of proof to the party for whom the proof will be the easiest to provide. How this division should be determined in concrete cases has to be decided by the judge on the basis of the relevant material rules.

The material rules which lay down legal rights and obligations, specify the conditions that must be fulfilled for an invoked legal consequence to apply. These conditions form the *prima facie* conditions that, in the absence of counter-considerations, are sufficient for the legal consequence to follow. In certain cases the material rules also specify which exceptions may cause that the legal consequence does not follow, although the *prima facie* conditions are fulfilled.

An example of a material rule from the Dutch Civil Code is the rule which obliges someone to pay damages for tort committed by guilt and which says that a person who commits an unlawful act for which he can be held responsible is obliged to pay the damages caused by this act.¹³ An example of a material rule from the Dutch Criminal Code is that someone who takes away a good that belongs to someone else with the intention of appropriating it will be punished with a fine of imprisonment.¹⁴

The conditions that have to be fulfilled for an invoked legal consequence to apply specify with respect to which facts the party initiating the proceedings has a burden of proof. The general principle underlying the material division of the burden of proof is that the party initiating the proceedings has the burden of proof with respect to the *prima facie* conditions and that the other party who wants to rebut the claim has the burden of proof with respect to an exception.

In civil law, the discussion is between the plaintiff who presents his claim to the judge and a defendant against whom this claim is directed. When the plaintiff has presented his case and the defendant has had the opportunity to react, the judge has to give a decision. If the judge needs proof for certain

¹³ See clause 6:162 of the Dutch Civil Code.

¹⁴ See clause 310 of the Dutch Criminal Code.

statements, he has to establish who has the burden of proof for which statements on the basis of the material rule that is applicable in the concrete case. In the example of a tort case the division of the burden of proof implies that the plaintiff has a burden of proof for the three main prerequisites for applying this rule: the presence of an unlawful act, the damages caused by this act, and the guilt of the defendant.¹⁵ If the defendant wants to rebut the claim, he must bring forward an exception. For example, he can claim that the plaintiff was also guilty. The defendant then has the burden of proof of proving the presence of this exception.¹⁶ So, there is a fixed division of obligations with respect to the various aspects of the complex of possible aspects of a tort.

This material division of the burden of proof is important from the perspective of the judge who must decide the case. This division specifies which facts must be proven by the plaintiff for the judge to be able to grant the claim if the defendant does not appear in court. From this perspective it is enough that the plaintiff proves the facts that constitute these *prima facie* conditions. If the defendant does not appear in court or does not contradict one of these facts, the judge can grant the claim. It is not necessary that the absence of guilt of the plaintiff is established. This constitutes a 'default' condition that becomes only relevant if it is invoked by the defendant. The plaintiff does not have to prove that there are no circumstances that could rebut the claim.

In criminal law the discussion is between the public prosecutor who brings the case to court and the accused who wants to be acquitted. In various Continental law countries, there is a similar material division of the burden of proof with respect to the *prima facie* conditions and possible exceptions. The material division of the burden of proof in, for example, Dutch criminal cases is that the public prosecutor has the burden of proof to show that the accused has committed a criminal offence he is guilty of, and the

¹⁵ From a theoretical-analytical perspective there are five prerequisites for a successful claim on the basis of tort: unlawfulness, responsibility ('toerekenbaarheid'), damages, causality and relativity.

¹⁶ The same principle also applies in Common-law countries where there is a doctrine that one injured through another's negligence cannot recover if his own negligence contributed to his injury. In some U.S. states, the plaintiff must prove his freedom from contributory negligence, while in England and other U.S. states, this proof is up to the defendant. See Walton (1988: 244).

accused will have to prove that there is a justification or that he should not be punished. The material basis for this division can be found in clause 350 of the Dutch Code of Criminal Procedure, which specifies the questions that have to be answered in a positive way in order to be able to convict the accused. This clause describes the material questions that have to be answered by the judge in his final decision:

1. Has the fact been proven?
If no: Acquittal because of lack of evidence
If yes:
2. Does this fact constitute a criminal offense?
If no: Acquittal because of lack of a legal basis
If yes:
3. Can the accused be punished for this criminal offense?
If no: Acquittal because of absence of guilt
If yes:
4. Which sanction has to be imposed on the accused?

From the perspective of the division of the burden of proof, the public prosecutor has to provide information as a defense for his accusation that the accused has to be punished for the answers to the questions 1 and 2. He has to provide *prima facie proof* for the facts that constitute the criminal offense and he has to mention the legal rule on the basis of which these facts constitute a criminal offense according to the Criminal Code. If the public prosecutor has made a *prima facie* case, with respect to (1) it is up to the accused to provide counter-evidence for the fact that he has not committed the facts of which he is accused. And with respect to (2) he will have to put forward a justification to justify his behavior in spite of the violation of the rule, he has to make acceptable that there is a justificatory ground for behaving as he did. So, the material division of the burden of proof in criminal proceedings is that the public prosecutor has to make a *prima facie* case with respect to the criminal offense, and that the judge will declare the accused guilty of this criminal offense in the absence of the *default* conditions. The accused has to make acceptable that there is an exception by bringing forward and proving justifying circumstances if he wants to rebut the claim.

For specific cases, there are various specific rules which can shift or re-

verse the burden of proof by creating a 'presumption' in favor of the plaintiff so that the burden of proof shifts to the defendant.

In Dutch civil law, there is the general procedural rule of article 177 mentioned earlier that allows for exceptions for reasons of fairness. Furthermore, there is the rule that facts that are generally known do not have to be proven. If the judge is of the opinion that a fact is a generally known fact, he can decide that this fact does not have to be proven so that the burden of proof shifts to the other party.

In U.S law, as Gaskins (1992: 27) and Rohrer (1981: 168-169) explain, there is the rule of *res ipsa loquitur* ('the thing speaks for itself'), developed by courts in cases where the underlying facts may be inaccessible or otherwise difficult to weigh. Suppose a pedestrian is injured by a falling scaffold, but there is no clear evidence to show whether the scaffold-maker or its user did anything negligent. The rule invites the jury to infer the defendant's negligence, based on the common-sense assumption that scaffolds do not normally fall, unless someone like the defendant has been negligent. *Res ipsa loquitur* is a rule of evidence whereby negligence of the alleged wrongdoer may be inferred from the mere fact that the accident happened, provided the character of the accident and the circumstances attending it lead reasonably to belief that in the absence of negligence it would not have occurred and that the cause of the injury is shown to have been under management and control of the alleged wrongdoer. The burden of proof shifts to the defendant if the plaintiff produces substantial evidence that the injury was caused by an agency or instrumentally under exclusive control and management of the defendant. The occurrence must be such that it would not take place if reasonable care had been exercised in the ordinary course of events. In these cases, the considerations that can shift the burden of proof are taken as a common basis for creating a certain presumption which lies with the party who claims that the responsibility for the consequences of the accident lie with the other.

So, in the law there are specific rules and principles that may create a 'presumption' in favor of a certain issue. Because these rules can be considered as commonly accepted exceptions to the general rule, this shifting of the burden of proof does not constitute a fallacy of an illicit shifting of the burden of proof. Furthermore, it is not one of the parties who tries to shift this burden but the judge who applies a general rule.

The combination of these procedural and material rules provides the judge with an instrument to resolve problems with respect to the division of the burden of proof. The legal organization of the burden of proof implies that the party initiating the proceedings, the plaintiff or the public prosecutor, must make a *prima facie* case by specifying the facts which form the necessary requirements of the legal rule on which the claim they make (the legal consequence) is based. If the party initiating the proceedings has relieved himself of this obligation, it is up to the other party to bring forward an exception and show that there are circumstances that constitute counter-arguments for this claim.

How this general division has to be implemented in a concrete case depends on the interpretation of the legal rule that has to be applied in the concrete case. This implies that first it has to be established what the necessary conditions are for applying a legal rule. The necessary conditions constitute the elements that belong to the burden of proof of the party invoking the claim. Second it has to be established what constitute the factors that can form an exception that can rebut the claim. These factors belong to the burden of proof of the other party. So, the general formulation of the structure of a legal rule from the perspective of the burden of proof is:

If conditions p and q and r (and not-s) then legal consequence

The conditions p, q and r form the normal conditions for the legal consequence to obtain and belong to the burden of proof of the party initiating the proceedings. This party does not have to prove that the exception s is absent. If the other party wants to rebut the claim, he will have to prove that the exception not-s applies. So for each concrete legal case, from the perspective of the burden of proof, it has to be established how the relevant legal rule has to be translated by the judge in the form described above to be able to decide how the burden of proof has to be allocated from the material perspective.

For civil law, an example of such a reconstruction can be given of the earlier mentioned example of a case of an unlawful act. For the discussion about a claim about an unlawful act the general formulation of the structure of a legal rule can be implemented as follows:

If there is an unlawful act committed by the defendant (p) that has caused damages to the plaintiff (q) of which the defendant is guilty (r) (and the plaintiff is not guilty (-s)), then the defendant has to pay the damages to the plaintiff

For criminal law, an example of such a reconstruction is:

If the accused has taken away a good (p) that belongs to someone else (q) with the intention of appropriating it (r) (and if there is not justification for acting so (-s), then the accused should be punished with (specification of the fine)

The rationale for this institutional organization of the burden of proof is that parties should know in advance for which legal facts they will carry a burden of proof, which implies that their claim will not be granted if these facts cannot be established. Legal rules are formulated in such a way that they make clear what the conditions are for invoking a legal claim. This formulation of legal rules, often combined with the relevant jurisprudence with respect to questions about the meaning of the legal terms and questions about which factual situations can be considered as implementations of the legal terms, enables a judge to decide whether the case presented by the party initiating the proceedings can be considered as a plausible *prima facie* case in the absence of counter-considerations.¹⁷

The question I started with was how the legal organization of the allocation of the burden of proof can contribute to the solution of problems concerning the allocation of the burden of proof in mixed disputes. In order to answer this question I will first translate the legal organization to the pragmatic-dialectical perspective.

To begin with the procedural division: this can be compared with how

¹⁷ With respect to such counter-considerations authors such as Hage (1997: 123) argue that reasoning with rules (and with principles and goals) is defeasible. This implies that a rule is considered as a reason for a certain conclusion in the absence of counter-considerations that 'defeat' the applicability of the rule. Defeasibility refers to the situation where the conditions of a valid rule are satisfied, but the conclusion nevertheless does not follow. The reasons for defeasibility can be that there are exclusionary reasons or that there are reasons against the conclusion that balance or even outweigh the reasons for the conclusion.

the division is organized by rule 2 which lays down the general procedural obligation of the participants with respect to the burden en of proof. Regarding the procedural order of defending standpoints, in law the party initiating the proceedings has the burden of initiative for the necessary prerequisites for his claim, and the opposing party has the burden of 'going forward' if he wants to rebut the claim by bringing forward an exception. In pragma-dialectical terms this division can be considered as an institutional arrangement of how the transfer of argumentative duties shifts from one party to another during the discussion.

How the burden of proof should be divided over the parties with respect to the material aspects of the difference of opinion depends on the interpretation of the legal rule: which elements do constitute the necessary *prima facie* conditions that are sufficient in the absence of an exception, and which elements form the exceptions? That the party initiating the proceedings bears the burden of proof for these *prima facie* conditions implies that he must be able to react in an adequate way to certain critical questions with respect to these conditions, thus anticipating the 'critical doubt' of the judge in his role as institutional antagonist. It is the task of the judge to raise critical doubt with respect to conditions that are necessary for him to be able to grant the claim. So, the fact that a party has a burden of proof with regard to certain legal facts implies in pragma-dialectical terms that he has to be able to give a satisfactory answer to the critical questions that can be raised.

Translated to the pragma-dialectical perspective, in law the basic principle for the division of the burden of proof with respect to the material aspects of a concrete situation is that a party has, in principle, a burden of proof for answering the critical questions that belong to the argumentation scheme that underlies his argumentation. These critical questions should be answered in a satisfactory way by the protagonist to make a *prima facie* case. Answering these questions in the absence of counter-considerations would relieve the protagonist from his burden of initiative. If the other party wants to rebut the claim, he will have to show that there are circumstances that could be considered as counter-considerations and he will carry the burden of going forward to prove that these considerations are relevant counter-considerations and can be considered as plausible or true.

Like in the material rules of law, the various argumentation schemes could be interpreted in such a way that they specify which arguments must

be put forward for the claim to be acceptable, and which critical questions must be answered satisfactorily. If the protagonist of a standpoint has made a *prima facie* case by answering these standard questions, it is up to the other party to bring forward and defend a counter-claim which forms an exception to the original claim, or in which it is stated that one of the answers to the critical questions is not adequate.¹⁸

This translation of the legal material organization of the allocation of the burden of proof with respect to certain issues to the pragma-dialectical perspective clarifies how problems related to the material aspects of the burden of proof can be solved. For specific contexts, the various argumentation schemes and the relevant critical questions belonging to it must be specified. A general description of the structure of an argumentation scheme and the general critical questions offers a framework for a material division of the burden of proof with respect to the *prima facie* points that must be addressed by the party putting forward the claim and the exceptions that must be addressed by the party who wants to rebut the claim. This general framework must be implemented for specific applications in institutional and non-institutional contexts.

5. Conclusion

In this contribution, I have argued that the traditional view on presumption and burden of proof as it has been translated by Whately from the legal context to the context on non-legal discussions is not applicable in mixed disputes in which there is no *status quo* or existing institution. Starting from a pragma-dialectical approach of the division of the burden of proof in mixed disputes I have explained that the central problem is how the burden of proof can be regulated when the participants agree, for reasons of efficiency, on a certain order in defending or on a division of the burden of proof.

Then I have shown how insights from the law with respect to procedural and material rules with regard to the burden of proof can offer suggestions for determining how the allocation of the burden of proof can be regulated

¹⁸ For an analysis of the burden of proof in criminal proceedings in terms of such an argumentation scheme see Feteris (1993).

when the participants agree on a certain order or division in the defense. I have described how the concept of argumentation schemes and relevant critical questions can offer a starting point for deciding on these matters.

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Ruling out a Standpoint by means of an Accusation of Inconsistency

Descartar un punto de vista a través de una acusación de inconsistencia

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Abstract: This paper examines the argumentative move in which a discussant responds to a standpoint by accusing the protagonist of that standpoint of being inconsistent in an attempt to exclude the standpoint from the discussion. In analyzing this move a connection is made between the pragmatic characteristics of the move and its dialectical function. Dialectically, the move counts as an expression of critical doubt aimed at eliminating an initial disagreement. Pragmatically, the response is an instance of doubt that is expressed indirectly by means of the speech act of accusation of inconsistency. The characterisation is intended to show how the accusation attempts to bring about the retraction of the standpoint doubted as one particular perlocutionary effect of the speech act, namely repairing the alleged inconsistency by retracting one of the mutually inconsistent commitments.

Keywords: British House of Commons, dialectics, inconsistency, retraction, standpoint.

Resumen: En este trabajo se discute el movimiento argumentativo en el que un hablante responde a punto de vista acusando a quien lo avanzó de ser inconsistente, en un intento de excluir tal punto de vista de la discusión. Para analizar este tipo de movimiento se desarrolla una conexión entre las características pragmáticas y su función dialéctica. Desde un punto de vista dialéctico, el movimiento cuenta como una expresión de una duda crítica con el objeto de eliminar un desacuerdo inicial. Desde un punto de vista pragmático, la respuesta es una instancia de duda que es expresada indirectamente a través de un acto de habla de acusación de inconsistencia. Esta caracterización intenta mostrar cómo la acusación busca causar un efecto perlocutivo particular en la retractación del punto de vista dudado, a saber, reparar la apuntada

inconsistencia mediante la retractación de uno de los compromisos mutuamente inconsistentes.

Palabras clave: Cámara británica de los comunes, dialéctica, inconsistencia, retractación, punto de vista.

1. Introduction

The argumentative move in which a discussant responds to a standpoint by accusing the proponent of that standpoint of being inconsistent in an attempt to exclude the standpoint from the discussion is common in public political discussions. The following is an example. It is part of an exchange in the British House of Commons between Ian Duncan Smith, the leader of the Opposition and Tony Blair, the Prime Minister at the time, about the National Health Service (NHS).

Ian Duncan Smith (Leader of the Opposition):

[...] [H]ospital beds are in short supply because they are being blocked by people who cannot get a care home or nursing home bed. The figure that he did not want to provide is that 40,000—nearly 10 per cent.—fewer care home beds are available since 1997 when he took over. Age Concern says that the care sector is in crisis. The head of the Registered Nursing Homes Association said that Government policy was to blame. The Government's policies are damaging the NHS. Is not the Prime Minister's real achievement after five years to have increased both the queue to get into hospital and the queue to get out?

Tony Blair (Prime Minister):

Public sector investment in the health service has increased under the Government and is continuing to increase. We are roughly the only major industrial country anywhere in the world that is increasing expenditure on health and education as a proportion of national income. Is it the Conservative party's case that we are not spending enough on health and education? When we announced our spending plans, Conservatives called them reckless and irresponsible. We know that the right hon. Gentleman wants to run down the national health service because he does not be-

lieve in it. The clearest evidence of that came yesterday, when the Leader of the Opposition said:

“The health service doesn’t serve anybody... It doesn’t serve doctors or nurses. It doesn’t help the people who are treated.”

What an insult to the NHS and the people who work in it! Conservatives denigrate the health service because they want to undermine it. We want to increase investment, whereas the right hon. Gentleman would cut it.

(House of Commons official report, 2002)

In his question to the Prime Minister, the Leader of the Opposition advances the standpoint that *government policies are to blame for damaging the NHS*.¹ In his answer, Mr. Blair attempts to exclude this standpoint from the discussion by accusing the Opposition of an inconsistency in its attitude towards the NHS. Referring to the Conservatives’ opposition to more investment in health, as well as quoting Mr. Duncan Smith about the worthlessness of the NHS, Mr. Blair claims that Mr. Duncan Smith cannot be critical of government policies in relation to the NHS. As presented by Mr. Blair, the view that *government policies are to blame for damaging the NHS* is inconsistent with Mr. Duncan Smith’s previous positions, namely that the NHS does not deserve to be taken care of. By presenting the current point of view of Mr. Duncan Smith as being inconsistent with the latter’s previous positions, Mr. Blair portrays Mr. Duncan Smith’s current point of view as a position that is untenable, in an attempt to avoid a discussion about it.

In this paper, moves such as the Prime Minister’s above are examined within the pragma-dialectical framework (van Eemeren & Grootendorst, 2004; van Eemeren & Houtlosser, 2002). They are examined and characterised as a particular way of confrontational strategic manoeuvring (van Eemeren & Houtlosser, 2009). The characterisation connects the pragmatic characteristics of the move to its dialectical function. Dialectically, the move counts as an expression of critical doubt that attempts to eliminate an initial disagreement. Pragmatically, the response is an instance of doubt that is expressed indirectly by means of the speech act of accusation of inconsis-

¹ The question and answer are part of a longer exchange in which the performance of the Government is discussed. For a more detailed analysis see (Mohammed, Forthcoming).

tency. The characterisation is intended to show how the accusation attempts to bring about the retraction of the standpoint doubted as one particular perlocutionary effect of the speech act, namely repairing the alleged inconsistency by retracting one of the mutually inconsistent commitments.

2. The elimination of the initial disagreement

The attempt of a discussant to exclude a standpoint from the discussion occurs in argumentative confrontations. In these confrontations, an initial disagreement arises between a discussant who is the proponent of a standpoint and another discussant who casts doubt on this standpoint. This initial disagreement can give rise to an externalised difference of opinion to be resolved by means of argumentation if the two discussants maintain their points of view and express commitment to them. Otherwise, if any of the discussants retracts his point of view, the initial disagreement is eliminated. A discussant's attempt to exclude a standpoint from the discussion by means of an accusation of inconsistency is an attempt to lead the opponent of this standpoint to retract it in order to eliminate the initial disagreement.

The attempt of a discussant to exclude a standpoint from the discussion by means of an accusation of inconsistency can be considered as instances of confrontational strategic manoeuvring. As defined by van Eemeren and Houtlosser (2000, 2002) strategic manoeuvring refers to the arguers' attempts to reasonably steer discussions towards favourable outcomes, an attempt to strike a balance between the aim of critically testing a point of view, i.e. the dialectical aim, and the aim of winning the discussion, i.e. the rhetorical aim. Confrontational strategic manoeuvring, which is the arguers' strategic manoeuvring in argumentative confrontations, concerns the definition of the difference of opinion (van Eemeren & Houtlosser, 2009). In argumentative confrontations, arguers are expected to pursue the dialectical aim of defining the difference of opinion at issue in a way that does not hinder the critical testing procedure. In this stage of an argumentative discussion, arguers are also expected to pursue the rhetorical aim of defining the difference of opinion in the most opportune way in order to win the discussion. To strategically manoeuvre in this stage is to attempt to strike a balance between these two aims and reach a definition of the difference of

opinion that is opportune without hindering the critical testing procedure.

Argumentative confrontation can lead to different outcomes. That is to say that different types of disputes (van Eemeren & Grootendorst, 1992: 16-22) can result from the different ways in which an initial disagreement between two arguers evolves in their confrontation. For example, arguers arrive at a definition of their difference of opinion as a non-mixed dispute when the standpoint at issue is not accepted, i.e. is faced with mere doubt. In such cases, one of the arguers expresses a certain standpoint and upholds it while the other expresses and upholds doubt concerning this expressed standpoint. In other cases, the standpoint at issue is also rejected. In that case, the definition of the difference of opinion obtained is a mixed dispute, in which one of the arguers expresses and upholds a certain standpoint against the (expressed and upheld) doubt of the other arguer who expresses and upholds an opposite standpoint. There are, however, also cases in which the argumentative confrontation evolves in a way that eliminates the disagreement. For example, the arguer who has advanced a certain standpoint may realise, once his standpoint is faced with doubt, that he cannot commit himself to the defence of this standpoint, and may therefore retract (rather than uphold) the standpoint that he has advanced. The outcome of the confrontation in such a case is a definition of the difference of opinion as no dispute.²

The Prime Minister's attempt to eliminate his disagreement with the Leader of the Opposition, in the exchange above is an example of confrontational strategic manoeuvring that aims at arriving at the definition of the difference of opinion as no dispute. The Prime Minister casts doubt upon the standpoint of the Opposition by pointing out that Mr. Duncan Smith cannot uphold a claim that is inconsistent with another position that he can be held committed to, aiming to lead him to retract his claim. The retraction of the critical standpoint by the Opposition would bring about an outcome of the argumentative confrontation that is favourable to the Prime Minister. The success of Mr. Blair's accusation of inconsistency against Mr. Duncan

² Van Eemeren and Grootendorst (1992a) do not mention no dispute as one of the types of disputes that can result from argumentative confrontations; however, the retraction of a standpoint advanced and the retraction of the doubt cast are listed as options that are available to arguers in the confrontation (1984: 101). The definition of the difference of opinion as a no dispute is the result of these two options being kept available to arguers.

Smith would spare him the need to discuss whether or not government policies are to blame for damaging the NHS, because Mr. Duncan Smith's retraction of his critical standpoint would eliminate the initial disagreement about this standpoint. The definition of the difference of opinion as no dispute, which results from Mr. Duncan Smith's retraction of his standpoint, is very likely to be considered a victory for Mr. Blair. The Prime Minister would seem to have managed to steer the argumentative confrontation towards the favourable outcome of identifying no dispute about the Opposition's retracted critical standpoint, and therefore would be considered to have defeated the Opposition without the need to engage in a discussion concerning their standpoint.

The Prime Minister's resort to an accusation of inconsistency to rule out a standpoint of the Opposition is a good example of arguers' attempts to remain within the boundaries of reasonableness while steering argumentative confrontations towards favourable outcomes. Pointing out an inconsistency between the Opposition's point of view at issue and another position or action of the Opposition seems a reasonable way to lead the Opposition to retract the standpoint at issue. After all, one cannot maintain two mutually inconsistent positions about the same matter simultaneously. In view of the alleged inconsistency, it becomes in principle reasonable to consider the point of view at issue untenable and in need of retraction. Indeed, the Prime Minister's attempt to exclude an opposition standpoint from the discussion is not necessarily unreasonable. Argumentative confrontations can evolve reasonably and yet yield a definition of the difference of opinion as no dispute. In order to establish in a more systematic way how reasonable argumentative confrontations may evolve, and how they may lead to the definition of the difference of opinion as no dispute, the dialectical profile of the confrontation stage of a critical discussion is useful.

3. A dialectical profile of the confrontation stage

Dialectical profiles are heuristic tools developed within the pragma-dialectical framework in order to provide a step-by-step specification of the moves that the two discussants in a critical discussion can make or have to make (van Eemeren, Houtlosser & Snoeck Henkemans, 2007a, 2007b). The pro-

files represent in the form of dialogical trees the moves that are relevant to the critical resolution of the difference of opinion. For every stage of the resolution process, a dialectical profile can be designed to represent the sequential patterns of moves that contribute to the realisation of a particular dialectical aim in this stage. The dialectical profile of the confrontation stage would, for example, spell out the different procedural ways in which the difference of opinion can be defined.

It is crucial to emphasise that dialectical profiles are not designed to provide a descriptive representation of how argumentative exchanges actually proceed; they are rather designed to provide a normative representation of how such exchanges ought to proceed in order for a particular dialectical aim of a particular dialectical stage to be realised. For example, the dialectical profile of the confrontation stage is designed to represent how argumentative confrontations ought to proceed if arguers aim at defining their difference of opinion in a reasonable way. For that, the parties' dialectical obligations in the confrontation stage of a critical discussion are expressed in terms of turns in a tree-like dialogical diagram.³

In what follows, I shall propose a design for the dialectical profile of the part of the confrontation stage that covers the argumentative move at issue in this paper.⁴ In designing the profile, I shall follow the principles of (a) systematicity, (b) comprehensiveness, (c) analyticity, (d) economy and (e) finiteness as suggested by van Eemeren *et al.* (2009). By operating in this way, the presentation of sequential moves will include all the moves that are necessary for the achievement of every definition of the difference of opinion that is achieved in accordance with the ideal dialectical procedure of critical testing, without becoming too complex, repetitive or infinite. A basic dialectical profile⁵ of the confrontation stage of a potentially non-mixed

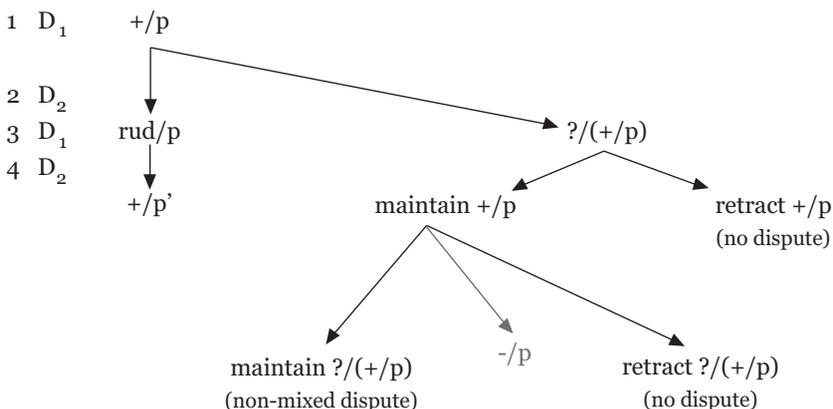
³ The idea of dialectical profiles was inspired by Walton and Krabbe's idea of a profile of dialogue (Krabbe, 1992, 2002; Walton & Krabbe, 1995; Walton 1999). However, unlike profiles of dialogue, dialectical profiles are always supposed to be normative (van Eemeren, Houtlosser & Snoeck Henkemans, 2007a). That eventually makes the heuristic functions of the two concepts significantly different.

⁴ See Mohammed (2009) for a design of the complete dialectical profile of the confrontation stage.

⁵ The profile suggested is basic in the sense that it expresses the basic dialectical procedure. Based on it, extended profiles can be designed to highlight specific extra elements such as the formulation of the expressed opinion (e.g. van Laar, 2006).

dispute is presented below (*Figure 1*) followed by a step-by-step specification of how an ideal confrontation can proceed.

Figure 1. Dialectical profile of the confrontation stage of a potentially non-mixed dispute.



- D₁ : the proponent of a standpoint
- D₂ : a discussant who doubts the standpoint
- +/p : Advance a positive standpoint concerning the proposition p
- ?/(+p) : Cast doubt on the positive standpoint
- /p : Advance a negative standpoint concerning the proposition p
- ?/(-p) : Cast doubt on the negative standpoint
- rud/p : Request a usage declarative concerning the proposition p
- +/p' : Advance a reformulation of the positive standpoint by using a usage declarative

The confrontation stage of a critical discussion is initiated by an arguer, discussant 1 (*D*₁), expressing a standpoint (*turn 1*), and another arguer, discussant 2 (*D*₂), casting doubt on it (*turn 2, right branch*). In these first two turns, an initial disagreement is externalised concerning a certain stand-

point. This externalised initial disagreement triggers the critical discussion aimed at critically resolving the difference of opinion. However, the externalisation of this initial disagreement is not enough for a complete confrontation; the discussants need to arrive at a definition of their difference of opinion. In order for that to happen, D_1 is required in his next turn to either uphold his expressed standpoint or retract it (*turn 3*). Because ideally the discussants are voluntarily engaged in a critical discussion about a certain standpoint, both options should be allowable to D_1 in response to the doubt of D_2 . While upholding the expressed standpoint would be a step towards confirming the initial disagreement, the retraction of the expressed opinion would terminate it. Retracting the expressed standpoint at this turn would leave the discussants with no externalised disagreement, and would therefore end the confrontation stage with no dispute to resolve (*turn 3, right branch*).⁶

In response to D_1 upholding his expressed opinion, D_2 should also be given the chance to either maintain or retract his expressed doubt concerning D_1 's expressed opinion (*turn 4*). Here too, both options should be granted to D_2 in order to guarantee the discussants' freedom of engagement in a discussion. The retraction of the expressed doubt by D_2 would leave the discussants with no disagreement to resolve, and therefore end the confrontation stage with a definition of the difference of opinion as no dispute (*turn 4, right branch*). The upholding of doubt by D_2 would in contrast confirm the difference of opinion between the discussants: there would then be an elementary difference of opinion, a non-mixed dispute in which D_1 has a positive standpoint that D_2 doubts (*turn 4, left branch*).⁷

The specification presented above describes the different ways in which an ideal confrontation can proceed; an actual confrontation hardly ever proceeds as described. Actual argumentative confrontations are never ideal in the sense that they do hardly ever aim solely at defining the difference of

⁶ The retraction of doubt or of the standpoint advanced, at this point of the argumentative exchange, does not fall under the problematic cases of retractions discussed by Krabbe (2001). At this point, the retraction does not remove a commitment that is necessary for the other party to build a case. It is, consequently, not a retraction that hinders the critical testing procedure and should therefore be considered permissible.

⁷ The profile also includes the option for D_2 to respond to the initial expression of the positive standpoint of D_1 by requesting the latter to define or clarify some terms or to be more precise or detailed in expressing his standpoint. This is achieved by performing a

opinion between the arguers in a way that does not hinder critical testing. Furthermore, actual argumentative confrontations are not always reasonable, in the sense that even when arguers are actually geared towards achieving a clear definition of the difference of opinion, their efforts need not always be successful and they might well fail to achieve the definition they pursue. Moreover, arguers can even be geared towards a reasonable definition of their difference of opinion, and argue reasonably, without necessarily performing all and only those moves that are prescribed in the ideal model and represented in the dialectical profile. An arguer can for example express his doubt by means of a question or a request for justification, and he may also respond to an initial expression of a positive standpoint by the immediate expression of the opposite standpoint.

In spite of the gap that exists between ideal and actual argumentative exchanges, dialectical profiles are instrumental for the examination of actual argumentative confrontations. Every move in the profile is in fact a slot that expresses the (dialectical) function of a multitude of actual argumentative moves that can be considered analytically relevant, and is in that sense a slot for analytically relevant moves (van Eemeren & Houtlosser, 2006). As van Eemeren and Grootendorst (1992, 2004) explain, a particular argumen-

request for a usage declarative (D_2 , *turn 2, left branch*) that promotes mutual comprehension of the expressed standpoint (van Eemeren & Grootendorst, 1984: p. 109). In response to this request, D_1 has to provide the requested usage declarative, which results in a reformulation of the initial standpoint that is clearer, more precise or more detailed (D_1 , *turn 3, left branch*). In response to this reformulated standpoint, D_2 can either express doubt, or request another usage declarative to which D_1 has to respond by a once more reformulated standpoint which can be faced with either doubt or yet another request for a usage declarative, and so on. Eventually, every reformulated standpoint of D_1 becomes an initial standpoint from which the confrontation can proceed (*turn 1*). Even though it is in principle the right of any of the discussants to request the other to perform a usage declarative that provides further definition, precisation, amplification, explication or explicitisation (van Eemeren & Grootendorst, 1984), in the confrontation stage, this move can be performed only by D_2 as a response to the initial expression of the positive standpoint by D_1 . The reason for this is that all the other moves in the confrontation stage are about a specific proposition p about which D_1 expresses a standpoint. Ideally, the need for a usage declarative to promote mutual understanding arises only as a response to the expression of the (positive) standpoint by D_1 in his first turn. Once D_2 understands D_1 's expressed standpoint, there should no longer be any room for misunderstanding. If D_1 's expressed standpoint is understood by D_2 , all the remaining moves become clear: upholding the expressed standpoint, retracting it, doubting it or retracting the doubt cast on it, as well as the expression of its opposite, retracting it, doubting it or retracting the doubt cast on it; there should be no need for a usage declarative with respect to any of these.

tative move can be considered analytically relevant when the move plays a role in the critical resolution of a difference of opinion. For example, asking a question in response to an expressed opinion is often analytically relevant because the question can function as an expression of doubt concerning the expressed opinion.⁸

Because dialectical profiles are derived from the ideal model of a critical discussion, which includes all moves that are relevant to the resolution process, these profiles taken together represent every move in actual argumentative discussions that is relevant to the resolution of the difference of opinion. Under the basic assumption that arguers are expected to pursue a critical resolution of their difference of opinion, the profiles guide the analyst into a methodological interpretation of the moves in actual argumentative exchanges. For example, with the help of the dialectical profile of the confrontation stage, the analyst can assign an argumentative function to the actual argumentative moves that play a role in the definition of the difference of opinion between the arguers. Every actual argumentative move that is analytically relevant can, from this perspective, be considered a realisation of a certain slot for analytically relevant moves in the dialectical profile.⁹

Viewed in light of the dialectical profile of the confrontation stage, a discussant's attempt to exclude a standpoint from the discussion can be viewed as an attempt to reach the outcome of no dispute at turn 3 of the dialectical profile of the confrontation stage. The attempt can be considered an instance of a particular *mode* of confrontational strategic manoeuvring in which a discussant who casts doubt on an expressed opinion aims to lead the other discussant, who is the proponent of this expressed opinion, to retract it in order to define the difference of opinion as no dispute. In general, a *mode* of confrontational strategic manoeuvring can be viewed as the attempt, at a certain slot for analytically relevant moves in the confrontation stage, to bring about the performance of a *preferred* analytically relevant move in a turn that follows, in order to reach a favourable definition

⁸ Van Eemeren and Grootendorst (1992b) draw a distinction between analytic and evaluative relevance. While it is enough for a move to play a role in the critical testing procedure to be analytically relevant, a move needs to play a positive role, i.e. to be a positive contribution to the critical testing procedure, in order for it to be also evaluatively relevant.

⁹ The profile can also be insightful in making explicit the moves that are left implicit in the discourse, such as the doubt that is implicit in expressing an opposite point of view.

of the difference of opinion. Like all modes of confrontational manoeuvring, the mode at issue aims at a favourable definition of the difference of opinion within the boundaries of critical reasonableness. This particular mode of manoeuvring can however be distinguished from other modes in terms of (a) the particular point in the dialectical procedure where it occurs, (b) the specific outcome that is pursued, and (c) the dialectical route¹⁰ that is favoured to reach the pursued outcome.

4. Strategic manoeuvring to rule out a standpoint

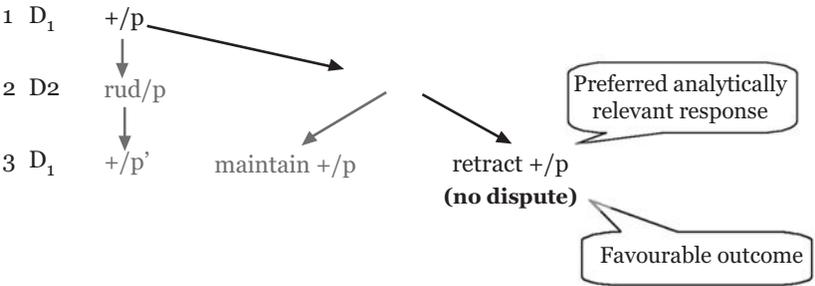
The mode of confrontational strategic manoeuvring at issue occurs at the slot for the analytically relevant move of casting doubt by D_2 on a positive standpoint that has just been expressed by D_1 . In the exchange about the NHS above, the Prime Minister reacts to the expression of a critical standpoint by the Opposition by providing justification for not accepting the expressed standpoint: Mr. Blair points out that the standpoint of Mr. Duncan Smith is inconsistent with some other position that the Opposition assumes. Because Mr. Blair's reaction conveys that the Prime Minister does not accept the standpoint of the Opposition; such reaction functions as expressions of critical doubt about it. Thus, the mode of strategic manoeuvring at issue realises the slot for the analytically relevant move of casting doubt at turn 2 of the dialectical procedure (see Figure 1, above).

The mode of confrontational strategic manoeuvring at issue aims at defining the difference of opinion as no dispute, to the favour of D_2 . As can be seen from the dialectical profile above, a no dispute outcome can be reasonably achieved at two points of the dialectical procedure sketched: turns 3 and 4. At turn 3, D_1 can retract his expressed positive standpoint. That would eliminate the initial disagreement between D_1 and D_2 leaving them with no dispute to argue about. At turn 4, D_2 can retract his expressed doubt about the positive standpoint of D_1 , which would also eliminate the initial disagreement between D_1 and D_2 leaving them with no difference of opinion to

¹⁰ A dialectical route is a sequence of analytically relevant moves that needs to be performed in order to achieve an outcome of a certain dialectical stage (van Eemeren & Houtlosser, 2006, 2007b).

resolve by means of argumentation. While the definition of the difference of opinion as no dispute resulting at turn 3 is to the favour of D_2 who would not have to give up his doubt, the definition of the difference of opinion as no dispute resulting at turn 4 is to the favour of D_1 who can in fact maintain his positive standpoint. Consequently, the definition of the difference of opinion as no dispute reached at turn 4 cannot be considered to be the favourable outcome pursued in a mode of strategic manoeuvring of D_2 . The particular mode of strategic manoeuvring at issue is represented in Figure 2 below.

Figure 2.



The Prime Minister’s attempt to exclude the standpoint of the Opposition in the exchange about the NHS above is an instance of this mode of strategic manoeuvring. In it, the Prime Minister casts doubt on a standpoint expressed by the Opposition in a way that is very likely to lead the Opposition to retract the standpoint at issue in the next turn. The Prime Minister thereby aims to reach a definition of the difference of opinion as no dispute, which is favourable to him.

This mode of manoeuvring can be referred to, either by mentioning the slot for analytically relevant moves that it realises, as strategic manoeuvring in casting doubt, or by mentioning to the slot for analytically relevant moves that it aims at bringing about, i.e. the preferred analytically relevant response, as strategic manoeuvring to lead the proponent of a standpoint to retract his standpoint, or by mentioning both slots, as strategic manoeuvring in

casting doubt in an attempt to lead the proponent of a standpoint to retract his standpoint. Even though the latter is the most accurate of the three, for the sake of simplicity, I shall opt for a slightly less complicated way of referring merely to this mode of manoeuvring by mentioning the aim of the arguer in this mode, that of ruling out a standpoint.

As suggested above, a mode of confrontational manoeuvring is an attempt to strike a balance between arguers' dialectical and rhetorical aims at a certain slot for analytically relevant moves in the dialectical procedure of the confrontation stage. While the concern for rhetorical effectiveness directs the arguer's choices towards a favourable definition of the difference of opinion and a particular dialectical route that leads to it, i.e. a preferred dialectical route, the concern for critical reasonableness restricts their choices to those outcomes and routes that are in accord with the dialectical norm of critical testing.

The main advantage of identifying modes of confrontational strategic manoeuvring in terms of analytically relevant moves is that at this level of characterisation it is possible to generate, in a systematic way, a finite list of modes of strategic manoeuvring within the category of confrontational manoeuvring. That is because, as van Eemeren and Houtlosser (2009) observe, the dialectical profile indicates a finite set of routes that arguers can take if they want to achieve the outcome of a certain dialectical stage in a reasonable way (2009: 12).

In contrast with the finite number of analytically relevant moves that are available to the discussants in a critical discussion (van Eemeren & Grootendorst, 1992a, 2004), the number of moves that the arguer may choose in actual argumentative discussions is infinite. In fact, in every actual move in an actual discussion a choice is made from countless possibilities for realising a slot for analytically relevant moves in the dialectical procedure. Because every actual argumentative move is an opportunity for strategic manoeuvring in realising a slot for analytically relevant moves in a certain dialectical stage (van Eemeren & Houtlosser, 2006), the countless possibilities for realising a certain slot of analytically relevant moves are in fact countless *ways* of strategic manoeuvring. In other words, every mode of strategic manoeuvring, which is identified in terms of analytically relevant moves, can be realised in an indefinite number of *ways* in an actual argumentative discussion. The Prime Minister's resort to an accusation of inconsistency in

an attempt to exclude standpoints of the Opposition can be considered as a particular *way* of strategic manoeuvring, in which the particular mode of strategic manoeuvring characterised above is realised by means of accusations of inconsistency.

While a mode of strategic manoeuvring can be referred to by reference to the slots for analytically relevant moves it involves, the reference to a particular way of manoeuvring needs to include reference to the actual moves that are performed by the arguer in a discussion. The particular way of manoeuvring, subject of examination in this paper, can thus be referred to by mentioning the actual move that is performed as strategic manoeuvring by accusation of inconsistency. Reference to actual moves is however not sufficient in depicting the particular way of manoeuvring; there also needs to be a reference to the analytically relevant function of the move and the outcome it pursues. An adequate way to refer to the way of strategic manoeuvring at issue would hence be to refer to it as strategic manoeuvring in casting doubt by an accusation of inconsistency to rule out a standpoint. Here too, I opt for simplicity by referring to the way of confrontational manoeuvring at issue as strategic manoeuvring by accusation of inconsistency to rule out a standpoint. This way of referring to the manoeuvring reflects both the actual argumentative move that is performed and the favourable outcome that is aimed at. Furthermore, referring to the way of strategic manoeuvring at issue as proposed above mentions, as van Eemeren and Houtlosser (2009) recommend, the most conspicuous manifestation of the manoeuvring at issue, i.e. the accusation of inconsistency.

5. Accusations of inconsistency to rule out a standpoint

In light of the view that an instance of strategic manoeuvring is actually a speech act that realises a slot for analytically relevant moves of the dialectical procedure (van Eemeren & Houtlosser, 2006), the particular way of strategic manoeuvring that is the subject of this paper can be viewed as the one in which the speech act of accusation of inconsistency realises the particular mode of manoeuvring to rule out a standpoint. With the help of the characterisation of an accusation of inconsistency as a speech act (Andone, 2009) and in light of the account given by van Eemeren and Grootendorst (1984)

for speech acts in argumentative discussions, I shall characterise the particular way of strategic manoeuvring at issue and analyse the Prime Minister's responses in the exchange about the NHS as a case of this particular way of manoeuvring.

The account Andone provides of the speech act of accusation of inconsistency is central to the intended characterisation and analysis because it makes it possible to link the perlocutionary effects of the speech act of accusation of inconsistency to the Opposition's retraction of their standpoint, which the Prime Minister's manoeuvring aims at. As characterised by Andone (2009), "an accusation of inconsistency counts as raising a charge against an addressee for having committed himself to both p and $\neg p$ (or informal equivalents thereof) in an attempt to challenge the addressee to provide a response that answers the charge" (2009: 155).

According to van Eemeren and Grootendorst (1984), the minimal perlocutionary effect of an illocutionary act is acceptance; illocutionary acts can however have optimal perlocutionary effects as well. For example, the illocutionary act of a question has the minimal perlocutionary effect of getting itself accepted as such, but also the optimal perlocutionary effect of securing an answer. As for all other illocutionary acts, the minimal perlocutionary effect of accusations of inconsistency is acceptance. The optimal effect of this speech act (also referred to as consecutive perlocutionary effect or consecutive consequence) is what Andone refers to in the essential condition as providing a response that answers the charge. In line with Perelman and Olbrechts-Tyteca (1995), who understand an accusation of inconsistency as an attempt to get the accused to eliminate the inconsistency by retracting one of the inconsistent commitments (p. 195), I suggest that such an answer needs to be the retraction of either of the two mutually inconsistent commitments expressed, i.e. either the commitment to p or the commitment to $\neg p$. In what follows, I will refer to the mutually inconsistent commitments as commitment to A and commitment to $\neg A$, in order to avoid confusing the commitment at issue with the commitment to the standpoint advanced ($+/p$).

In the exchange between Mr. Blair and Mr. Duncan Smith examined earlier, Mr. Blair accuses Mr. Duncan Smith of an inconsistency concerning the latter's attitude towards the NHS. On the one hand, the position implied in the question of Mr. Duncan, namely that the *Government is to blame for*

damaging the NHS, entails an interest in the NHS. On the other hand, the Conservatives' opposition to the government's plans to increase investment in the health sector as well as the quoted point of view of Mr. Duncan Smith commit him to an opposite attitude, Mr. Blair implies. In support of the alleged inconsistency, Mr. Blair says that 'we know that the right hon. Gentleman wants to run down the national health service because he does not believe in it', and he quotes Mr. Duncan Smith as saying that 'the health service does not serve anybody' to conclude that the Opposition wants to undermine the NHS.

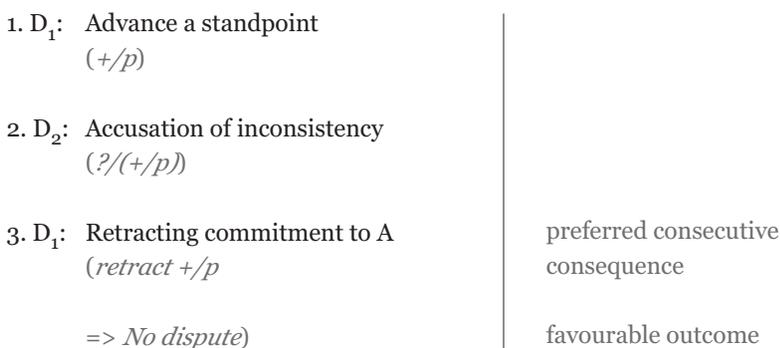
Mr. Blair's accusation attributes to Mr. Duncan Smith a commitment to *the NHS deserves to be taken care of* (A) and to its opposite. The commitment to A is presented as following from the Opposition's critical standpoint that *government policies are to blame for damaging the NHS*, and the opposite commitment is attributed to Mr. Duncan Smith on the basis of his previous positions, especially his quoted words that the NHS does not serve anybody. The accusation also requires the accused to retract one of the inconsistent commitments. Upon acceptance of the accusation, Mr. Duncan Smith needs to act in accordance with one of the consecutive consequences of his acceptance, i.e. he must either retract his current position (and therefore his commitment to A) or to admit that he does not maintain his other position (and therefore retract the attributed commitment to -A).

Once the expression of a standpoint and the response with an accusation of inconsistency in the actual dialogue between Mr. Blair and Mr. Duncan Smith are viewed as part of an argumentative exchange, these two actual moves can be viewed as realisations of the slots in the dialectical profile for advancing a standpoint and for casting doubt respectively. These slots are represented in turns 1 and 2 of the dialectical profile. The accusation of inconsistency can be the realisation of an expression of doubt concerning the standpoint of the Opposition that *the Government's policies are to blame for damaging the NHS* because an implication of this accusation is that the Opposition cannot express this standpoint. More precisely, in presenting the previous positions of Mr. Duncan Smith as his real position (*we know that the right hon. Gentleman wants to run down the national health service*), Mr. Blair implies that the commitment that Mr. Duncan Smith cannot maintain is the commitment to *the NHS deserves to be taken care of*. Since this commitment, which needs to be retracted ac-

According to Mr. Blair, follows from the standpoint of the Opposition, Mr. Blair's accusation can be taken to convey his doubt concerning the standpoint of the Opposition.

When an accusation of inconsistency is employed in an argumentative discussion, arguers usually aim to bring about one particular consecutive consequence of the illocutionary act: either the retraction of the commitment to A, or the retraction of the commitment to $\neg A$. The particular consecutive consequence that an arguer aims at will be hereafter referred to as the *preferred* consecutive consequence. Considering that the speech act of accusation of inconsistency is a realisation of a certain slot for analytically relevant moves in a particular mode of strategic manoeuvring, the preferred consecutive consequence will realise the preferred analytically relevant move in that particular mode of manoeuvring. When an accusation of inconsistency is employed to rule out a standpoint, I take the preferred consecutive consequence to be the retraction of the commitment that follows from the standpoint of the proponent, i.e. the commitment to A, because such a retraction entails the retraction of the expressed standpoint itself, which is the preferred analytically relevant response in the mode of strategic manoeuvring at issue (*see Figure 3, below*).

Figure 3. Actual preferred route taken in the strategic manoeuvring by accusation of inconsistency to rule out a standpoint.



The retraction of the commitment to *the NHS deserves to be taken care of* by Mr. Duncan Smith is clearly the response preferred by Mr. Blair. In his response to the standpoint of Mr. Duncan Smith, Mr. Blair seems to imply that the Opposition cannot criticise the government for having policies that damage the NHS if they do not think that the NHS deserves to be taken care of. Failing to commit to *the NHS deserves to be taken care of* therefore requires the Opposition to retract the standpoint that *government policies are to blame for damaging the NHS*. In other words, the retraction of the commitment to *the NHS deserves to be taken care of* by Mr. Duncan Smith would be a realisation of the slot for retracting the expressed standpoint in the dialectical procedure.

When an arguer manoeuvres strategically to rule out a standpoint by means of an accusation of inconsistency the arguer makes the most opportune choices from the topical potential, audience frames and stylistic devices that are available in order to lead the proponent to retract his commitment to A, and to portray the retraction of the proponent's standpoint to be due as a consequence of the retraction of the commitment to A. For instance, Mr. Blair exploits the three aspects of strategic manoeuvring in an attempt to appear reasonable while leading Mr. Duncan Smith to retract the standpoint that *government policies are to blame for damaging the NHS* through the retraction of his commitment to the proposition that *the NHS deserves to be taken care of*.

From the topical potential available to Mr. Blair, he has chosen to express his doubt about the opposition standpoint by reference to a relevant inconsistency in the position of the Opposition. From all the propositions that follow from the Opposition's (current) standpoint, Mr. Blair selected a proposition A (*the NHS deserves to be taken care of*) that is inconsistent with another position of the Opposition, namely the one against investment in the health sector. The accusation of inconsistency puts pressure on the Opposition to retract one of the inconsistent commitments. The Prime Minister's choice of the previous position puts pressure on the Opposition to retract the commitment that follows from the current position, i.e. commitment to A, rather than the other commitment assumed. In other words, the choice of the previous position directs the Opposition towards Mr. Blair's preferred response. Mr. Blair chooses to refer to a particular position of the Opposition that is not easy to abandon. He refers to one of the Conservative

Party's principal positions, one that is very unlikely to change: the opposition to more investment in public sector. From this position, Mr. Blair draws an opportune implication that is inconsistent with the Opposition's current position, namely that the Opposition can be held committed to –A (*the NHS does not deserve to be taken care of*). He further quotes Mr. Duncan Smith as saying that the NHS does not serve anybody to support the attribution of the latter commitment. Given that Mr. Duncan Smith is very unlikely to give up the Conservatives' position against investment in the public sector, there is little chance that he would retract the commitment implied in the other position. It is rather the commitment that follows from the current standpoint that Mr. Duncan Smith will have to retract if he accepts the alleged inconsistency.

Mr. Blair's choice from the topical potential becomes an even more effective means of directing Mr. Duncan Smith towards the retraction of his standpoint thanks to an opportune choice of stylistic devices in presenting the alleged inconsistency. For example, Mr. Blair's presents Mr. Duncan Smith's commitment to *the NHS does not deserve to be taken care of* as beyond doubt when he says 'we know that the right hon. Gentleman wants to run down the national health service'. Such a presentation is opportune because it creates the impression that the accusation of inconsistency will be acceptable, i.e. the minimal perlocutionary effect of the speech act will be achieved, and that therefore Mr. Duncan Smith will have to make a choice between the two inconsistent commitments, i.e. the optimal perlocutionary effect of the speech act is expected. In other words, the way the accusation is formulated makes it not easy for the accused to deny it.

Furthermore, Mr. Blair attempts to present his accusation in a way that supports his interpretation of the Opposition's previous position as implying the commitment to –A. As he presents the Conservatives' opposition to an increase of investment in the health sector, Mr. Blair repeats in different formulations the idea that the Conservatives do not care about the NHS: they want to run it down, they do not believe in it, they say it does not serve anybody, they insult it, denigrate it and want to undermine it. To attribute these different and yet much related attitudes towards the NHS to the Conservatives strengthens the implication that the Opposition does not think that the *NHS deserves to be taken care of*. Mr. Blair presents these different and yet very related attitudes as variations of the same commitment, namely

that the NHS does not deserve to be taken care of, in order to compensate for the absence of an explicit pronouncement where this commitment is clearly taken by the Opposition.

The Prime Minister's choices of the topic and presentation of the accusation of inconsistency are in fact strategic only in combination with a particular choice of audience frame: the Conservative Party as a proponent of the critical standpoint that the Prime Minister wishes to exclude from the discussion. Had the proponent of the standpoint that *government policies are to blame for damaging the NHS* been an MP from a party that does not oppose investment in health, the Prime Minister would not have been capable of pointing out an inconsistency in the position of this proponent concerning the commitment as to whether or not *the NHS deserves to be taken care of*. With such a proponent, it would not have been possible for Mr. Blair to express doubt by means of the accusation of inconsistency that he employs to doubt Mr. Duncan Smith's standpoint.

Not only the appropriateness but also the effectiveness of employing the particular accusation which Mr. Blair employs depends on the proponent of the standpoint that he attempts to rule out. For example, suppose the proponent had been some other MP from the Conservative Party, an MP who is not the leader of the party or someone who had not expressed his standpoint against investment in health so strongly. For such a proponent, it would have been easier to change his mind concerning the Party's original position against the investment in health. There is a quite good chance that such a proponent would retract the commitment to $\neg A$ instead of retracting the commitment to A as Mr. Blair's strategic manoeuvring intends. Because of the personal nature of commitments, strategic manoeuvring by means of accusations of inconsistency is more audience-frame-dependent than other ways of strategic manoeuvring are.

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‘Anyway’ and ‘even’ as indicators of complex argumentation¹

‘De cualquier forma’ e ‘incluso’ como indicadores de una argumentación compleja

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Abstract: In “Anyway” and “even” as indicators of complex argumentation a connection is established between the semantic descriptions of “anyway” and “even” given by linguists such as Ducrot and Anscombe, Bennett, and Kay and van Eemeren and Grootendorst’s (1984) pragma-dialectical characterization of independent and interdependent arguments. She argues that by combining linguistic insights with insights from pragma-dialectics a more systematic explanation of the indicative function of ‘anyway’ and ‘even’ can be given.

Keywords: Indicators of complex argumentation, argumentation structure, linguistics.

Resumen: En “de cualquier forma” e “incluso” en tanto indicadores de una argumentación compleja, se establece una conexión entre la descripción semántica dada por lingüistas como Ducrot y Anscombe, Bennett, y Kay, y la caracterización pragma-dialéctica de argumentos independientes e interdependientes ofrecida por van Eemeren y Grootendorst (1984). Aquí se señala que combinando elementos lingüísticos con elementos de la teoría pragma-dialéctica se puede ofrecer una explicación más sistemática de la función indicativa de “de cualquier forma” e “incluso”.

Palabras clave: Indicadores de argumentación compleja, estructura argumentativa, lingüística.

¹ This paper is an adapted version of a paper that appeared in 1996 in J. van Benthem, F.H. van Eemeren, R. Grootendorst & F. Veltman (eds.), *Logic and Argumentation*, pp. 77-87. Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen.

1. Indicators of complex argumentation

When analysing argumentative discourse, the analyst attempts to get a clear overview of the relevant elements in the text and of the relations between these elements. Crucial steps in the analysis of an argument are, *first*, establishing what the communicative function (or illocutionary force) of the different elements is (for instance, whether an utterance should be considered as a standpoint or as an argument) and, *second*, giving a characterization of the relations between the various speech acts, for instance of the relations between the arguments that are advanced in the case of complex argumentation.

In *Speech Acts in Argumentative Discussions*, van Eemeren and Grootendorst (1984) make a distinction between different types of complex argumentation. They distinguish between two types of structure, both of which consist of arguments directly supporting the standpoint, *multiple* and *coordinatively compound* argumentation. In multiple argumentation each of the arguments is 'individually sufficient' to justify or refute the standpoint, but none of them is 'by itself necessary' (van Eemeren and Grootendorst 1984: 91). This type of argumentation structure is described by van Eemeren and Grootendorst as 'a series of separate and independent single argumentations for or against the same [...] expressed opinion' (1984: 91). In the case of coordinatively compound argumentation, the argumentation consists of a number of arguments 'each of which is individually necessary' to justify or refute the standpoint, but 'they are sufficient only in combination' (1984: 90).

It is generally recognized that the verbal presentation of argumentation plays an important role in the identification of standpoints and arguments and the relations between arguments. Nevertheless, until recently, argumentation theorists have not paid much attention to a methodical exploration of the clues provided by the verbal presentation.² Authors of textbooks on argumentation usually restrict themselves to the most obvious indicators, such as 'because', 'therefore' and 'since'. Authors who mention

² In 2007, van Eemeren, Houtlosser and Snoeck Henkemans published a book on argumentative indicators, in which an overview is provided of types of words and expressions that can be indicative of all relevant discussion moves. Chapter 7 of this book discusses indicators of complex argumentation.

indicators of *relations between arguments* that can be used to establish how the argumentation is structured, are thin on the ground. Van Eemeren and Grootendorst are an exception: they cite indicators of independent arguments such as 'by the way', 'anyway', 'moreover' and 'needless to add that', and also indicators of interdependent arguments, such as 'when it is also remembered that' and 'in addition to the fact that' (1992: 75-76, 80-81).

In this paper, I shall argue that by making use of the semantical and pragmatic descriptions of different types of argumentative connectives and operators given by linguists such as Ducrot and Anscombre, Bennett, Fillmore, Kay and others, a more complete and systematic account can be given of the way in which various words and expressions may function as indicators of argumentative relations. To make this clear, I shall discuss two potential argumentative indicators: *anyway* and *even*. These two adverbs are treated as indicators of argumentative structure both by pragmadiialecticians and by linguists. Van Eemeren and Grootendorst consider *anyway* to be a clear indicator of independent arguments, or – in their terminology – of multiple argumentation. They regard *even* as a somewhat less clear indicator of, again, independent arguments.

In order to further clarify the concepts of *independent* and *interdependent* arguments, I shall make use of the dialogical analysis of argumentation structures that I have given in *Analysing Complex Argumentation* (Snoeck Henkemans 1992). The reason for restricting myself to discussing these two types of argumentation structure is that in the literature, *anyway* and *even* are only mentioned in connection with independent and interdependent arguments. I shall attempt to show that characterizing these two argumentation structures dialogically, provides an adequate starting-point for accounting for the indicative function of *anyway* and *even*.

2. Multiple and coordinative argumentation in an argumentative discussion

In most textbooks on argumentation, a distinction is made between interdependent and independent arguments. However, the definitions of the terms 'independent' and 'interdependent' differ considerably from author to author. Often they are also unclear or ambiguous.

In *Analysing complex argumentation*, I have attempted to solve some of these problems of definition, by giving a dialogical characterization of the notions ‘independent’ and ‘interdependent’. In my characterization, arguments are interdependent if the speaker attempts to overcome doubts or answer criticism raised by one or more of his other arguments. They are independent if the arguments are not designed to fulfil such a ‘repairing’ function with respect to each other.

Coordinatively compound argumentation results from an arguer’s attempt to advance additional arguments in order to remove his opponent’s doubts or criticism concerning the sufficiency of the argumentation. For this purpose, he can make use of two different kinds of defensive strategy: he can undertake a direct defence or he can give an indirect defence. A direct defence consists of adding further evidence and it results in *cumulative* argumentation. The result of applying this strategy is, that the argumentation consists of a number of arguments that are each individually too weak to support the standpoint, but might in combination provide adequate support:

- (1) The dinner was a paragon of organization, as the hall was the perfect size for the company, the table arrangement was perfectly planned, and the service was excellent.

An indirect defence consists of adding a counterargument to the opponent’s objection that the arguer’s argument has insufficient weight, and it results in *complementary* argumentation. In both cases, the arguments that are put forward must be thought of as combined, because the arguer can only convince his opponent of the acceptability of the standpoint if he succeeds in removing his doubts, or criticism, regarding the sufficiency of the argumentation. An example of complementary argumentation is:

- (2) We had to go out for dinner, as there was no food at home, and the stores were already closed.

A reaction to the first argument (‘there was no food at home’) might be that we could have bought some food. The second argument (‘the stores were already closed’) clearly invalidates such a response.

In multiple argumentation, the only connection between the arguments

is that they are all advanced as a defence of the same standpoint. Each of them is a separate attempt to defend the standpoint, and they are all motivated by the failure, or potential failure, of a previous attempt. The arguments do not require each other to lend adequate support to the standpoint. On the contrary, the reason for undertaking a new attempt to defend the standpoint is that the previous attempt has failed, or might fail. An example of multiple argumentation is:

- (3) Of course you should buy the laptop computer. It's not really expensive, and equipment for daily use can easily cost a bit more.

In (3), there are two alternative (and even somewhat contradictory) attempts to defend the standpoint. By giving his second argument, the arguer makes it clear that he anticipates that his first attempt at defending the standpoint might fail.

3. A semantical analysis of 'anyway'

In order to account for the fact that the adverb *anyway* may function as an indicator of multiple argumentation, I shall make use of the analysis of the French word *d'ailleurs* given by Ducrot in *Les mots du discours* (Ducrot et al. 1980). *D'ailleurs* is roughly equivalent to the English *anyway*. I shall give a brief and simplified summary of the main characteristics of *d'ailleurs* mentioned by Ducrot.

According to Ducrot, the complete semantic scheme of all uses of *anyway* is visible in example (4):

- (4) I don't want to rent this room (*r*): it is too expensive (*P*) and anyway, I don't like it. (*Q*).

In Ducrot's analysis, *anyway* always functions in an argumentative context. It is used to present an argument (*Q*) that is added to one or more other arguments (*P*). *P* and *Q* are advanced in support of the same conclusion (*r*), but are argumentatively independent³.

³ Luscher (1989: 118-119) points out that *d'ailleurs* can also be used non-argumentatively by a speaker, to comment upon or correct a preceding speech act.

The argument *Q* constitutes what Ducrot calls a ‘second discursive movement’. By using *anyway*, the arguer gives the impression that he first only wanted to give the argument *P*, but that he has had second thoughts about it and decided to give the argument *Q* as well. *P* and *Q* are directed at different people or, rather, at different conceptions of the same person. Ducrot explains this as follows: the argument *P* is directed at an opponent for whom the argument *P* should suffice as support for the conclusion *r*. By adding *anyway*, the arguer indicates that he doubts the legitimacy of his own assumption. He anticipates the possibility that the empirical opponent might not be willing to accept *r* on the basis of *P* (1980: 217).

From this brief description, it should be clear that by the use of *anyway* the arguer can indicate that the dialogical situation he is anticipating is precisely the situation which, according to the pragma-dialectical analysis that I have presented here, gives rise to multiple argumentation: the situation in which the arguer decides to undertake a new and separate attempt to defend the standpoint, because he expects that a previous attempt might fail.⁴ By using *anyway*, the arguer makes it clear that his first argument should have sufficed to convince his opponent. All the same, he advances a new argument, thus making it clear that he foresees that his first argument might after all not be convincing.

4. A semantical analysis of ‘even’

In the French linguistic literature, *even* is generally associated with interdependent arguments. Roulet, for one, whose analysis is based on the work of Anscombe and Ducrot, thinks that one of the crucial differences between *anyway* and *even* is that *anyway* introduces independent arguments, and *even* interdependent arguments. In order to take a more well-founded decision on whether *even* is to be regarded as an indicator of multiple or as an

⁴ Since multiple argumentation consists of separate, and often even alternative attempts at defending a standpoint, it may happen that the arguments are such that they cannot all be intended to convince the same opponent (As is the case in my example 3). As is explained in Snoeck Henkemans (1992: 141), one of the arguments may be irrelevant for an opponent who accepts the other argument. The same phenomenon is mentioned by Ducrot (Ducrot et al. 218) in his analysis of *d’ailleurs*.

indicator of coordinative argumentation, I shall compare the analysis of *even* given by some American linguists with the analysis of the French linguists of *même*, which is virtually equivalent.

In the semantical and pragmatic analysis of *even* and of its French counterpart *même*, two elements recur. In the words of Kay:

- (5) A (textual) sentence containing *even* always depends on a contextual sentence (expressed or implied) which is, intuitively speaking, less 'extreme' (1990: 92)

A correct use of *even* thus requires the implicit or explicit presence of one or more other sentences or propositions.⁵ Furthermore, the sentence containing *even* indicates a more extreme case than the other sentences or propositions.

It differs from author to author what exactly is to be understood by 'more extreme'. For Fillmore (1965), Bennett (1982) and Lycan (1991), more extreme means: less expected, or more surprising. After having given the sentence 'Even Max tried on the trousers', Bennett, for instance, remarks:

- (6) One thinks of this as felicitously said in a situation where Max did try on the trousers, and so did someone else, and it is more surprising that Max did than that the other person did (1982: 404-405).

Unlike Bennett and others, Kay, just as Anscombe and Ducrot, considers the more surprising character of the sentence containing *even* neither a necessary nor a sufficient condition for a felicitous use of *even*.⁶ For Kay, 'more extreme' means: 'more informative'. This, in turn, means that the sentence with *even* unilaterally entails the other sentence or sentences:

⁵ Adler (1992: 26) does not think this is a necessary requirement. He offers the following counterexample: 'If Arthur is one of the worst students in my class and his is the first paper I grade, I might say [...] Even Arthur got an A. But I surely would not implicate that others beside Arthur received A's. I have not yet looked at their tests'. However, I doubt whether 'even' would be correctly used in such a context.

⁶ Lycan, although he uses the notion of 'unexpectedness' in his own analysis of the scalar properties of *even*, also points out that even does not necessarily have to introduce a more surprising event: 'Though all this talk of 'expectedness', 'likelihood', 'surprisingness' etc. is standard in the literature (...), it is misleading. Whatever scalar notion really is in play here is not always so fortrightly epistemic' (1991: 122).

- (7) In the analysis presented here, the intuition of being more extreme is explicated as greater informativeness, in turn defined by unilateral entailment in a scalar model (1990: 92).

What Kay means by unilateral entailment in a scalar model, can be explained by looking at his analysis of sentence (5):

- (8) The whole family showed up for Christmas, even aunt Irma.

When interpreting this sentence, it should be assumed that aunt Irma is located at the lowest point of a scale (for instance a scale of regular visitors), and that therefore her showing up *a fortiori* entails the other members of the family showing up. Intuitively, this may seem a bit strange: one would think that the entailment should go in a different direction, namely that the showing up of the whole family entails aunt Irma's showing up, and not conversely. According to Kay, this only shows that it is not entailment *per se* that we are concerned with, but entailment in a scalar model. That the whole family's showing up entails aunt Irma's showing up, is an entailment which, in Kay's words, 'hold(s) in a context structured by a scalar model but which owe(s) nothing to the scalar model' (80). Such fortuitous entailments should be distinguished from entailments that exploit the scalar property of the model.

Anscombe and Ducrot (1983) also analyse *even* as a scalar operator. According to them, the sentence containing *even* is not more informative, but it has greater argumentative force. When evaluating their proposal, one should bear in mind that Anscombe and Ducrot use the term 'argumentative' in a broader sense than argumentation theorists generally do. They consider as argumentative all utterances that lead the listener or reader, often implicitly, to a certain conclusion. Any evaluative meaning that transcends the purely informative (quantitative) meaning of a sentence is regarded as 'argumentative' by these authors.

I shall not concern myself further with the question as to whether or not *even* always has an argumentative function, since it is indisputable that it *can* be used in an argumentative context to indicate that the argument that follows is the strongest argument for a conclusion. According to Kay (1990:

91), the fact that *even* marks an assertion as more informative makes it particularly suited to be used in service of argumentative goals, but this does not mean that it can be used exclusively for argumentative purposes.

In an argumentative context, the conjunct with *even* usually introduces the strongest argument. However, as both Anscombe and Ducrot and Kay point out, there is an exception to this rule. There are cases in which *even* does not refer to the last argument or proposition, but tells something about the group of arguments as a whole. An example is (9):

- (9) George drank a little wine, a little brandy, a little rum, a little calvados, and even a little armagnac.

According to Kay, in a sentence like this, *even* does not indicate that the last proposition, in this case, drinking armagnac, is the more extreme:

The final conjunct is not interpreted as more extreme than the preceding one(s), rather the whole sentence is seen as more extreme than the initial conjunct(s) (1990: 74).

The full conjunction, including armagnac, is more informative, or stronger, in a scalar model than the conjunction which lacks armagnac. If (9) were used as support for the claim that George drank a large quantity or a large diversity, mentioning five beverages would produce a stronger argument than mentioning just four. In cases like this, *even* seems to have a similar meaning as the word *plus*.

According to Anscombe and Ducrot (1983), *even* can only be used to refer to the group of arguments as a whole, if each of the arguments by itself can lend some support to the standpoint. Since this condition is not fulfilled, sentence (10) is not acceptable:

- (10) *John can speak exactly three languages: English, French and even German.

In a case like (10), the standpoint requires a purely quantitative interpretation. None of the arguments by itself can be seen as an argument for

the standpoint that John can speak exactly three languages. If *exactly three* were replaced by a more vague and qualitative expression like *quite a few*, the use of *even* would be appropriate.

One would think that in cases in which *even* serves as an indication of the argumentative force of the combined arguments, as in example (9), the order in which the arguments are presented is of no importance. Since the final argument is then not interpreted as more extreme or more strong, any other order of the arguments should also be acceptable⁷. In example (9) this seems to be true. However, there are also cases which have the same property as example (9) that none of the arguments by itself can support the standpoint independently, but where the order of the arguments is nonetheless not arbitrary. This is illustrated by the examples (11a) and (11b):

- (11a) *Mary can speak quite a few languages: she speaks French, Chinese and even English.
 (11b) Mary can speak quite a few languages: she speaks English, French and even Chinese.

In a context where Mary is a native speaker of English, (11a) seems to be less acceptable than (11b). According to Anscombe and Ducrot, examples such as these make it clear that the primary function of an expression like *quite a few* is not to indicate a certain quantity, but rather to give an evaluation. Being able to speak Chinese is presented as a stronger argument for a positive evaluation of Mary's talent for learning languages than the other arguments that are advanced.

According to Anscombe and Ducrot (1983: 63), the relations between the arguments in contexts in which *even* is used may vary from complete interdependence (as in example (9)) to something between interdependence and independence (as in example (11b)). Even if the argument that is introduced by *even* is presented as the strongest argument for the standpoint, it can still be the case that the arguer considers the combination of the arguments as stronger than the strongest argument seen in isolation.

⁷ This is, in fact, Fauconnier's (1976: 262) argument for attributing a different effect to the presence of 'even' in the final conjunct in such cases: the effect is then not to indicate that the final conjunct is improbable to the highest degree, but 'to underline the increasing improbability of each proposition, given the presentation of the preceding one'.

Apart from the feature that *even* either introduces the strongest argument, or refers to the arguments as a whole, Anscombe and Ducrot also mention the feature that the proposition in which *even* is introduced and the propositions preceding this proposition, should be located on one and the same scale. How one can establish what type of scale this should be they do not discuss in any detail. They only indicate that the standpoint supported by these arguments is an important factor. This can be shown by comparing the examples (12a) and (12b):

- (12a) Christmas was awful this year: my parents came to visit and even aunt Irma came.
- (12b) Christmas was wonderful this year: my parents came to visit and even aunt Irma came.

In (12a), the dimension involved is one of awfulness, and aunt Irma's visiting is considered to be more awful than the visiting of the parents. In (12b) the dimension involved is one of wonderfulness, and aunt Irma's visit is presented as a stronger argument for the success of the occasion than the visit of the parents.

In my opinion, there is still another factor that influences the determination of the scalar dimension at issue. This factor consists of the arguments themselves. My point can be illustrated with the help of the examples (13a) and (13b):

- (13a) My cat has barely eaten anything for two days, and today not even anything, so it must be ill.
- (13b) My cat hasn't eaten anything for two days, and today it hasn't even drunk anything, so it must be ill.

In example (13a), the amount of food is presented as an indication of illness, and eating nothing is considered to be a stronger argument for the cat's being ill than eating barely anything. In (13b), the general consumption of the cat is under consideration, and not drinking is taken to be a more reliable sign of illness than not eating.

5. Conclusion

I would now like to return to the issue of whether the operator *even* should be considered as an indicator of independent arguments or as an indicator of interdependent arguments. In my opinion, if the different semantic properties of *even* are taken into consideration, it becomes apparent that *even* can function as an indicator of interdependent or – in the pragma-dialectical terminology – of coordinatively compound arguments.

I have shown that there are two ways in which *even* can be used. First, it can be used to indicate that the sentence as a whole is a stronger argument for the conclusion than the sentence minus the conjunct containing *even*. In that case, it is clear that the arguments should be taken together, and are thus interdependent: the combination of arguments is stronger than any of the arguments considered in isolation, or any other combination of the arguments.

Second, *even* can be used to indicate that a particular argument constitutes the strongest evidence for the conclusion. In theory, it could be the case that the argument concerned is so strong that it could, by itself, be a sufficient defence for the standpoint. By using *even*, however, the arguer indicates that he has more arguments that are situated on the same scale. The final argument may tip the scale in favour of the standpoint, but the other arguments still play a reinforcing role. Unlike in the case of multiple argumentation, the arguments are not of a different order or type. Therefore, I think that in that case, analysing the arguments as interdependent is also to be preferred.

Even can be an indicator of *cumulative* argumentation: then each of the arguments lends some support to the conclusion by itself, but only the combination of arguments can be intended by the arguer as a sufficient defence of the conclusion.

Even can also be used as an indicator of *complementary* argumentation, as in the following example given by Kay:

- (14) He worked hard, and the boss wasn't even there.

The implicit conclusion that he deserves praise, is supported by two ar-

guments. The argument introduced by *even* can be seen as an attempt to counter the objection that he only worked hard because his boss was around.

I hope to have shown that by combining the semantical analyses of linguists such as Ducrot and Anscombe and Kay with the theoretically motivated distinctions of the pragma-dialectical theory of argumentation, a more systematic explanation of the function of specific indicators of argumentation and argumentation structure can be given. *Anyway* does indeed seem to be particularly suited to function as an indicator of multiple argumentation, whereas *even* should rather be seen as an indicator of coordinatively compound argumentation.

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Dialectics and pragmatics

Dialéctica y Pragmática

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Abstract: The aim of this contribution is to make the dialectical dimension of pragma-dialectics more explicit by giving a philosophical analysis of the ‘standard version’ of the theory as it has been developed since the publication of *Speech Acts*. The analysis shows that the standard version of the theory is premised on three ‘dialectical’ starting points, pertaining to: (I) the aim; (II) the structure; and (III) the regulation of a critical discussion respectively.

Keywords: Dialectics, critical discussion, pragma-dialectics, reasonableness.

Resumen: El objetivo de esta contribución es hacer más explícita la dimensión dialéctica de la pragma-dialéctica ofreciendo un análisis filosófico de la ‘versión estándar’ de la teoría así como ha sido desarrollada desde la publicación de *Speech Acts*. El análisis de la noción teórica de ‘discusión crítica’ muestra que la versión standard de la teoría está contenida en tres puntos de partida ‘dialécticos’, siendo éstos: (I) el objeto; (II) la estructura; y (III) la regulación de una discusión crítica.

Palabras clave: Dialéctica, discusión crítica, pragma-dialéctica, razonabilidad.

1. Introduction

In *Speech acts in argumentative discussions*, published in 1984, van Eemeren and Grootendorst have laid the foundation for what has become known as the pragma-dialectical theory of argumentation. As the name indicates, this theory is based on a combination of pragmatic and dialectical starting points

with respect to argumentation. The term ‘pragmatic’ refers to pragmatics as the study of the use of language for various purposes, whereas the term ‘dialectical’ refers to dialectic as the art of debate.¹ Whereas several scholars have analyzed the pragmatic dimension of pragma-dialectics, my aim in this paper is to make the *dialectical* dimension of pragma-dialectics more explicit. I will do so by giving a philosophical analysis of the ‘standard version’ of the theory as it has been developed since the publication of the seminal work mentioned above.²

First, in order to get a general impression of what van Eemeren and Grootendorst mean by a dialectical approach to argumentation, I will analyze the way in which they have contrasted their approach with other approaches to argumentation – in particular the rhetorical one (§ 2). Next, I will examine more precisely which of the theoretical starting points of pragma-dialectics are considered to be of a ‘dialectical’ nature (§ 3). Further, I will analyze the way in which these dialectical starting points are reflected in the various components of the theoretical framework of pragma-dialectics (§ 4). Finally, on the basis of these analyses, I will present a schematic overview of the standard version of pragma-dialectics and its applications (§5).

2. Dialectical and rhetorical approaches to argumentation

Van Eemeren and Grootendorst’s exposition of the theoretical framework of pragma-dialectics is preceded by a general overview or ‘topography’ of studies on argumentation.³ This topography takes the form of a description of a dialectical and a rhetorical variant of a comprehensive program for research in the field of argumentation theory. The program includes five interrelated components: (1) a philosophical component, describing the con-

¹ For an explanation of the name ‘pragma-dialectics’ see van Eemeren and Grootendorst (2004: 52, 95).

² The term ‘standard version’ is understood to mean the version of the theory as expounded in van Eemeren and Grootendorst (1984, 1992 and 2004). Unlike the recently developed ‘extended version’ of the theory, the standard version does not take into account rhetorical views on argumentation. My philosophical analysis is mainly based on the most recent iteration of the standard version in van Eemeren and Grootendorst (2004).

³ See van Eemeren and Grootendorst (2004: 11) and earlier van Eemeren (1987).

ception of reasonableness on which a certain approach to argumentation is based; (2) a theoretical component, making clear what model of argumentation is developed in the approach concerned; (3) an analytical component, indicating how argumentative discourse should be reconstructed in order to evaluate it by means of that model; (4) an empirical component, explaining by which empirical findings the reconstruction of argumentative discourse can be justified; and (5) a practical component, indicating how the approach concerned can contribute to the improvement of the argumentative skills of language users as well as the improvement of argumentative procedures in various institutional contexts.

From their description of the dialectical and rhetorical variants of the philosophical component of this research program it can be learned that van Eemeren and Grootendorst take the dialectical approach to be based on a 'critical' conception of reasonableness and the rhetorical approach to be based on an 'anthropological' conception of reasonableness.

Viewed from the anthropological perspective, argumentation is evaluated as sound when it complies with standards that vary with the cultural and temporal characteristics of the argumentative situation as well as the 'epistemic background' of the audience – i.e. the whole of knowledge, attitudes, beliefs, values and preferences of the individuals that constitute it (2004, pp. 14-15). Taking this perspective as a starting point for the development of a theoretical model of argumentation has the advantage of considering the context in which the argumentation has been put forward: '[T]he anthropological approach does justice to factors that formal logic abstracts from, but that are all the same relevant to the evaluation of argumentation, such as the contextual circumstances in which the argumentation is advanced' (2004: 129, n. 9). However, it has the disadvantage of the evaluation of argumentation potentially being of a highly relativistic nature:

[In adopting] an anthropological norm of reasonableness [...] they ultimately equate the soundness of argumentation with its effectiveness on those who act in a particular case as the judges. The consequence is that argumentation that is sound in one case need not be sound in the other case. [...] This means that the norm of reasonableness is potentially relativistic to a high degree: Potentially, there are as many kinds of reason-

ableness as there are judges – or even more, if one bears in mind that judges may change their mind and in the course of time come to apply other evaluation criteria. (van Eemeren & Grootendorst, 2004: 129-130)

Viewed from the critical perspective, argumentation is evaluated as sound when it complies with standards that can be characterized as procedural and formal at the same time. The procedural nature of these standards is connected with the ‘principle of fallibility’ as it is formulated in critical rationalism. Following on this principle, the theoretical model of argumentation to be developed takes the form of a procedure for the critical testing of standpoints ((2004: 14, 16-17, and 131-132).⁴ The formal nature of the standards is expressed in the desideratum that the proposed discussion procedure has ‘the form of an orderly arrangement of independent rules for rational discussants who want to act reasonably’ (2004: 16).⁵

From their description of the dialectical and rhetorical variants of the other four components of the research program it can be learned that van Eemeren and Grootendorst take the dialectical approach to argumentation to be premised on the view that argumentation is aimed at the resolution of a difference of opinion and the rhetorical approach to be premised on the view that argumentation is aimed at convincing or persuading an audience.

As far as the theoretical component is concerned, it is stated that dialectical models of argumentation specify the role of argumentation in the resolution of a difference of opinion and that rhetorical models specify the role of argumentation in convincing or persuading an audience (2004: 20-22).⁶

⁴ See also van Eemeren, Grootendorst, Jackson & Jacobs (1993: 170-171), where it is emphasized that within the dialectical approach to argumentation, reasonableness is not understood as a property of standpoints or arguments (or of the way they are related to one another), but rather as a property of the testing procedure: ‘Our approach locates argumentative reasonableness in procedures for critical discussion rather than in the form of reasoning or in the substance of initial premises per se. [...] Reasonableness, then, is located in the self-correcting capacities of a discussion procedure and not in the security of substantive starting points.’

⁵ See also van Eemeren and Houtlosser (2002: 132, n. 5): ‘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.’

⁶ See also van Eemeren and Grootendorst (2004: 59-60, n. 40): ‘The discussion stages distinguished in a dialectical approach [confrontation stage, opening stage, argumentation stage, and concluding stage, JW] overlap to some extent with the various stages that are generally distinguished in a rhetorical approach (*exordium, narration, argumentatio,*

As for the analytical component, it is stated that a dialectical analysis is aimed at clarifying which parts of the text or discussion play a role in the resolution of a difference of opinion, while a rhetorical analysis is aimed at discovering what tools the author used to convince or persuade his audience (2004: 24-25). Concerning the empirical component, it is stated that a dialectical analysis is justified by knowledge derived from empirical research into ‘factors and processes [that] are important for the force of conviction or argumentative discourse aimed at resolving a difference of opinion’ (2004: 30), while a rhetorical analysis is based on empirical research that it aims to discover ‘which rhetorical patterns have persuasive force for what kinds of audiences’ (2004: 29). And finally, as far as the practical component is concerned, it is stated that dialectical recommendations aim at furthering reflection ‘on the possibilities of using argumentation to resolve differences of opinion’ (2004: 35), while rhetorical recommendations aim at instructing a speaker how to convince or persuade an audience (2004: 34).

Summarizing, from their topography of studies on argumentation it may be concluded that van Eemeren and Grootendorst consider it to be typical of the dialectical approach that the argumentative quality of texts and discussions is evaluated by means of procedural and formal standards pertaining to the reasonableness of argumentation and that the model in which these standards are reflected is premised on the idea that argumentation is aimed at resolving a difference of opinion.

3. The dialectical starting points of pragma-dialectics

The general impression of what van Eemeren and Grootendorst mean by a dialectical approach to argumentation can be substantiated by analyzing their exposition of the theoretical framework of pragma-dialectics. At the heart of this framework is the procedural model of a ‘critical discussion’ – a discussion in which two parties subject one or more standpoints to a critical test:⁷

peroratio), but the rationale of the distinctions is different. The rhetorical stages are considered to be instrumental in securing the agreement of the target audience, the dialectical stages, in resolving a difference of opinion.’

⁷ For an explanation of the term ‘procedural model’ see note 13.

A critical discussion can be described as an exchange of views in which the parties involved in a difference of opinion systematically try to determine whether the standpoint or standpoints at issue are defensible in the light of critical doubt or objections. (van Eemeren & Grootendorst, 2004: 52)

The model of a critical discussion expresses a conceptual, theoretical account of argumentation by means of which real, empirical argumentative texts and discussions can be analyzed and evaluated.⁸ The following analysis aims at giving a description of the constituents of the theoretical notion ‘critical discussion’ that are considered to be of a dialectical nature.

In their presentation of the theoretical framework of pragma-dialectics, van Eemeren and Grootendorst regularly refer to the dialectical approach to argumentation. First of all, they mention this approach in relation to their view of the *aim* of a critical discussion – the determination of the acceptability of the standpoint(s) to which a difference of opinion between two discussants pertains: ‘Ever since classical antiquity, the dialectical approach to argumentation has concentrated on the way in which standpoints can be critically evaluated in an argumentative discussion’ (2004: 51-52).⁹ The dialectical nature of this view is also emphasized in the following passage, in which Wenzel’s general characterization of the dialectical approach to argumentation is quoted with approval:

According to Wenzel, argumentation in the dialectical approach is regarded as the “systematic management of discourse *for the purpose of achieving critical decisions*” (1979: 84). The purpose of the dialectical approach is to determine how discussions that are *aimed at scrutinizing*

⁸ In order to terminologically accentuate the distinction between the *ideal* conception of argumentation and the *real* phenomenon argumentation, I will reserve the term ‘critical discussion’ to designate the *ideal* conception of argumentation as it has been developed in pragma-dialectics, and I will use the term ‘argumentative texts and discussions’ to designate *real* texts and discussions of an argumentative nature.

⁹ For a description of the aim of a critical discussion see for instance van Eemeren and Grootendorst (2004: 58): ‘In a critical discussion, the parties involved in a difference of opinion attempt to resolve this difference of opinion by achieving agreement on the acceptability or unacceptability of the standpoint(s) involved.’

the acceptability of standpoints should be conducted. (van Eemeren & Grootendorst, 2004: 57, n. 36, my italics)

Finally, the view of the aim of a critical discussion is connected with the dialectical approach by stating that a ‘critical discussion reflects the Socratic ideal of subjecting everything one believes in to a dialectical scrutiny’ (2004: 57, n. 37). The intended result of such a dialectical scrutiny (also known as a ‘socratic elenchus’) is to determine whether or not the standpoint of Socrates’ interlocutor is sustainable in light of the views he has committed himself to in the course of the discussion.¹⁰

In their exposition of the theory, van Eemeren and Grootendorst do not describe the aim of a critical discussion as the determination of the acceptability of the standpoint(s) involved, but rather as the resolution of the difference of opinion. At first sight, these formulations are interchangeable, for a ‘difference of opinion is only resolved when the parties involved in the difference have reached agreement on the question of whether the standpoints at issue are acceptable or not’ (2004: 57-58). However, in the exposition of the applications of the model of a critical discussion, the term ‘resolution’ is not only used to designate the aim of a critical discussion, but also to designate the alleged efforts of the discussants to conform to certain standards regarding the reasonableness of argumentation (or to designate the alleged awareness of the discussants to be committed to these standards). In order to avoid confusion on this point, I will describe the aim of a critical discussion as ‘the determination of the acceptability of the standpoint(s) to which the difference of opinion between the discussants pertains’.¹¹

Second, van Eemeren and Grootendorst mention the dialectical approach to argumentation in relation to their view of the *structure* of a critical discussion – a systematic exchange of discussion moves between two parties. The dialectical nature of this view is stressed in a passage in which they

¹⁰ For a reconstruction of the aim of the socratic elenchus see Wagemans (2009: 82-85).

¹¹ This formulation serves the goal of distinguishing clearly between the aim of a critical discussion and the way in which this aim is accomplished. As will become clear in the formulation of the third dialectical starting point, the pragma-dialectical theory is also premised on the idea that the determination of the acceptability of the standpoint should take place by critically testing that standpoint on the merits.

explain that the ‘theoretical model of a critical discussion is dialectical because it is premised on two parties who try to resolve a difference of opinion by means of a *methodical exchange of discussion moves*’ (2004: 22, my italics). Further, the dialectical nature of this view is highlighted in a passage referring to Aristotle’s conception of dialectics: ‘For Aristotle, dialectics is about conducting a critical discussion that is dialectical because *a systematic interaction takes place between moves for and against a particular thesis*’ (2004: 43, my italics). From the following passage, it can be concluded that van Eemeren and Grootendorst even see this ‘systematic interaction’ as a distinctive feature of a dialectical view of the structure of argumentation. On the basis of the absence of such an interaction, they label Toulmin’s approach as a rhetorical one:

At first sight, Toulmin seems to set argumentation in the dialectical context of a critical discussion between a speaker and a listener, but on closer inspection, his approach turns out to be rhetorical. [...] Although the reactions of others are anticipated, the model [that Toulmin developed, JW] is primarily directed at representing the argumentation for the standpoint of the speaker or writer who advances the argumentation. The other party remains in fact passive: The acceptability of the claim is not made dependent on a *systematic weighing up of arguments for and against the claim*. (van Eemeren & Grootendorst, 2004: 47, my italics)

Third, van Eemeren and Grootendorst mention the dialectical approach to argumentation in relation to their view of the *regulation* of a critical discussion:

[The] interaction [between the speech acts of the protagonist and the speech acts of the antagonist] 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. *It is the task of dialectical argumentation theorists to formulate these rules* [...]. (van Eemeren & Grootendorst, 2004: pp. 33-134, my italics)

In a similar passage, it is stated that the ‘purpose of the dialectical approach is to determine how discussions that are aimed at scrutinizing the acceptability of standpoints *should* be conducted’ (2004: 57, n. 36, my italics). Further, the dialectical nature of this view of the regulation of a critical discussion is emphasized in a description of Aristotle’s conception of dialectics as ‘the art of *regulated* debate’ (2004: 42, my italics). Finally, it is expressed in the name of one of the four meta-theoretical principles of pragma-dialectics – the principle of ‘dialectification’. This principle implies that the language activities expressed in argumentative texts and discussions are to be understood ‘as part of an attempt to resolve a difference of opinion *in accordance with critical norms of reasonableness*’ (2004: 53, my italics).¹²

Summarizing, from the analysis of passages in which the theoretical notion ‘critical discussion’ is associated with the dialectical approach to argumentation, it may be concluded that the pragma-dialectical theory is premised on three dialectical starting points. A critical discussion is conceived as a discussion that is: (I) *aimed* at determining the acceptability of the standpoint(s) to which the difference of opinion between two parties pertains; (II) *structured* as a systematic exchange between discussion moves for and against the standpoint(s) involved; (III) *regulated* by means of a set of procedural rules that express a critical conception of reasonableness.

4. The dialectical dimension of the model of a critical discussion

The dialectical dimension of pragma-dialectics can be made more explicit by analyzing the way in which the three dialectical starting points distinguished above are reflected in the various components of the theoretical framework of pragma-dialectics – the procedural model of a critical discus-

¹² See also van Eemeren and Grootendorst (2004: 57, my italics): ‘Dialectification of the research object is achieved in pragma-dialectics by regarding the speech acts performed in an argumentative exchange as speech acts that should be performed *in accordance with the rules* that are to be observed in a critical discussion aimed at resolving a difference of opinion.’

sion. This model consists of three, interrelated components: (1) a description of the stages of a critical discussion; (2) a description of the way in which the relevant types of speech acts are distributed over the stages of a critical discussion; and (3) a description of the rules for the performance of these speech acts.¹³

The first component of the model of a critical discussion is a differentiated description of the procedure by means of which the discussants determine whether or not the standpoint(s) to which their difference of opinion pertains are acceptable. This procedure consists of four stages: (i) the confrontation stage, in which the difference of opinion is made explicit when the standpoint put forward by the one discussant is questioned or contradicted by the other; (ii) the opening stage, in which the discussants establish agreement on the formal and material starting points of the discussion; (iii) the argumentation stage, in which the protagonist supports his standpoint with arguments in response or anticipation of the criticisms of the antagonist; and (iv) the concluding stage, in which the parties jointly decide upon the outcome of their attempt to determine the acceptability of the standpoint.¹⁴

The four stages of a critical discussion are explicitly considered to be 'dialectical' discussion stages (2004: 57). From an analysis of the relevant

¹³ In the exposition of the individual components, the first two components are considered to make up the 'model' of a critical discussion (2004: 42-68) and the third component is considered to be the 'procedure' for a critical discussion (2004: 123-157). However, there does not seem to be a strict terminological distinction between 'model' and 'procedure'. Sometimes, the three components together are called a 'procedure' (2004: 57 and 59), sometimes a 'model' (2004: 58-59 and 188) or an 'ideal model' (2004: 95-122). From the following passage it can be inferred that the relation between the components is such that the third component 'implies' the first two components: 'Together, the rules combine to constitute a dialectical discussion procedure. This discussion procedure systematically indicates the structure of the process of resolving a difference of opinion, and it specifies the speech acts that play a role in the various stages of the resolution process' (2004, p. 57). Therefore, I will designate the theoretical framework of pragma-dialectics as the 'procedural model' of a critical discussion, understanding the first two components – the 'model' – to be integral parts of the third component – the 'procedure'.

¹⁴ For the various descriptions of these stages see van Eemeren and Grootendorst (2004: 60 and 135; 60 and 137; 61; 61-62 and 154). Since the externalization of the difference of opinion is a necessary condition for resolving it, the confrontation stage is to be understood as part of a critical discussion, and not merely as a preamble: 'Without such a real or presumed confrontation, there is no need for a critical discussion' (2004: 60).

passages in the exposition of these stages it can be learned that all of the three dialectical starting points that were distinguished in the previous section are reflected in this part of the model: (I) for each of the stages, a subgoal is formulated in such a way that the successive realization of these subgoals leads to the realization of the aim of the discussion as a whole¹⁵; (II) throughout the stages, the discussants alternately make a move, the discussion moves of the one party constituting a defense of the standpoint and those of the other party constituting an attack on the standpoint¹⁶; (III) the acceptability of the standpoint at issue can only be determined ‘in a reasonable way if each stage of the resolution process is properly dealt with, whether explicitly or implicitly’ (2004: 60).

The second component of the procedural model of a critical discussion is a description of the distribution of the different types of speech acts over the discussion stages. Unlike the first component of the model, the distribution is nowhere explicitly characterized as ‘dialectical’. Understandably, the distribution mainly reflects the pragmatic starting point of pragma-dialectics, being that the contributions of the discussants consist of speech acts: ‘The various moves that are made in the different stages of a critical discussion in order to arrive at the resolution of a difference of opinion can be pragmatically characterized as speech acts’ (2004: 62).¹⁷ Nevertheless, an analysis of the relevant passages in the exposition of the distribution of

¹⁵ See van Eemeren and Grootendorst (2004: 21, 59 and 59-60, n. 40).

¹⁶ This characterization is particularly applicable to the discussion moves in the confrontation stage and the argumentation stage. The arguments put forward by the protagonist in the argumentation stage are either a response to the doubts put forward by the antagonist in the confrontation stage or a response to the criticisms put forward by the antagonist in the argumentation stage (van Eemeren & Grootendorst, 2004: 61). The precise configuration of the discussion moves of the parties in these stages are specified by means of the notions ‘argumentation scheme’ and ‘argumentation structure’. For an account of the dialectical nature of these notions see Wagemans (2009: 33). The moves in the other stages – the opening stage and the concluding stage – are indeed instrumental in determining the acceptability of the standpoint, but do not reflect the different roles of the parties in the discussion.

¹⁷ See also van Eemeren and Grootendorst (2004: 52): ‘The pragmatic dimension of our approach manifests itself primarily in the fact that the moves that can be made in a discussion aimed at resolving a difference of opinion are conceived as verbal activities (“speech acts”)’ and (2004: 95, original italics): ‘[A]n analytic reconstruction of an argumentative discourse or text [...] derives its *pragmatic* character from the fact that the discourse or text is viewed as a coherent whole of speech acts [...].’

speech acts shows that all of the three dialectical starting points are reflected in this part of the model: (I) the distribution only pertains to representatives of types of speech acts that are relevant to the realization of the aim of a critical discussion¹⁸; (II) the distribution is to be viewed as a specification of the systematic interaction between the moves of the discussants¹⁹; (III) the distribution consists of a normative overview of possible contributions to the discussion: '[T]he only speech acts that may be performed are the ones listed in the model that have the specific role indicated in the model, at the stage of the discussion indicated in the model, and by the party indicated in the model' (2004: 163).

The third component of the procedural model of a critical discussion is a description of fifteen discussion rules that specify the rights and obligations of the discussants with respect to the performance of speech acts in the various discussion stages.²⁰ Van Eemeren and Grootendorst explicitly characterize this set of rules as 'dialectical': 'Together, the rules combine to constitute a dialectical discussion procedure' (2004: 57).²¹ The three dialectical starting points of pragma-dialectics are reflected in this part of the model in the following way: (I) the discussion procedure is instrumental for the realization of the aim of a critical discussion: 'By following a dialectical process, the protagonist of a standpoint and the antagonist attempt to achieve clarity as to whether the protagonist's standpoint can be defended in light of the antagonist's critical reactions' (2004: 58); (II) some of the rules pertain to moves that constitute the defense of the standpoint, others to those moves that constitute the attack; (III) by specifying the rights and obligations of the parties with respect to the performance of speech acts, the discussion rules form a detailed account of the pragma-dialectical view of the reasonableness of argumentation: '[The rules] indicate for each 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' (2004: 135, original italics).

¹⁸ See van Eemeren and Grootendorst (2004: 62 and 67-68).

¹⁹ See van Eemeren and Grootendorst (2004: 163 and 67-68).

²⁰ See van Eemeren and Grootendorst (2004: 135-157).

²¹ See also van Eemeren and Grootendorst (2004: 58 and 166).

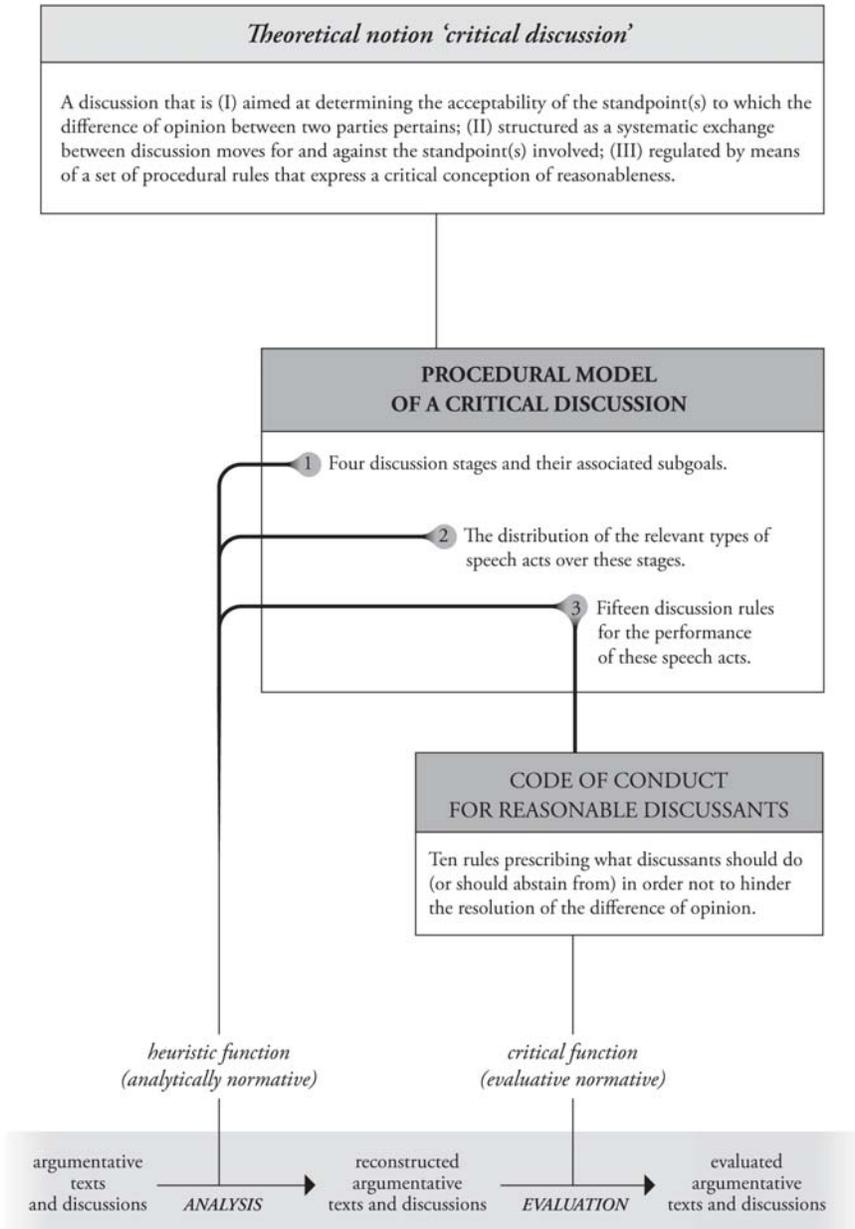
5. Conclusion

In this paper I have made the dialectical dimension of pragma-dialectics more explicit by analyzing van Eemeren and Grootendorst's topography of studies on argumentation, their explanation of the theoretical notion 'critical discussion', and their exposition of the components of the procedural model of a critical discussion. On the basis of these analyses, I will now present a schematic overview of the standard version of the pragma-dialectical theory, including its applications.²²

Summarizing, the analysis of the topography has shown that a dialectical approach to argumentation is viewed of as characterized by two main features. First, the argumentative quality of texts and discussions is evaluated by means of procedural and formal standards pertaining to the reasonableness of argumentation. Second, the model in which these standards are reflected is premised on the idea that argumentation is aimed at resolving a difference of opinion. The analysis of the theoretical notion 'critical discussion' has shown that, more precisely, there are to be distinguished three dialectical starting points of pragma-dialectics. These starting points respectively pertain to: (I) the aim; (II) the structure; and (III) the regulation of a critical discussion. In Figure 1 below, I have mentioned these starting points in the text box titled *Theoretical notion 'critical discussion'*.

²² For a detailed analysis of the dialectical dimension of the pragma-dialectical analysis and evaluation of argumentative texts and discussions see Wagemans (2009: 37-44).

Figure 1. Schematic overview of the standard version of pragma-dialectics.



The subsequent analysis of the procedural model of a critical discussion has shown that all these starting points are reflected in all three components of that model. In the figure, I have indicated this by the line connecting the abovementioned text box with the text box titled *Procedural model of a critical discussion*. Within this text box, I have shortly described the three components of the model. As mentioned in the introduction to this analysis, the model expresses a conceptual, theoretical account of argumentation by means of which real, empirical argumentative texts and discussions can be analyzed and evaluated. In the figure, the ideal conception of argumentation is represented by the text box titled *Procedural model of a critical discussion*, whereas the real phenomenon argumentation is represented by the text box titled *argumentative texts and discussions*.

A pragma-dialectical analysis of argumentative texts and discussions takes place by reconstructing such texts and discussions in terms of the model. In the figure, this is reflected by the lines from all three components of the model to the arrow representing the analysis. The product of the analysis is represented by the text box *reconstructed argumentative texts and discussions*.

A pragma-dialectical evaluation has these reconstructed texts and discussions as an object and takes place on the basis of the rules described in the model. In practice, the evaluation takes place by making use of the rules described in a so-called ‘code of conduct for reasonable discussants’ – these ten rules being derived from the fifteen rules described in the model.²³ In the figure, this is indicated by the line from the third component of the model to the text box titled *Code of conduct for reasonable discussants* and by the line from the latter text box to the arrow representing the evaluation. Finally, the product of the evaluation is represented by the text box titled *evaluated argumentative texts and discussions*.

²³ Being formulated less technically, the rules of the code of conduct are more suitable for evaluative purposes. For a description of these rules see van Eemeren and Grootendorst (2004: 190-196).

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Introduction

For those seeking a theoretical discussion regarding inductive reasoning as a reliable tool for drawing inferences, *Reliable Reasoning: Induction and Statistical Learning Theory* by Gilbert Harman and Sanjeev Kulkarni will prove both stimulating and challenging. (An earlier draft of this book was presented as the 2005 Jean Nicod Lectures in Paris by Harman.) The book grew out of an introductory course titled “Learning Theory and Epistemology,” which was jointly taught by the Electrical Engineering and Philosophy Departments at Princeton University. The course is described as a low-level undergraduate course serving “as an introduction to aspects of philosophy, computer science, engineering, statistics, and cognitive sciences.” (p. ix) This book builds on the work of Vladimir Vapnik and Alexey Chervonenkis.

After a brief overview of the book, I will identify what I believe to be some of the strengths and weaknesses of the book. It should be noted that my evaluation comes from the point of view of one whose primary responsibility has been to teach and develop critical reasoning skills among students. (If a reader of this review is seeking reaction to Harman and Kulkarni’s work from other theoreticians working in related fields, I recommend *Abstracta: Língua, Mente & Ação*, Special Issue III 2009 (<http://www.abstracta.pro.br/english/>), which is entirely devoted to their work.)

I believe Harman and Kulkarni’s work does contribute to the study of

inductive reasoning. Unfortunately, this book has distractions that may cause some readers to fail to recognize its contribution. Some of these distractions will be identified. Finally, one means of evaluating a theoretical work is to consider its viability. Is the position proposed plausible? Does the position promote practical application? To both of these questions, I believe this book is very viable in spite of its major distractions, and I will attempt to illustrate a practical application of their insights.

1. The chapters

In the opening chapter (“The Problem of Induction”) Harman and Kulkarni jump directly into the philosophical problem of induction. With little background regarding the problem surrounding inductive reasoning, the authors state that the problem of induction is “about the *reliability* of inductive inferences” (p. 1). As they develop the problem of induction, they are unwilling (and rightly so) to suggest that the problem is simply that induction is not deductive. “Deductive logic is a theory of what follows from what, not a theory of reasoning” (p. 6). Their concern focuses upon a process of reasoning, which is induction. At the end of the opening chapter they link this process of reasoning with the question of reliability, and they propose that statistical learning theory may provide a method for identifying the reliability of induction.

Chapter two (“Induction and VC Dimension”) begins with a critical distinction. A distinction must be made, they claim, between rules of classification and inductive methods for finding such rules. “Rules of classification ... are rules for using observed *features* of items to classify them or to estimate the values of a real variable. Inductive methods for finding such rules are methods for using *data* to select such rules of classification or estimation” (p. 29). This is accomplished by revealing “a pattern in the data that can then be used to classify new cases ...” (p. 30). This second chapter focuses on enumerative induction as a method for finding rules of classification, and it provides a discussion of pattern classification, real variable values, probability distribution as well as several other issues before suggesting how statistical learning theory can assess inductive methods, specifically enumerative induction.

Chapter three (“Induction and “Simplicity””) attempts to illustrate how statistical learning theory might shed light on two philosophical issues: Goodman’s “new riddle of induction” and Popper’s scientific method of falsificationism. These two issues are discussed as a means to compare enumerative induction with an alternative method such as simplicity that seeks to give some type of ordering over alternative hypotheses. Here simplicity is understood as a “principled way to prefer one hypothesis over another skeptical hypothesis that is empirically equivalent to it” (p. 55).

In the final chapter (“Neural Networks, Support Vector Machines, and Transduction”) the authors “briefly sketch some applications of statistical learning theory to machine learning, including perceptrons, feed-forward neural networks, and support vector machines” (p. 77). They also discuss possible application of “transduction.” Whereas induction uses labeled data to formulate rules of classification, transduction uses new unlabeled data. “The theory of transduction suggests new models of how people sometimes reason” (p. 98).

2. Strengths

While the field of critical reasoning or informal logic has developed much since its development in the 1960s and 1970s, we still have not fully come to grips with inductive reasoning, how to evaluate it or how to improve its reliability. At the core of this deficit is the lack of a satisfactory “metatheory” for induction. Whereas for deductive logic there are many fine books following the example of Geoffrey Hunter’s (1971) *Metalogic: An Introduction to the Metatheory of Standard First Order Logic*, meta works on induction are still needed. (Hunter, himself, expressed a possible “extension of logical theory” as he considered the following propositions: “A man who knows of at least one case of an X being a Y, and who does not know of any positive reason for thinking that an X might not be a Y, has some reason for thinking that all X’s are Y’s.” (Hunter, 1965).)

Given this deficit in the field of inductive reasoning, Harman and Kulkarni provide an important starting point for the development of a metatheory for induction. Their insight of applying statistical learning theory to provide a foundation for identifying the reliability of induction is significant. It should

be noted that while they call for the application of statistical learning theory, they fail, in spite of chapter three, to show how this is done in regards to philosophical issues. Their project is to provide an inductive method which will then be used to identify rules of classification or estimate values of real variables. While their book itself is not the needed “meta-inference: an introduction to the metatheory of inductive reasoning,” it may lay the foundation like Russell’s (1919) *Introduction to Mathematical Philosophy* laid for subsequent metalogics. As such, Harman and Kulkarni have provided an important contribution.

Another strength of this work is its development of the philosophical problem of induction in chapter one. While inductive reasoning has many applications and hence can be used on various problems, the philosophical problem of induction is its reliability. This reliability cannot be related to that of deductive logic. As the authors clearly state, “it is a mistake to describe the problem of inductive reliability by comparison with deductive reliability. Deductive rules are rules about what follows from what; they are not rules about what can be inferred from what” (p. 9). The rules of inference must be about inductive reasoning. For a complete system of “logic” (not Harman and Kulkarni’s term), we need both rules of derivation and rules of inference. This distinction as well as how it relates to the problem of induction is valuable.

Just as valuable is their discussion of pattern classification. As they tell us, “[a]n inductive method is a principle for finding a *pattern* in the data that can then be used to classify new cases or to estimate the values of a real variable” (p. 30). While the understanding that the inductive method seeks patterns is not new, they suggest non-qualitative means of representing those patterns. For example, it is now common to teach qualitative methods for portraying patterns seen in a piece of inductive reasoning. This method often entails a written narrative, a telling of a story. Harman and Kulkarni’s discussion of pattern classification points to quantitative representations of the data. They show this quantitative representation in the form of graphs with x and y axes, but this process opens the door to graphing inductive reasoning into other mathematical methods of presentation such as fractals. Given this extension, we might be able to eventually visually tell the difference between an inductively strong reasoning and an inductively weak reasoning.

3. Distractions

While this book does have the above strengths and does make a positive contribution to the study of inductive reasoning, it does present a number of major distractions, which must be acknowledged. The first thing that confronts its reader is that the authors seem to have misidentified their audience. In their introduction they set forth the context in which this book developed. This context would suggest that their audience is lower-division undergraduate students. While it was written as an introduction to the subject, it assumes its readers are well versed with each of the topics discussed: problem of induction; statistical learning theory; Goodman and Popper's philosophy, etc.

In order for this text to be successfully used as a textbook for lower-division students with no particular prerequisites "other than some analytical skills and intellectual curiosity" (p. ix), an instructor must heavily supplement it with required background knowledge and skills. This, of course, can be done, and I am sure is being done in the class at Princeton where Harman and Kulkarni teach. If this text is not primarily aimed at lower-division students, then who is its intended audience? Given the type of assumptions the authors make about their readers, e.g., basic knowledge of philosophical issues and statistical probability skills, it appears they are primarily writing for PhD level students or for other scholars who are already working in the area of the process of reasoning and its reliability. This is not to suggest the book has no value as an undergraduate textbook; rather, because of critical assumptions made by the authors regarding their audience, they run the risk of minimizing the impact of their insights.

Like many other very influential works in the field of reasoning, such as Toulmin's (1958) *The Use of Arguments* or Plantinga's (1974) *The Nature of Necessity*, *Reliable Reasoning: Induction and Statistical Learning Theory* is written as a theoretical proposal. It offers those of us working in the various fields related to reasoning a theoretical framework in which we can construct the various problems we are currently focusing. In this sense, Harman and Kulkarni have provided a very valuable service. However, I believe Harman and Kulkarni could have strengthened their proposal by providing better and more complete examples of their theory in application. As I understand their project, they believe that statistical learning theory, when

coupled with enumerative induction, can provide a method for determining rules of induction that are reliable. Even when they finally offer illustrations of application, their illustrations are underdeveloped and leave the reader without direction.

A third major distraction within *Reliable Reasoning: Induction and Statistical Learning Theory* is the sentence structure and language used throughout the text. There are terms used that one cannot assume a lower-division undergraduate would be familiar with. For example, Harman and Kulkarni refer to Bayes Rule throughout the book, but at no place is this rule presented. Moreover, the VC Dimension (named after Vapnik and Chervonenkis 1971) is crucial in key passages of the text, but it remains undefined. Finally, Harman and Kulkarni rightly claim that the philosophical problem of induction focuses on the issue of reliability. The notion of reliability is even part of the title of this book, yet the authors fail to define what they mean by reliable or exactly what constitutes reliable reasoning. These are only three examples of when the language chosen becomes an obstacle rather than a gateway to greater insights for the reader. Even if we assume the text was actually written not for lower-division undergraduates, but for scholars working in the field, the sentence structure frequently found in the text is problematic at best. Consider the following sentences:

Vapnik and Chervonenkis show that the method of empirical risk minimization, when used to select rules of classification, has the following property. If, and only if, the VC dimension of C is finite, then no matter what the background probability distribution, as more and more data are obtained, with probability approaching 1, enumerative induction leads to the acceptance of rules whose expected error approaches the minimum expected error for rules in C . (p. 56)

While the first sentence is unproblematic and is presented here only to provide some context for the second sentence, the second sentence is rather difficult to parse. If this were the only instance of problematic sentence structure, then I could be charged with being petty, but throughout the book, and at critical points, such statements are provided. Of course, this is not a problem for just Harman and Kulkarni. While there are many fine examples of well-written analytical philosophy, current standards in the tradition do not

always contribute to clarity. As scholars, in whatever field we work, we all would do well to occasionally reread Russell's (1954) essay "How I Write."

4. Evaluation

I suggested that one way of evaluating a theoretical work is to ask whether it is viable in the sense that it promotes an extension of itself. In the following I present two passages; each are examples of inductive reasoning that may be encountered in every day type of reasoning. (The first passage is intuitively strong, while the second is obviously fallacious.) Along with each passage I have provided a possible assessment of the reasoning. This assessment will first put the reasoning in standard form. From this we can identify the type of enumerative induction and the relevant criteria for that type. (Note that I will not provide here a justification for this labeling nor for the selected criteria; that is outside the scope of this review, but common in informal logic texts, e.g., Boyd (2003) or Salmon (1989). Enumerative induction refers to a class of reasoning and is frequently sub-divided into specific types, i.e., simple enumerations, inductive generalizations, arguments from analogy, statistical syllogisms, etc.) Following this I will present a very brief qualitative assessment. Finally, I will suggest a quantitative assessment based upon the qualitative evaluation. (The quantitative assessments are assigned based upon key hedging or frequency terms used in the qualitative evaluations and their frequency estimates. Whereas McNeill and Freiberger (1993) present median results from studies by Ray Simpson (1944) and Milton Hakel (1968), I have assigned frequency ranges. Clearly, more work, building upon that of Lakoff (1973), must be done regarding the use of hedging terms for this type of reasoning assessment to be successful.) The point of this presentation is not to provide a complete and proper assessment, but only to illustrate the possibility of moving from some level of qualitative assessment to one that is quantitative, which is motivated by the theoretical work of *Reliable Reasoning: Induction and Statistical Learning Theory*.

Passage 1:

Board members need policies, training activities, guidelines to ensure

that if and when sexual harassment occurs, school officials are prepared to deal with it. . . . Furthermore, if a sexual harassment case reaches the courts, the grievance and rectifying procedures provide some legal protection, proving that your board made a good-faith effort to prevent sexual harassment among employees. You also might find your efforts make it possible to prevent it. (Decker, 1989)

Standard form for reasoning

(R1) If SH policy is in place, then when SH occurs officials are prepared to deal with it.

(R2) If SH case reaches courts and a SH policy is in place and good-faith efforts have been made to prevent SH, then the courts tend to provide some legal protection for such schools.

(R3) If SH policy is in place, it may prevent SH.

Inference drawn: all school boards should have a SH policy.

(The phrase ‘Inference drawn’ is used following Harman and Kulkarni’s position that the term ‘inference’ should not be linked with deductive logic, but exclusively to inductive reasoning. (pp. 5-9) Furthermore, they claim that one should not refer to inductive arguments, but to inductive reasoning. (p. 7) As a result, I avoid claiming the inference to be a ‘conclusion’, which is the typical way we refer to the claim statement being drawn from evidence.)

This is an Inductive Generalization, and the relevant criteria are Sample Diversity, Sample Size, and Other considerations.

Qualitative analysis: The reasoning illustrates a significant level of diversity since each of the three pieces of data (i.e., R1 to 3) represents different relevant arenas of interest to school boards considering sexual harassment. Because of this level of diversity, we believe that sample diversity in this passage is *very often* satisfied. Given the qualitative analysis, we might suggest that the quantitative probability of diversity being adequately satisfied falls within a range of 88-93%.

When considering the sample size, we note that the reasoning is based on only three pieces of data; however, sample size, while normally focusing

on quantitative weight, does have a qualitative nature. Since each piece of data on its own in the given context would support the inference drawn, we suggest that sample size in this passage could be understood as *almost always* being satisfied. Quantitatively we suggest a range of 95-98% probability that sample size is satisfied.

Regarding other considerations, we notice that the inference – while embracing “all” school boards – is proposing a suggestion, i.e., “should,” which is a much weaker proposal than a stronger proposal of “must.” Since the inference is a weaker form, there is a greater probability that it is supported by the data. We conclude that this third criterion, given its weakened form, is *usually* satisfied. Quantitatively, we assign this criterion an 83-85% probability.

Given this analysis, we can calculate the overall probability of the inference being supported by the reasons as: lower range - $.88 \times .95 \times .83 = 69\%$ and upper range - $.93 \times .98 \times .85 = 77\%$ probability. So this reasoning illustrates a range between 69% and 77% probability of inferring that all school boards need sexual harassment policies.

Passage 2:

“Smoking by pregnant women may result in fetal injuries, premature birth, and low birth weight.” (Surgeon General’s warning on a pack of cigarettes.) Susan is a 95 year old smoker. Probably, her next child will be born prematurely.

Standard form for reasoning

(R1) Smoking by pregnant women may result in fetal injuries, ...

(R2) Susan is a 95 year old smoker.

Inference drawn: probably Susan’s next child will be born prematurely.

This is a Simple Enumeration, and the relevant criteria are Sample Size, Total Evidence, and Other considerations.

Qualitative analysis: We can assume that the tobacco industry was forced to place this warning on its product due to an extremely large amount of

evidence that supported the warning. Sample size is probably *very often* satisfied in such cases. The quantitative range of 88-93% should be assigned for the probability of sample size being satisfied.

However, total evidence is extremely problematic. The evidence regarding the probability of Susan becoming pregnant given her age of 95 suggests this criterion has been violated. Since we are dealing with Susan and not the Sarah of biblical legend, we can conclude that in this situation total evidence would *almost never* be satisfied. Thus, total evidence here comprises all relevant reasons. We suggest there is only a 2-3% chance of total evidence being supported in this inference.

Regarding other considerations, because of the qualifier “probably” in the inference drawn, the criterion ranks higher than it would in a stronger form of the inference without the qualifier. In this case, we believe the criterion will *usually* be satisfied. We suggest an 83-85% range for this criterion.

Given this analysis, we can calculate the overall probability of the inference following from the data as: lower range - $.88 \times .02 \times .83 = 1\%$ and upper range - $.93 \times .03 \times .85 = 2\%$ probability. So this reasoning illustrates a range between 1% and 2% probability of supporting the inference that Susan’s next child will be born premature. This low range points to the fallacy of incomplete evidence committed in the reasoning.

These two problems illustrate how using Harman and Kulkarni’s lead we might move beyond a mere qualitative analysis of inductive reasoning to a quantitative analysis which can be converted to and portrayed in graph form or fractal for a visualization of the reasoning. The first problem could visually portray a strong to moderate inductive inference, whereas the second would portray a fallacious inductive inference. While the analysis provided for these two problems should not be taken seriously, they do illustrate that *Reliable Reasoning: Induction and Statistical Learning Theory* provides a valuable service as a theoretical work that promotes further research in the field of inductive reasoning.

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Introduction

Argumentative Indicators in Discourse is the result of a long research project aimed at “identifying and analysing words and expressions that are of special significance to the analysis of argumentative discourse in discussions and texts” (p. ix). The research was first conducted in Dutch and then translated and carried forward in English. This study complements the many previous books by the Amsterdam School of argumentation by providing yet another volume on a central topic for all researchers of argumentation.

This is fundamental research that carries valuable insights regarding argumentative indicators regardless of what method one uses, but at the same time this is very much a Pragma-Dialectical study. The members of the project are all prominent members of the Department of Speech Communication, Argumentation Theory and Rhetoric at the University of Amsterdam. Since the beginning, two members of this project have passed away, Rob Grootendorst, in 2000, and Peter Houtlosser, in 2008.

It belongs to the basics of any course of argumentation to note what words and expressions indicate either a standpoint or an argument. The authors call these “argumentative indicators” and move far beyond the basics of standard phrases such as “in my opinion,” “therefore,” and “because.” On the

one hand, the aim is to establish what words and expressions are used and, more precisely, how and to what end they are used, on the other. As the authors note, “[a]nyone who wishes to critically evaluate an argumentative discussion or text can only do so properly after a careful analysis of the discourse,” which includes “solid grounds to establish what argumentative moves are made [...] and what these moves imply” (p. 1).

Of course, one’s definition of “argumentation” has consequences for a study of this kind. The Pragma-Dialectical starting point is that argumentation is “an attempt to resolve or prevent a difference of opinion by critically testing the acceptability of a standpoint that is in doubt” (p. 2). Arguers can only be held responsible for what one has committed oneself to. Within Pragma-Dialectics this means that internal processes of reasoning or psychological dispositions are out of reach for a systematic analysis, which instead has to focus on positions that are verbally expressed or indicated. At the beginning of the book, the authors provide a brief account of the Pragma-Dialectical theory. For those not familiar with Pragma-Dialectics, it is advisable to consult van Eemeren & Grootendorst 1984 and 2004.

The study is structured according to the “analytic overview” that is part of a Pragma-Dialectical reconstructive analysis (for the analytic overview, see van Eemeren & Grootendorst 1992, pp. 93–94). Consequently, the chapters after the introduction (Ch. 1), and after the presentation of the ideal model of a critical discussion (Ch. 2), deal with indicators of confrontation (Ch. 3), of the distribution of the burden of proof (Ch. 4), of starting points for the discussion (Ch. 5), of argument schemes (Ch. 6), of the argumentation structure (Ch. 7), and indicators of the conclusion of a discussion (Ch. 8).

1. Dialectical Profiles

New to Pragma-Dialectics, is the concept of “dialectical profiles,” which describe the course of the resolution process of the “critical discussion.” The critical discussion refers to an analytical view of argumentation that advances in four stages: the confrontation, opening, argumentation, and the conclusion stage. The dialectical profiles are inspired by the “profiles of dialogue” by Walton and Krabbe (1995), and are combined with the analytical overview in the following way (p. 6):

We identify and analyse the argumentative indicators typical of the different stages of the resolution process by determining, for each stage of the critical discussion, the words and expressions indicating the (combinations of) argumentative moves that can be carried out in that particular stage and by discussing the problems that occur in their identification and analysis. Every time we discuss clues in (1) the presentation of the moves, (2) the criticism that the moves receive, and (3) the speaker's or writer's continuation of the argumentative discussion [...]

This approach gives the study a clear framework and a fairly precise instrument for a study that has the potential of growing in many directions because of the vastness of the topic. Of course, even with the framework in place, only a "fair representation" (p. 2) of words and expressions that can serve as argumentative indicators can be provided. In any case, the selection provided is extensive.

In accordance with Pragma-Dialectical theory, verbal moves are described as speech acts. The background is briefly explained (pp. 12–16): speech act theory is combined with the notion of a critical discussion by specifying which speech acts can have a constructive function in the various stages of critically resolving a difference of opinion.¹ Since the function of the different moves is linked to the discussion stages, different kinds of indicators can be classified in a functional manner. A functional approach has the advantage of being context-sensitive, including all kinds of moves that indicate argumentation, regardless of the presence any specific words or phrases.

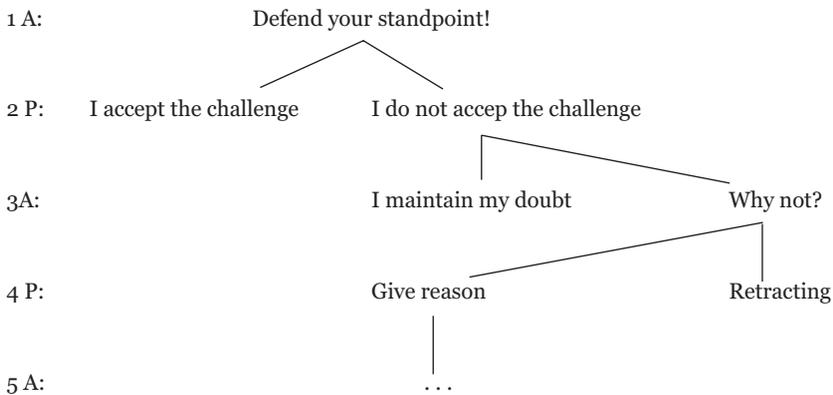
In a similar manner, the dialectical profiles are described as a heuristics developed for the purpose of providing a "step-by-step specification of the moves that can help to accomplish a specific task in a certain stage or sub-

¹ Just to make a point clear: the critical discussion model does not prescribe how an argumentation should proceed, and in actual argumentation stages may be implicitly performed or only rudimentarily present. The notion of a critical discussion is a heuristic and critical device. On the one hand, it guides the analyst to identify all elements in a discourse that are relevant to a thorough evaluation. On the other, it specifies a standard that helps the analyst to "determine how an argumentative exchange of views deviates from the course of events conducive to resolving a difference of opinion" (p. 10). Hence the Pragma-Dialectical understanding of fallacies as moves that frustrate the resolution of a difference of opinion.

stage of the discussion” (p. 18). More specifically, dialectical profiles are defined as (p. 18)

[...] a specification of the sequential pattern of the moves that the parties are allowed to make, or should make, in a particular stage or substage of a critical discussion in order to realise a particular goal.

An example from the book illustrates the dialectical “starting” profile (p. 19):



Since the dialectical profiles specify which moves are pertinent to each of the argumentative stages, they make it easier to identify the relevant argumentative indicators for each stage. As the authors note, an obstacle is still present, because there is no one-to-one correspondence between moves and the verbal indicators of these moves (p. 19). In fact, there are no unequivocal indicators available for each move. The analysis therefore needs to be context-sensitive.

2. The Study

The main part of the book, the actual study, is presented in six chapters, in which six types of indicators are explained. In order to clarify the different

types of indicators, they are placed within categories that enable a systematic presentation. Where the existing Pragma-Dialectical categories prove insufficient for this particular task, new categories are borrowed from linguistic literature, or invented. At the same time as this allows for a systematic presentation, it makes the theory more complex. In fact, *Argumentative Indicators in Discourse* is situated among the more theoretical Pragma-Dialectical books, and one with a clear linguistic focus. However, since the chapters take their departure from key elements of the Pragma-Dialectical analytical overview, the layout is easy to follow for readers familiar with Pragma-Dialectics.

Regarding the background of this research, the authors have chosen to omit much of the discussion and to concentrate on the results, which are presented together with examples for each type of indicator. Similarly, the conversion of the original research, which was written in Dutch, and which treated argumentation in Dutch, has seamlessly, and without further comments, been carried through, so that the present study deals with specifically English indicators. In the following I will present some of the contents for each of Chapters 3-8.

The study proper begins with Chapter 3, *Indicators of confrontation*. The indicators of confrontation vary depending on the type of discussion. In addition to single and multiple discussions, which both can be either mixed or non-mixed, another distinction is here introduced: the multiple mixed dispute is divided into a quantitative and a qualitative type. The former is a multiple discussion where each standpoint can be distinguished and the discussion thus can be treated as several single disputes. The qualitative multiple mixed dispute, on the other hand, is exemplified with the following dialogue:

Per: This state visit to China is no more than sheer opportunism!

Åse: That's not true at all. I think it is a sincere attempt at ideological reconciliation.

Here, Åse advances both a contradictory ("That's not true at all") and a contrary, alternative ("I think it is ...") standpoint. The problem is that, "it may not always be clear whether the alternative standpoint is a contrary standpoint or just a different standpoint." (p. 23). The standpoints are not

about two different issues – which would be a normal, quantitative, multiple mixed dispute – but about only one issue. In addition, a successful defence of the contrary standpoint, “I think it is a sincere attempt at ideological reconciliation,” implies a successful defence of the opposite standpoint, “That’s not true at all,” as well. To further complicate matters, a dispute may be multiple both in the quantitative and in the qualitative sense, as in the following dialogue:

T1: It is hot in here.

T2: It is not hot in here.

T1: It is.

T2: I would say it was cold in here.

A defence of the standpoint that it is not hot is not automatically a defence for the standpoint that it is cold, but a defence of the standpoint that it is cold is at the same time a defence of the standpoint that it is not hot.

Dialectical core profiles are provided for the different types of disputes after which indicators of standpoints and indicators of the different types of disputes are dealt with. First, the nature of standpoints is specified, building upon the following definition:

An assertive may be considered a standpoint if it is clear that the speaker supposes (or may be expected to suppose on the basis of the listener’s response) that the assertive is not immediately acceptable to the listener” (p. 29). The question then is in which way it can “become clear from the presentation of an assertive that the speaker supposes that the assertive he has performed will not be acceptable to the listener at face value? (p. 29).

Here, the following categories are used: “propositional attitude indicators” and “force modifying expressions.” Examples of the former are “I believe that” and “I think that,” and of the latter are “In my view” and “It is quite certain.” Following Hooper (1975), it is noted that the use of such expressions may signify that the speaker anticipates doubt, if the expressions can be used parenthetically, and if they are indeed used parenthetically. If they cannot be or are not used parenthetically, they cannot signify a stand-

point. For example the expression “I believe” is a propositional attitude indicator that may indicate a standpoint. “I believe that John will come in the afternoon” and “John will come, I believe, in the afternoon,” both mean the same thing. Phrases that cannot be moved around within the sentence in this manner cannot indicate a standpoint. For example the sentence “I am sorry you haven’t told me this earlier” cannot be changed to “You haven’t told me this earlier, I am sorry,” and therefore the speaker does not claim that the listener has not told something earlier, but rather that this was not told to *him* or *her*. Further, weak and strong assertives are distinguished and the propositional attitude indicating expressions and force modifying expressions for both types are presented with many examples from the Eindhoven corpus. The chapter ends with a presentation of indicators of disputes, laid out according to the types of dispute.

Whereas the third chapter dealt with the confrontation stage of a critical discussion, the fourth chapter, *Indicators of the distribution of the burden of proof*, deals with the opening stage, where the roles of the arguers and their common starting points are established. Again, with the help of core profiles, different scenarios are illustrated. Beginning with a simple “Defend your standpoint!” to profiles with seven turns, the roles of the arguers become clear for the five types of argumentative discussion described in the previous chapter. The approach draws upon formal dialectics and results in some fairly formal schemes. The most demanding type of dispute, the qualitatively multiple dispute, for example, requires two pages to display the dialectical core profile (pp. 70-71).

The chapter also discusses how to distinguish between a challenge to defend a standpoint and a request for clarification. Contextual clues are here vital, but certain words such as “actually” and “all that” reinforce an interpretation towards a challenge to defend a standpoint; for instance in the ironic form of an informative question as in the following example:

Mr Weisglas (VVD) to Mr Rosenmöller (GroenLinks): The key argument for the turn GroenLinks made, as it emerged from the media in the past few days, is that the balance between the military and politics has been disturbed. You’ve just repeated this. *How do you know all that?* Are you everywhere? (Parliamentary Debate in The Netherlands about developments in Afghanistan, 15 November 2001, p. 77).

With the same systematic attention to detail, the following chapters go through indicators of a wide variety. In each chapter, well-known basics are expanded with dialectical profiles and a categorization of different types of indicators. All the stages of a critical discussion are dealt with exhaustively in the sense that all the main alternatives are presented.

Chapter 5 continues with the opening stage and deals with starting points in an argumentative discussion. In a critical discussion (i.e. in the Pragma-Dialectical model for an argumentative discussion), the dialogue in which the concessions are obtained is part of the opening stage, thus preceding the argumentation stage. In actual practice, both formal and material starting points are often either assumed or implicitly agreed upon. Expressions that typically refer to starting points are, for example, normal and rhetorical questions such as “isn’t it true that?” and “do we agree that ...?” – implicit proposals to accept a proposition as a starting point – and “If you know so well how things are, *then* why ask me to explain them to you?” – an indirect attribution of a starting point. Some expressions which suggest that a starting point has been accepted (e.g. “as we agreed,” “it is clear that,” “of course”) can also be used to “smuggle in” a particular proposition into the discussion in an illegitimate way (pp. 98–109). “Because” and “for” are typical indicators that a starting point is actually used as a point of departure in the argumentation and they are given a specific analysis (pp. 108–118), as are “but” and “however,” two indicators of accepting a proposition with restrictions to its argumentative use (pp. 122–136).

Chapter 6 moves to the argumentation stage and deals with verbal clues that can be used to reconstruct the relationship an argumentation is based on. Van Eemeren et al. distinguish between (a) clues in the presentation of the relationship, (b) clues that can be extracted from the way in which the antagonist criticises the argumentation, and (c) clues in the way the protagonist responds to this criticism or anticipates it. A dialectical profile is provided for each of the Pragma-Dialectical argument schemes, i.e. the analogous, the symptomatic, and the causal argument scheme, and the different types of clues are systematically analysed.

Chapter 7 continues within the argumentation stage and presents an analysis of indicators of the argumentation structure. Within Pragma-Dialectics, the complex argumentation structures are multiple argumentation, coordinative argumentation (divided into the cumulative and the comple-

mentary type), and subordinative argumentation. Subordinative argumentation is, for example, indicated by “to substantiate” and “to support,” and sometimes also by “since,” and “after all,” just to mention a few. Since many words and expressions can be used to indicate different structures, van Eemeren et al. clarify when which structure may be indicated. In many cases the structure can be determined based on the position of the indicator in the clause or based on the specific combination of words or expressions. For instance, “[w]hen *namely* and *after all* take second place in [...] a sequence of expressions, the combination of expressions is not indicative of subordinative argumentation” (p. 198).

The last and shortest chapter, Chapter 8, presents indicators of the conclusion of a discussion when the protagonist maintains or withdraws his or her standpoint (pp. 226–229) – “I stick to my opinion,” “If that is true, (then) you are right/I agree” – and when the antagonist maintains or withdraws his or her doubt (pp. 229–230) – “I still do not agree,” “I give up.”

3. Evaluation

This volume is a must-read for argumentation theorists. Although many of the aspects have been researched before, such as indicators for different types of argument structure, I know of no other volume that encompasses all types of argumentation indicators, for all the stages of an argumentative discussion.

As with any study, a few minor critical questions can be put forth. First, although much work has been done in localizing the original Dutch research, one might wonder if the results truly reflect authentic English usage. After all, the main database used, the *Eindhoven colloquial language corpus*, and the Dutch newspapers (mostly *de Volkskrant*), and other Dutch material, cannot reflect natural English usage no matter how excellent the translation. A translation is always an interpretation and it would have been good to provide some reflection on this. Probably, one could argue that the core mechanisms are similar in many languages.

Second, the phenomenon under analysis is highly complex, in a very organic manner. An approach that aims at systemizing may end up either generalizing or being too complex. The authors clearly state that they are not

presenting a complete classification. However, at the same time the categories presented tend to be laid out as fairly clear-cut and conclusive. Those not familiar with the Pragma-Dialectic *modus operandi* may find themselves looking for explanations of how the researchers have reached some of their conclusions. It is at points difficult, when provided only with one or two examples, to see how a certain classification or conclusion regarding a specific argumentative indicator is reached. Not all examples are from natural corpora – some are constructed to exemplify what needs to be exemplified.

Third, one might ask how the findings would translate to those obtained under another theoretical framework. At the same time as it is clear that the observations are in fact valuable to all argumentation theorists, due to the fairly complex Pragma-Dialectical framework it may, however, be cumbersome to extract all the benefits of this study in order to utilize them within a different framework. This leads to the question of whether the results of the analysis would have been in any way different if conducted without a normative framework.

The book is essential reading for anyone engaged in research regarding words and expressions that are crucial for the reconstruction of argumentative discourse. Especially for those who work within the Pragma-Dialectical framework, the study provides a systematic set of instruments for giving a well-founded analysis of elements that are relevant for the evaluation of argumentation. For others, *Argumentative Indicators in Discourse* gives a wealth of information and provides a substantial starting point for further research.

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Introduction

Richard Andrews's *Argumentation in Higher Education* is intended for those who teach and study argumentation at the undergraduate and graduate levels. Andrews, Professor in English at the University of London's Institute of Education, aims to balance three imperatives:

1. doing justice to the importance and complexity of argumentation as a situated knowledge-making practice;
2. mapping a wide range of theory and research on teaching and assessing argumentation; and
3. offering useful pedagogical strategies for a variety of teaching situations.

While balancing these three imperatives is a tall order, *Argumentation in Higher Education* succeeds in its aims. Thus, I recommend it to researchers and teachers of post-secondary argumentation, particularly for its attention to the relationships between generic and discipline-specific argumentation skills. Readers in the United States will recognize the urgency of better understanding these relationships. Most U.S. universities require students to pass two first-year composition (FYC) courses that aim, in part, to teach the basics of some conception of "college-level argumentation."

While an American university audience will find this book especially helpful, post-secondary teachers in other systems will also welcome the book. After all, argumentation is one set of core competencies we all aim to foster, though we might choose different means for fostering it.

What follows are summaries and evaluations of the twelve chapters, showing not only the shape but the substance of the journey on which Andrews takes readers. Andrews's book might be said to have an hourglass shape. The first chapters have a wide focus and establish fundamentals such as defining argumentation and mapping the current state of argumentation in higher education. The middle chapters focus on particular concerns such as argumentation in multiple modes and students' views on argumentation. Finally, the book again widens its focus with chapters on research methodologies and directions for future teaching and research.

1. The Book

Chapter 1 ("Why Argument?") grounds the rest of the book in selected core definitions, problems, and theories. Andrews distinguishes between argumentation (the process, sequence, or exchange of arguments) and argument (the products of such a process). Andrews focuses the book on the more general and inclusive term, argumentation, which he defines as "a logical or quasi-logical sequence of ideas that is supported by evidence" (p. 3). This sequence of ideas may be written, spoken, or presented in other modes (ibid). Argumentation is more than simple discussion; rather, it has a "critical aspect" of "discussion with edge" (ibid).

As part of his focus on improving teaching and practice, Andrews offers excerpts of two undergraduate essays from students in the field of educational studies. The first essay would likely be read (at least if Andrews can stand in for most teacher-readers) as an attempt to establish an exigency and a point of view, but largely through generalities and with self-defeating contradictions. Worse, the essay engages with source material by simply transferring it from one place (the source) to another (the essay) without unpacking it in service of an argued point. By contrast, the second essay announces a clear focus on an ongoing scholarly conversation about an im-

portant and arguable issue, a conversation in which the student intends to take a well-defined stand.

So how can we help students argue more like the second student than the first? As part of the answer, Andrews urges readers to see argumentation as “meta-modal” because it is concerned with making distinctions, exploring and deepening engagement with ideas, and using evidence to persuade audiences in multiple modes (p. 11). Argumentation operates through careful thought and it is motivated by an overall disposition towards rationality (*ibid.*). However, it is not necessarily the province of any particular mode (*ibid.*). Andrews contends that argumentation mediates between, on the one hand, the realm of abstractions and higher-order thinking processes and, on the other hand, the practical concerns of particular choices that students might make in the process of composing for an audience. This role for argumentation echoes the distinction that Chaim Perelman and Lucie Olbrechts-Tyteca (1969) draw between the universal audience and the particular audience with argumentation as the process of negotiating between abstract rationality and practical effectiveness.

To help teachers understand this mediating role he sees for argumentation, Andrews offers brief overviews of selected concepts from Bakhtin, Vygotsky, and Habermas. These overviews situate the development of students’ argumentation skills where such development belongs: at the core of what universities should aim to achieve, so long as higher education is to mean something more than merely longer schooling.

Chapter 2 (“The Current State of Argumentation in Higher Education”) helps to show the need for improving teaching and assessment of argumentation in higher education. As Andrews explains, American universities teach rhetoric and argumentation explicitly, though this teaching often takes place, at least in first-year courses, in contexts where it is assumed that the genres, skills, and behaviors of one type of situation (usually some variant of essayistic literacy) will transfer to other types of situations. It should be pointed out that scholars within American rhetoric and composition have used activity theory to question the assumptions and usefulness of what David Russell calls “GWSI” (Generic Writing Skills Introduction) courses, courses that aim to teach students how to do “academic discourse” or “college-level

writing.” (For a sample of such critiques, see Russell 1995, Downs and Wardle 2007, and Wardle 2009). However, given the ubiquity of FYC (first-year composition) courses in American universities, and the widespread practice of hiring contingent labor each term to teach those courses cheaply, one can expect the GWSI paradigm to persist, resulting in continued uneven teaching and learning of argumentation.

Andrews positions argumentation in an intermediate middle location between theory and practice and differentiates it from rhetoric by placing rhetoric (conceptually) above argumentation. For Andrews, rhetoric encompasses the “arts of discourse,” by which he means “the craft and design of communication” for an audience and purpose (p. 29). In this way, rhetoric is “a broader and less functional category” than argumentation (p. 29). While students are obviously required to demonstrate their ability to argue, they often compose arguments within artificial, generic situations in which argumentation seems more a grade-driven rite of passage than occasion for intellectual growth. At its worst, as Elizabeth Wardle (2009) points out in “Mutt Genres,” such occasions for argumentation can conflate the genre with the purpose, as in an assignment to write a “persuasive paper” (p. 777). Outside the university walls, people argue using whichever genre and modes are most appropriate and potentially effective, but argumentation in the school context often assumes that verbal discourse and scholastic genres suffice for most purposes and contexts.

Chapter 3 (“Generic Skills in Argumentation”) asks readers to consider the question of broad-based, transferable skills in argumentation. What are they? To begin answering that question, Andrews briefly surveys influential models of the process of argumentation, including the familiar Toulmin (1958) model (data, claim, warrant, backing, qualifier, rebuttal), Mitchell and Riddle’s (2000) simplification of Toulmin (the “triangle” model), his own model of a fully-fledged argument incorporating Applebee’s (1978) narrative development and Vygotsky’s (1986) concept development, and a compositional model offered by Kaufer and Geisler (1991) (the “faulty path/return path” describing how arguers position themselves in the context of others’ arguments). As Andrews notes, these models assume a largely verbal orientation, to the exclusion of visual argumentation. Andrews challenges us to consider whether images can argue (as opposed to just persuade) be-

cause, he contends, they can be inductive propositions rather than translations of verbally constructed propositions.

That claim carries significant consequences for the teaching of argumentation – for example, in FYC courses – because the teaching of argumentation has often relegated the realm of the visual to the status of the purely emotional appeal, impoverishing students' understandings of and fluency in argumentation. While some assignments in generic FYC courses include images, they are often simple analysis assignments that only ask students to critique visual argumentation from the “outside in” (as critics), rather than practice it from the “inside out” (as producers). Thus, students may, for example, analyze print or filmed advertisements, but they will do so by writing “analysis papers” nearly indistinguishable from papers their grandparents might have written when they took FYC. Such practices only reinforce a hierarchy in which the verbal trumps the visual as somehow inherently more rational.

Andrews concludes this chapter by calling for more studies of argumentation in education as it is actually practiced. As he does with all of the book's chapters, Andrews includes a section entitled “The Practical Dimension” that could be a good resource for faculty development, teaching, or reexamination of course outcomes. Here, Andrews asks readers to consider their own implied or preferred models of argumentation, and to perhaps bring students into the conversation. Where are the models useful? What are their limits? How do students use or judge them?

Chapter 4 (“Discipline-Specific Skills in Argumentation”) is the result of a pilot study of argumentation as taught to first-year undergraduates in selected U.S. and British universities. Along with Andrews, Carole Torgerson and Beng-Huat See are credited as chapter authors. The pilot study examined argumentation as taught in history, biology, and electronic engineering/electronics. This chapter blends study findings, literature review, student survey and focus group data, and interviews of teachers.

Andrews and his team found that first-year students believe that argumentation is important in their disciplines, but they sometimes struggle to find their places as arguers instead of acolytes receiving basic knowledge. Students also expressed a need for more explicit instruction in argumentation – instruction that goes beyond simply describing the desired surface

features of a “good argument” in a particular field, that provides concrete examples of outstanding and failing performances, that offers early formative feedback on students’ arguments in process, and that provides chances for students to discuss argumentation with their instructors.

Because students don’t always get the instruction they need, they tend to fall back on argumentation skills developed in their earlier education, a dangerous strategy because higher education contexts usually call for critical engagement, not mere summary or appreciation of information. Another finding, perhaps related to the previous one, is that students are overly deferential and passive in their academic reading, often seeing themselves as mere absorbers of others’ claims and evidence. Small wonder, then, that they struggle with producing critical readings and with assignments that require them to take a stand within an ongoing scholarly conversation. Teaching styles (particularly formative response to arguments in progress), the explicitness (or vagueness) of teacher expectations, teachers’ widely varying competencies in teaching argumentation, and whether argumentation is assessed formally all affect how students see the role of argumentation in their disciplines.

Reading students’ views and teacher interviews together, the authors argue that some disciplines see argumentation as central, even at the beginning levels (e.g., case-building and evidence in history), while others see it as something to be reserved for later once students gain basic subject matter competence (e.g., electrical engineering). However, because all disciplines see argumentation as important to undergraduates’ success, the authors recommend that individual departments or professional organizations re-examine how best to teach argumentation in their fields, particularly with regard to improving teachers’ feedback to students.

Chapter 5 (“The Balance Between Generic and Discipline-Specific Skills”) builds on the previous two chapters to argue that some argumentation skills are generic while others emerge in discipline-specific contexts. Andrews identifies seven generic skills:

1. Generating the argument by identifying the points in dispute and positioning the argument as addressing a substantive problem;

2. Developing the argument by mapping its goal and how to reach that goal (Andrews uses the Kaufer and Geisler model);
3. Defining the stance or position, including the subtle art of reading sources for gaps or roads not taken;
4. Structuring the argument and balancing flexibility with the need to help students start from somewhere;
5. Expressing the argument by working out matters of style, voice, and clarity;
6. Refining the argument by tailoring it to the particular circumstances, audiences, and modes of delivery (e.g., essay vs. presentation vs. dissertation defense); and
7. Testing the argument's soundness, for which Andrews recommends a Toulminian approach.

Each discipline will, of course, have its own practices defining what counts as evidence, how arguments are to be presented, and which genres and modes are most valued. Andrews asks teachers to help students become more fluent in their own disciplines' ways of making knowledge through argumentation. Such a fluency negotiates between skills shared across disciplines, and skills that require immersion in a particular set of practices. Andrews does not – indeed, cannot – provide definitive answers to achieving this balance. However, Andrews challenges teachers to make the contours of higher education's argumentative terrain more apparent to students, and this chapter provides terms for meeting that challenge.

Chapter 6 (“Information and Communication Technologies, Multimodality and Argumentation”) examines both argumentation that uses multiple modes and the use of information communication technologies to examine or teach argumentation.

In the first half of the chapter, Andrews sets out to complicate the assumption that images can suggest or persuade but cannot argue. Andrews points out that images can argue based on proximity (juxtaposition, development of a theme), by number/sequence (as in a photographic essay), and by interplay with other modes (as in advertisements). In offering a close reading of a student multimodal composition blending spoken, written, vi-

sual, and aural modes, Andrews argues that examining the dominant mode in a work or unpacking the tensions between modes can reveal that “the argument will lie somewhere on a scale from the inductive and suggestive at one end to the highly abstract and determined at the other” (p. 110). In other words, there is no a priori limit to the argumentative competence or potential inherent in any particular mode.

The second half of the chapter surveys studies on argumentation pedagogy that uses information communication technologies (ICTs), such as online discussion boards. The chief contribution of this portion of the chapter is to remind teachers of that informal written communication often serves as a hybrid between spoken and written discourse, a reminder that could help improve the quality of discussions, feedback, and student awareness of audience in argumentation.

Chapter 7 (“Further Evidence from Research”) draws on Andrews’s collaborative work with others that examined existing research on students’ preparation and experience in argumentation before the undergraduate level (specifically, 7-14 year olds). From that study, Andrews and his collaborators derived five general conditions that must be in place for successful teaching and learning of argumentative writing:

1. A writing process model that fosters invention, drafting, editing, and revision;
2. Self-motivation;
3. Training in reasoning (along with the growth in reasoning that occurs simply by maturing);
4. Peer collaboration and feedback; and
5. Explicit, clear explanation of argumentation competencies to be learned (p. 117-118).

As uncontroversial and worthwhile as these general conditions are, Andrews notes that they are often not mentioned in research, an omission that undermines the effectiveness of research to inform practice.

Within the environment of these general conditions, five pedagogical strategies best help students learn argumentation:

1. Heuristics (scaffolded generative strategies of invention);
2. Practice in oral argument, counter-argument, and rebuttal, particularly in helping students see argumentation as dialogic;
3. Explicit goals and audiences for writing;
4. Teacher modeling of good argument writing; and
5. Coaching (p. 118-29).

Of these conditions and strategies, students' self-motivation can often be a stumbling block, particularly in an FYC course, in which some students begin the course perceiving it as a mere hoop to jump through, a course to be gotten "out of the way." The presence of Advanced Placement and other means of "testing out of" FYC courses, along with troubling staffing practices, further the impoverished perception of such courses. How can students become truly self-motivated (rather than cynically motivated only by grades) if the course is both subtly and not-so-subtly positioned in these ways?

The chapter ends with brief overviews of the contexts and purposes of teaching argumentation to students from elementary school to graduate school. At each of these stages, the question of what can be transferred from one level to the next, and how teachers can guide students to position themselves within a body of knowledge must be reexamined.

Chapter 8 ("Students' Views on Argumentation") reports on a project in which first-year education students interviewed undergraduates in other disciplines about argumentation and the teaching of argumentation in their disciplines. The chapter provides snapshot case studies of the experiences of students in seven disciplines, ranging from science to humanities to nursing. Those case studies are useful for illuminating the ways in which different disciplines teach argumentation, which modes and genres are most important, and how students learn to "do" argumentation in different disciplines. Andrews asks teachers to consider replicating his student interview project, a suggestion that I plan to follow in my own teaching, and soon. A campus-wide project involving students and teachers, and that triangulates different kinds of evidence and research methods, could yield findings that help improve curricula.

Chapter 9 (“Students’ Essays and Reports in a Range of Disciplines”) sets forth a very brief history of the essay and its centrality within the rationalist, humanistic project of higher education, a project that favors clarity of thought and expression; fair, substantive engagement with the ideas of others; and the use of evidence to support an arguable position. The chapter gives two examples of essay introductions from the same student, one in a literature course and one in a music course, reading both introductions closely to compare how the student uses generic and specific skills to clear a space for his or her own argumentation. The chapter concludes with an overview of alternatives to the essay, such as dialogues and even suggests unconventional approaches to the most hidebound genre: the doctoral dissertation.

As I have found in my own teaching, some students better understand the goals and purposes of essay writing once they have had a chance to step outside of it by composing in different modes and genres. At the same time, students also need guided, theoretically grounded practice with argumentation in whichever modes and genres serve the twin aims of reason and effectiveness in a particular situation.

Chapter 10 (“The Significance of Feedback from Lecturers”) continues the book’s commitment to grounding discussions of practices in selected examples, in this case offering examples of feedback on students’ written arguments. As always, issues of timing, purpose, amount, and mode of feedback predominate. As any writing teacher knows, responding to student writing is what consumes most of a teacher’s time. For example, how and when the teacher handles the roles of formative coach and summative judge often makes a difference in how students develop as arguers.

The examples Andrews offers show how feedback can either represent a missed opportunity (as when teachers concentrate on surface or generic features) or one of the best ways to guide students’ growth (as when teachers use feedback to position students as fellow inquirers). Andrews offers a productive suggestion for improving practice: collect examples of actual feedback given to students to examine how students are being guided, to what ends, and with what level of attention to the purposes of feedback.

Chapter 11 (“Methodological Issues in Researching Argumentation”) attempts to expand researchers’ storehouse of possibilities and methods for

examining argumentation. *Questions such as where is argumentation to be found? and what counts as evidence?* have consequences for what we claim to know and teach about argumentation. On page 186, Andrews lists key questions to ask about evidence, a list that will benefit both researchers and first-year students alike.

Chapter 12 (“Conclusion and a Way Forward in Argumentation Studies in Education”) concludes by asking what remains to be researched about argumentation in higher education and how future research might be aided by the book’s contributions. This final chapter examines graduate work, in this case, theses from four students who completed master’s programs in the UK (three in education, one in engineering). Andrews points out that while student work is often viewed as insufficiently critical, students are not often taught clearly just how to demonstrate critical competence. Even at the graduate level, some disciplines in England and Wales see argumentation as a communication skill but not as central to the discipline’s discourses and knowledge-making. As a result, argumentation, despite its centrality to UK culture and to student success, is under-studied and under-taught, leading students to rely on trial and error. Trial and error can lead, as is the case (particularly with two of the education theses) to under-argued, largely expository writing performances. Andrews urges teachers to teach students to look beyond the surface features of particular genres to clarify for students what the “deeper assumptions that underpin the genre” are (p. 202).

In analyzing the engineering thesis, Andrews notes that the main contribution of the student’s research was in the form of software, not necessarily the thesis document itself. As one of Andrews’s colleagues observed, the core contributions of some current dissertation and theses can be found in allegedly ancillary materials, such as appendices. Andrews suggests that if non-textual material is at the heart of a graduate project, then the genre should allow for it to be central, even if that means sometimes breaking away from the time-honored textual genres.

What makes a writing performance critical as opposed to merely expository? As Andrews shows, students need to learn to weigh sources, to disagree responsibly with sources, and to read sources critically in the first place. These are skills that must be taught explicitly. If used wisely (that is, generatively rather than as a simple mold), storehouses of phrases that make

common argumentative moves (“Though I concede that _____, I still insist that _____ because _____”) found in resources such as Graff and Birkenstein’s (2006) textbook make the game of “they say/I say” easier for students to master. Having students read sources critically, looking specifically for the “moves” that sources make (rather than simply reading for “the main point”) also reinforces the critical reading/critical writing connection.

Andrews concludes the chapter, and the book as a whole, by returning to the relationships between multimodal communication theory and argumentation theory, arguing that each can enhance the other. For argumentation theory, multimodal communication might expand models and studies of argumentation, which to date have been chiefly textual and verbal. For multimodal theory, argumentation theory differentiates between persuasion and argument and can provide methods for analyzing argumentative soundness. Andrews ends the book by urging readers to remember that knowledge progresses through a “willingness to enter the fire, to get to the center of intellectual inquiry...where argument operates” (p. 219). This passage provides a fitting end to a text that balances breadth and depth to help readers understand and improve the teaching of argumentation – that is, the teaching of how knowledge and inquiry work – at all levels of higher education.

2. Evaluation

It is perhaps an unspoken element of the book review genre to raise a quibble, even in a positive review. While one should review the book the author actually wrote rather than the book the reviewer wishes they had written, I was surprised that Perelman and Olbrechts-Tyteca’s *The New Rhetoric* was absent from a book on argumentation. *The New Rhetoric*’s concepts of universal versus particular audiences and starting points of argumentation could have enhanced Andrews’s fine theoretical and practical work. But that minor omission does not diminish the value of *Argumentation in Higher Education*. Armed with this book, teachers and researchers will be well-equipped indeed to “enter the fire.”

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Frans van Eemeren, Bart Garssen and Bert Meuffels,
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Introduction

In argumentation as elsewhere, if norms are needed for some purpose, these may or may not be accepted by those whose behavior is regulated. In the Pragma-dialectical normative model of a critical discussion, the primary function of argumentation is located in the resolution of a difference of opinion. Hence, the research question is: Are the Pragma-dialectical rules *conventionally valid* (i.e., intersubjectively accepted by lay persons) and if so to what extent? This book reports the details of turning the above into an empirical question for part of these rules. Briefly, the answer is: Yes, to a large extent.

Chapter 1 provides an overview of extant treatments of the fallacies and summarizes the content and aim of this investigation. Chapter 2 discusses the design of previous studies by other authors and chapter 3 the design of this study. This occurs in exemplary manner and with respect to particular violations of a specific discussion rule (*freedom rule*). Chapter 4 presents further violations of the same rule and discusses the study's internal and external validity. Chapter 5 treats the conventional validity of the *obligation-to-defend-rule* in a non-mixed difference of opinion. Chapter 6 extends

this to mixed disputes (in which both parties have forwarded a standpoint). Chapter 7 is concerned with the *argumentation-scheme-rule*, chapter 8 with the argument from ignorance (*ad ignorantiam*) as a violation of the *concluding-rule*, chapter 9 presents the study's main results.

Hample (2010) already provided an excellent review of this book which readers should consult. This review mostly summarizes the study's main results and provides occasional comments. An overall evaluation is in Section 3.

2. The Chapters

2.1. Orienting the reader as to the focus of this book – “the views of ordinary arguers concerning fallacious argumentative moves” (p. 1) –, chapter 1, *Theoretical Background and Organization of the Study*, is a brief historical overview of fallacy treatments from Aristotle *via*, amongst others, Locke and Whatley to 20th century textbooks. Pages 20 and onwards summarize the ten Pragma-dialectical discussion rules. According to these, and unlike logical errors, fallacies are understood *not* as invalid inferences, but as impediments (*faux pas*) to resolution-oriented communication (‘unreasonable discussion moves’). Considerations regarding the rules’ *problem validity* (i.e., their potential to *rule out* moves that impede a resolution) and their *conventional validity* lead to the following characterization:

Seen from a pragma-dialectical perspective, any infringement, whichever party commits 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 an incorrect discussion move or “fallacy.” The term *fallacy* is thus systematically connected with the rules for critical discussion and defined as *a speech act that prejudices or frustrates efforts to resolve a difference of opinion*. (p. 27)

Moreover, the rules’ problem-validity is stated to be an analytical-theoretical question (*ibid.*). Their *conventional validity* is a matter of empirical investigation. Importantly:

The status of the results of this empirical work is special: The empirical data can neither be used as “means of falsification” nor as “proof” of the problem validity of the pragma-dialectical discussion rules. In the event that the empirical studies indicate that ordinary language users subscribe to the discussion rules, it cannot be deduced that the rules are therefore instrumental. The reverse is also true: If the respondents in our studies prove to apply norms that diverge from the pragma-dialectical discussion rules, it cannot be deduced that the theory is wrong. Anyone who refuses to recognize this is guilty of committing the naturalistic fallacy, the fallacy that occurs when one inductively jumps from “is” to “ought.” (p. 27)¹

Thus, the specific Pragma-dialectical way of (theoretically) identifying a fallacy is *compared* – not tested (!), in the sense of ‘hypothesis-testing research’ – with ordinary speakers’ judgments. As fallacies may occur in any of the four discussion stages (*confrontation*, *opening*, *argumentation*, *concluding stage*), table 1.1 (p. 29) lists four of the ten rules (*freedom*, *obligation-to-defend*, *argument-scheme*, and *concluding rule*), one from each stage. Each rule is associated with (variants of) traditionally named fallacies. In summary, the project treats the following:

(1) In the *confrontation stage*, with respect to the freedom rule and with reference to the opponent: *argumentum ad hominem* (abusive, circumstantial, and *tu quoque* variants), *ad baculum* (physical and non-physical), *ad baculum* (direct and indirect), *ad misericordiam*; with reference to the standpoint: declaring a standpoint taboo, declaring a standpoint sacrosanct.

(2) In the *opening stage*, with respect to the obligation-to-defend rule: Shifting the burden of proof or evading it in a *non-mixed* dispute by (i) presenting a standpoint as self-evident, (ii) giving a personal guarantee of the rightness of a standpoint, (iii) immunizing a standpoint against criticism, and evading the burden of proof in a *mixed dispute* by insisting that only the other party must defend his or her standpoint as a result of applying the principle of presumption or the criterion of fairness.

¹ On this stance, also see van Eemeren (2010, p. 6f.).

(3) In the *argumentation stage*, with respect to the argument scheme rule: *argumentum ad consequentiam*, *argumentum ad populum*, slippery slope and false analogy.

(4) In the *concluding stage*, with respect to the concluding rule: *argumentum ad ignorantiam*.

Notably, comparison of the theoretical judgment with that of ordinary speakers is exhaustive for the *freedom rule* and the *obligation to defend rule*, insofar as “all rule violations are included [in this study] that have been distinguished so far” (p. 29) – non-exhaustive otherwise.

2.2. Chapter 2, *Considerations Regarding the Design of the Study*, critically reviews Bowker and Trapp’s (1992) research on ordinary arguers’ assessment of good *vs.* poor argumentation and that of Schreier, Groeben and Christmann (1995), employing naturalistic discourse samples. Both studies are said to pursue an empirical-descriptive conception of reasonableness (Slogan: Obtain sample, ask for response, extract norm). In contrast, the present study starts from a normative foundation (Slogan: Use norm to construct sample, ask for response, assess overlap between response and norm).

Bowker and Trapp presented respondents with excerpts of natural discourse to elicit and then systematize subjects’ verbal responses regarding an items’ reasonableness. On this *post hoc* method – this is the authors’ main criticism –, a consistent and homogenous concept of reasonableness is not forthcoming. In particular, the standards for separating an argument’s intrinsic reasonableness from its persuasiveness (the “separation of a ‘rhetorical influence’,” p. 36) are unclear. Moreover, a stepped data-reduction technique was motivated statistically, rather than qualitatively, in sum negatively affecting the four factors of argumentative reasonableness being distinguished (*individual elements, emotions, connections, argument congruence*). In brief, it is unclear if these terms remain meaningful beyond Bowker and Trapp’s data.

The design by van Eemeren, Garssen and Meuffels requires constructing two disjunct sets of *argumentative discourse items* (mini-dialogues). In these, either none or some specific Pragma-dialectical rule is violated. Then, differences in respondents’ reasonableness values for an item become subject to measures of statistical significance. This means, *internal validity* is

achieved by (argumentation-)expert agreement on some particular Pragma-dialectical discussion rule (not) being violated by some non-natural discourse item. To achieve *external validity*, intervening factors must be controlled, crucially *politeness* (p. 39).² After all, an item's politeness might be measured along with (even instead of) its reasonableness. So, impolite reasonableness could register as unreasonableness. Such misleading results would threaten the study's external validity.

Schreier, Groeben and Christmann (1995) sought to explicate and test ordinary arguers' assessment of *argumentative integrity*. This notion was captured in four requirements (*formal validity, sincerity/truth, content* and *procedural justice* among participants). Maintaining integrity was explicated as not consciously violating any of these (p. 42). Van Eemeren *et al.* criticize that validity of content is not readily a meaningful requirement. Moreover, the explication is said to be psychologistic, because an argumentative move is unreasonable only if it so *appears* to someone.

Schreier, Groeben and Christmann had selected a range of naturalistic texts exemplifying "rhetorical strategies" (p. 43). They took these to violate the above four requirements, then asked respondents to assess an item's *argumentative fairness*. Responses were "distilled" into eleven standards of unfair argumentation (e.g., do not treat your discussion partner intentionally, purposefully as if he or she is a personal enemy). Like Bowker and Trapp's study, the main problem is found in arriving at these standards *inductively*. The genesis of four factors and eleven standards is said to be *ad hoc*. Further critical considerations pertain to response biases ("set") and the loadedness of the discourse examples – both not controlled for.

A careful discussion in support of *experimentally* studying the conventional validity of (some of) the Pragma-dialectical discussion rules follows, and the use of constructed (*vs.* observed/natural) discourse items is defended (p. 48f.). Ultimately, the authors' strategy is to balance the artificiality of "made-up" discourse with the directness with which 'expert *vs.* lay person reasonableness judgment-differences' can affect the Pragma-dialectical explication of (some of) the norms of argumentative fairness.

² For example, what experts consider a rule-non-violating instance of an *ad hominem* attack might receive less than the expert-expected reasonableness value, because respondents consider it an impolite move.

Just as would be the case in corpus research, in our series of experiments the conventional validity of the pragma-dialectical rules is investigated not in a direct, but in an indirect sense. Due to the fact that discussion fragments that contain a fallacy are found to be unreasonable by normal judges, and fragments that do not contain any fallacies are deemed reasonable, we deduce that in the judgment of the fairness of argumentation the respondents concerned appeal, whether implicitly or explicitly, *to norms that are compatible, or at least not contradictory*, to rules formulated in the pragma-dialectical argumentation theory. (p. 49, *italics added*)

Not directly testing the Pragma-dialectically rules – as one would by asking: Do you agree with these rules? – is supported as follows: (i) It is not clear that direct testing is possible without bias; (ii) lay person's agreement with the *abstract* content of rules need not transfer to *specific* application cases of these rules; (iii) absent a more profound understanding of the Pragma-dialectical rules and associated concepts (e.g., standpoint, argument scheme), responses will not readily be meaningful. The upshot:

It is therefore not possible to investigate the conventional validity in a direct manner. [Nevertheless, t]he indirect way – investigating the judgments on rule violation – in our opinion does say a great deal about the conventional validity of the pragma-dialectical discussion rules (p. 50).

The authors stress that test-items (two to four turn-“dialogues”) were generated from the Pragma-dialectical rules, rather than a prior conception of fallacy. For example, an *ad hominem* attack is not viewed as fallacious *per se*, but only when occurring in the confrontation stage. Moreover, the Pragma-dialectical project of recovering some of the traditionally recognized fallacies also generates new fallacies (which might not be distinguished in other approaches). “If our respondents reject these ‘new’ violations, then in any event the claim can no longer be sustained that our results are just as applicable to other fallacy approaches” (*ibid.*).

2.3. Chapter 3, *Ad Hominem Fallacies: An Exemplary Study*, reviews extant opinions on the *ad hominem* to elucidate the study's design choices. The result: To construct a discourse item violating the Pragma-dialectical

freedom rule, (i) the dialogue must occur in the confrontation stage; (ii) it must not be possible to misinterpret the attack as a critical question resulting from an authority argument (this belongs into the argumentation stage); (iii) the *ad hominem* must occur as a response to presenting a standpoint and not to its attempted defense (argumentation stage again); (iv) the personal attack must not be the standpoint itself (see p. 56f).

Three discussion contexts are created by binary variation of *formal content* and *critical content* (p. 61). This yields the *domestic discussion*, here abbreviated D [- , -] (i.e., *non-formal*, *non-critical* content), the *political debate*, P [+ , -], and the *scientific discussion*, S [+ , +].³ Thus, assumptions on the constitution of a particular reasonableness judgment are allowed to have measurable effect. Two assumptions are made: (i) A respondent's reasonableness-judgment value (here abbreviated RJV) for a given discourse item x is a function of that item's politeness value (V-POL) and its argumentative value (V-ARG) (*ibid.*). In brief: $RJV_x = f(V-POL_x, V-ARG_x)$.⁴ (ii) Respondents are, across contexts, more sensitive to *either* V-POL *or* V-ARG.

On these assumptions, let n signify a particular discussion rule violation (aka. fallacy) to be investigated. Then two conditions (data patterns) are claimed to be telling (*ibid.*) if satisfied by the *averaged* reasonableness judgment value, ARV, that subjects assigned⁵ to some discourse items constructed for contexts D, P and S (ARV_D , ARV_P , ARV_S). Here, a lower ARV is a smaller number on a 7-point scale, ranging from very reasonable (7) to very unreasonable (1). 4 is the middle point.

(+ POL) More sensitive to politeness value:⁶ $ARV_D > ARV_P = ARV_S$
 (+ ARG) More sensitive to argumentative value: $ARV_S < ARV_P = ARV_D$

To ascertain whether subjects are, on average, more or less sensitive to either politeness or argumentative value, one observes under variation of

³ The absence of signature [-, +] is not motivated. Presumably, non-formal and critical content do not go together.

⁴ Read: The reasonableness judgment value of item x is a function of x 's politeness value and its argumentative value.

⁵ Strictly speaking, an item's ARV is not assigned, but *calculated* by averaging over the RJVs assigned to that item.

⁶ In the following, read '='; '<' and '>' by fronting '(statistically) significantly.'

contexts if averaged responses display ARV-difference and, if so, in what direction. This means to combine three types of personal attacks (*tu quoque*, circumstantial, abusive) with three types of discussion contexts as independent variables. Dialogue fragments were constructed and non-fallacious items added (“mixed message design”, p. 65f.). Questionnaires contained 48 fragments (36 fallacious, 12 controls), explicitly introducing the context, its characteristics, and standpoints by a suitable indicators. The order of contexts was varied (non-significant effect), loaded topics avoided, and the truthfulness of dialogue partners (non-deception scenario) explicitly stipulated (p. 66f).

Results are claimed to confirm four hypotheses:

- (H1) The ARV of a freedom rule violation is lower than when no violation occurs (p. 59).
- (H2) The ARV of the *ad hominem* decreases from *tu quoque* over circumstantial to abusive (p. 60).
- (H3) On the assumption that respondents display behavior which indicates being more sensitive to an item’s argumentative value (its “soundness character,” p. 61), the ARV of an *ad hominem* attack orders the three contexts as follows: (i) $ARV_D > ARV_S$; (ii) $ARV_P > ARV_S$; (iii) $ARV_P = ARV_D$ (p. 62).
- (H4) Sex (male/female distinction) is not an explanatory factor (p. 69).

The chapter also discusses additional measures and replicas devised to rule out the alternative explanation that politeness considerations are, in large part, explanatory of the data. Results indicate that politeness does largely not matter, insofar as the *relative* difference in ARVs (for various types of *ad hominem* attacks) is a robust factor. Whether the *absolute* values (table 3.3, p. 68) are equally encouraging may be debated. For example, a direct attack in a scientific context receives an ARV of 2.57 (standard deviation⁷ 0.81); a *tu quoque* in the same context 3.66 (0.86). The values may

⁷ The standard deviation is a measure of the variability (or spread) of data. It is calculated by squaring the difference between the value of each data point in a data set and the mean, summing over all differences, and dividing by the number of data points, then taking the square root. Adding/subtracting the standard deviation to/from the mean indicates, but does not precisely *determine* the spread. Incidentally, the interpretive use of the stan-

be perceived as too high. It may also be debated if it made a difference had hypothesis H3 or H4 come about after glimpsing at data or prior to such “peeking” (Rehg 2009, pp. 173-176).

2.4. Chapter 4, *The Confrontation Stage: The Freedom Rule*, seeks to clarify whether the pattern observed in chapter 3 – discussants show, on average and as a function of discussion contexts, systematically different tolerance towards *ad hominem* violations of the freedom rule – does “also apply to other violations of the freedom rule” (p. 86), i.e., *ad baculum*, *ad misericordiam* and declaring a standpoint taboo or sacrosanct. The design is similar to that described above, so are the results.

[T]he *argumentum ad baculum* was found to be the most unreasonable, then declaring the standpoint taboo or sacrosanct, followed by the direct person attack, then the *argumentum ad misericordiam* and the indirect personal attack, and finally the *tu quoque* fallacy. (p. 95)

Explaining this by politeness considerations is claimed to be unsupported by the data (p. 97). Moreover, an interesting anomaly is presumed to be an effect of the loadedness of standpoints (pp. 97-102). Based on replicas and previous studies in experimental psychology, the authors suggest:

The more a person agrees with a standpoint of the protagonist, the less reasonable (...) [will she find] the attack of the antagonist on the protagonist of that standpoint – and the other way around: The less a person agrees with the standpoint, the more reasonable (...) [will she find] the attack on the protagonist of that standpoint. (p. 101)

For example, assume you are committed to the general non-relevance of racial considerations. If so, then you will expectably find violations of the freedom rule in response to a protagonist forwarding a racial standpoint rather reasonable (Catchphrase: Reasoning is determined by attitude rather than *vice versa*, see p. 100). Thus, being committed to the content of a stand-

dard deviation in Zenker (2009) is non-sensical. A crucial error consisted in mistaking non-normally for normally distributed data.

point positively influences judgment as to the reasonableness of *silencing* a protagonist of an opposed standpoint – behavior which goes against the Pragma-dialectical rules (Even a racist should *not* be hindered to speak!). At least for students (participants were students), the authors generalize:

[I]t can be concluded that all argumentation, whether it is sound or not, is found to be less reasonable if it goes against a standpoint with which the students agree. The opposite also applies: Argumentation, sound or otherwise, is generally found to be more reasonable if it goes against a standpoint with which the students disagree. (p. 101)

Nevertheless, the overall pattern persists: Fallacies receive comparatively lower ARVs. Readers expecting a discussion of the hypothesis that all reasonableness judgments (not just in case of loaded standpoints) may trace subjects' biases – rather than the sensitivity to a reasonableness value component – are disappointed.

Instead, a discussion of potential cultural differences follows. Studies were conducted in the Netherlands (92 participants, replication 24), England (60), Germany (41), Spain (47, replication 30), Indonesia (50). The typical rank order of the fallacies is similar, although the indirect and the *tu quoque* variant seem not clearly distinguished outside of the Netherlands (p. 102f.). Moreover, the influence of contexts (*domestic, political, scientific*) onto reasonableness values seems to break down in England, Germany and Indonesia. In Spain, face-threatening (impolite) moves appear to be non-permissible even in a domestic context, suggesting that politeness may take on different functional roles (p. 107). Tackling the “cultural factor” is left for future work.

2.5. Chapter 5, *The Opening Stage: The Obligation-to-Defend-Rule (I)*, (“Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so,” p. 112) presents six experiments on forms of *shifting* or *evading the burden of proof* (BOP) by presenting it as self evident, by personally guaranteeing it, and by otherwise immunizing it. Note that only shifting the BOP can occur in a *non-mixed* dispute (single difference of opinion), and then constitutes an illegitimate attempt to *create* a mixed dispute (p. 113). The assumption is: “[I]f in practice an explicit agree-

ment has not been made about the division of the burden of proof, the burden of proof rests in principle with the one who brought forward the standpoint in the confrontation stage” (p. 114).

The design is similar to that described above (48 dialogues, 32 subjects), but test elements are three-turn dialogues (claim; challenge to defend; attempt to shift). Moreover, versions of the direct attack and the *tu quoque* are included for comparison. Also the results are similar: *Shifting the BOP* receives an ARV of 2.37 (0.89) (p. 118). However, varying the three discussion contexts does not show the expected effect (p. 119). Notably, qualitative responses indicate for 75% of subjects that their wording of the committed fallacy is close to synonymous with the Pragma-dialectical version. *Evading the BOP by presenting it as self-evident* receives an ARV of 3.04 (0.72) (p. 123). In this second experiment, the discussion context effect is again robust (ARVs are: 3.45 (0.72), 3.03 (0.99), 2.63 (0.88) for the D, P, S contexts, respectively, p. 123).

Furthermore, the qualitative part of a repetition of the second experiment shows: “[B]arely 1/3 of respondents can formulate the [Pragma dialectical] rule in an explicit way, while only 5.3% of responses could be coded under politeness-considerations” (p. 126). The third experiment, geared towards *evading the BOP by personally guaranteeing it*, gives a similar result. However, it left discussion contexts unconsidered and revealed that subjects could not phrase anything coming close to an obligation-to-defend rule (p. 132). Finally, *evading the BOP by immunizing a standpoint against criticism* behaves much the same, ARV 2.93 (0.96) (p. 135). Notably:

The results of the studies imply that the obligation-to-defend rule, just as was the case with the freedom rule, does not belong to the conscious normative-critical repertoire of our respondents that can be used in an abstract generalizing sense when judging different concrete phenomenal forms of unsound moves that can be viewed as instantiations of the same abstract category. Nevertheless, (...) the respondents can in all cases clearly recognize and express where the deficient nature of the moves concerned can be traced to in an argumentative sense. (p. 137)

2.6. Chapter 6, *The Opening Stage: The Obligation-to-Defend (II)*, starts with a discussion of the principle of presumption (said to be enjoyed by the

status quo) and the principle of fairness (Slogan: Defend first what is easier to defend). The (*vis à vis* chapter 5 more complicated) study also investigates the fallacies of *evading* and *shifting the burden of proof* (BOP). Here, standpoints may (not) enjoy presumptive status, and pertain to either a mixed or a non-mixed difference of opinion (DOO) (p. 144). The expectation is that “ordinary arguers will not be insensitive to the influence of the presumptive status of a standpoint” (*ibid.*). For example, the standpoint “Smoking is bad for your health” is assumed to enjoy presumptive status, while “Children should grow up with pets” does not (p. 145).

For non-mixed DOOs three-turn, and for mixed DOOs four-turn dialogues were constructed. In the mixed DOO case, (i) *A* forwards a (non-) presumptive standpoint; (ii) *B* responds with an opposite standpoint; (iii) *A* challenges *B* to provide reasons; (iv) *B* attempts to shift the BOP to *A* (In the non-mixed case: skip (ii)). ARV-wise, and with +/-PS for (non-)presumptive status and +/- MIX for (non-)mixed DOO: +PS, -MIX 2.78 (0.85); +PS, + MIX 2.61 (0.80); -PS, -MIX 2.66 (0.80); -PS, -MIX 2.59 (0.96) (p. 148).

A remarkable result of this study is that the presumptive status of standpoints hardly influences the judgment of the respondents: It is true, in accordance with our expectations, that the respondents tend to judge the fallacies with a presumption standpoint somewhat more leniently than those without a presumption standpoint but this marginal difference appears to be insignificant. (p. 149)

This is exactly in line with the Pragma-dialectical discussion rules where arguers incur a BOP irrespective of whether standpoints enjoy presumptive status (p. 150). A replica which reduced the complexity of discourse items to two-turn dialogues confirms these results. However, it also shows:

[I]f in a discussion the burden of proof is evaded, then the respondents will deem this without hesitation to be an unreasonable discussion move – but they feel less strongly about it when this fallacy is committed by someone who has the presumption on his side. (p. 157)

For the large majority of respondents, the qualitative responses of the replica display that they based their judgment on the obligation-to-defend being violated, rather than some alternative explanation (p. 159). Especially

for *accuses* (i.e., two turn dialogues in which *A* accuses *B* of having done *x* and which continue: *A*: Prove *not x*; *B*: Prove *x*): “In more than 90% of all cases our respondents referred to the principle of *presumptio innocentiae* [gloss: a presumption of innocence holds until proven otherwise] from criminal law for their motivations” (p. 160). In contrast to the normative content of the Pragma-dialectical model:

[I]t cannot be deduced that our respondents are purely rational judges who are completely entitled the epithet *animal rationale*. In their otherwise critical considerations concerning the reasonableness or unreasonableness of discussion contributions a psychological element sneaks in that is at odds with the rules of the pragma-dialectical ideal model concerning the obligation-to-defend rule. After all, if the burden of proof is evaded by someone who has presumption on his side (...) then this evasion is found to be less reasonable by our respondents than when the burden of proof is evaded by someone who propagates a standpoint to which no presumptive status can be awarded. (p. 160)

2.7. Chapter 7, *The Argumentation Stage: The Argument Scheme Rule*, lists the six Pragma-dialectical rules regulating the argumentation stage (*standpoint rule, relevance rule, unexpressed premise rule, starting point rule, validity rule, argument scheme rule*; p. 164), presents examples of their violation, and the tri-partition of *symptomatic, analogy* and *causal argumentation* as well as their distinct associated soundness criteria (aka. critical questions) (p. 165f), then turns to a discussion of the *ad consequentiam* and the experimental set-up. The same occurs later in this chapter for *ad populum*, false analogy and the slippery slope.

Notably, the *ad consequentiam* is rejected as a reasonable discussion move, because “[t]he combination of a descriptive standpoint and a normative argument always leads to an inapplicable argument scheme” (p. 172). Two variants are distinguished, one in which “pragmatic argumentation is copied (...)” and another variant in which the type of reasoning called *reductio ad absurdum* is copied (...)” (*ibid.*). Moreover, a positive and a negative version are distinguished which trace “good” and “bad” consequences, respectively. Results show the (by now) expected pattern for the pragmatic variant of *ad consequentiam*, ARV 2.96 (0.70). Surprisingly, respondents

do seem to not distinguish logically valid instances of a *reductio ad absurdum* argumentation from (fallacious) *ad consequentiam* instances (p. 179). Both receive ARVs of around 4.

For the first time the respondents have judged a reasonable discussion move to be barely reasonable (in this case the *reductio ad absurdum*), and it is also the first time that the respondents reject an unreasonable discussion move as hardly unreasonable (the logical variant of the *argumentum ad consequentiam*). (p. 180)

This is ascribed “in all likelihood [to] the esoteric character of both the reasonable and unreasonable counterparts of the logical variant of the argumentum *ad consequentiam*” (p. 190). For the *ad populum*, results come “back to normal,” ARV 2.77 (0.80) (p. 184), likewise for the *slippery slope* – receiving 3.31 (0.78) (p. 185) – and false analogy at 3.14 (0.70) (p. 189).

2.8. Chapter 8, *The Concluding Stage: The Concluding Rule*, treats the *ad ignorantiam* and stresses that, according to Pragma-dialectics, a resolution of a difference of opinion occurs necessarily *ex concessis*, i.e., is always based on concessions incurred by the antagonist “which the protagonist can use during his defense” (p. 194). The *ad ignorantiam* fallacy then consists in mistaking a failed defense of the protagonist’s standpoint for a successful defense of the antagonist’s standpoint (or *vice versa*). As “[v]iolations of the concluding rule generally amount to no consequences or too many consequences being attached to the success of the protagonist or the success of the antagonist” (*ibid.*), a successful defense *ex concessis* may be mistaken for a demonstration that the defended standpoint is true independently of any concession.

This yields the following two specifications: (i) The protagonist (antagonist) does not retract (criticism of) a standpoint which has (not) in fact been successfully defended; (ii) she may conclude that her standpoint is true, because it (or the antagonist’s standpoint) has (not) been successfully defended. Results show an ARV of 2.56 (0.71), while “a large proportion of the respondents is quite capable of indicating exactly and accurately why the *argumentum ad ignorantiam* fails” (p. 201).

2.9. Chapter 9, *Conventional Validity of the Pragma-Dialectical Discus-*

sion Rules, summarizes and interprets the main results for the 20 fallacies investigated (table 9.1, p. 206). With respect to (i) variations in the data, (ii) the oftentimes striking inability of respondents to qualitatively motivate their quantitative judgment and their inability to discern some fallacies (either always or in some context), and (iii) the age range of respondents (mostly 15-16), results are somewhat relativized: “There is possibly still some room for doubt despite all the consistency” (p. 208).

The use of only one scale for reasonableness judgments is defended at some length, principally on the basis that objections to this choice would also pertain to a multi-dimensional measurement of, e.g., “fairness, adequacy, ethnical acceptability, relevance, persuasiveness” (p. 211). The obtained pattern in reasonableness-*differences* is stressed, the influence of individual biases admitted and the use of constructed (rather than natural/observed) dialogue items defended.

A replication with natural discourse items was conducted which “more or less leads to the same findings as our experiments using constructed, hypothetical messages, at least as far as the three variants of the *ad hominem* are concerned” (p. 219). ‘More or less’ may be motivated by the fact that reasonableness scores were, on average, higher and data more spread than for constructed items (tables 9.4 and 9.5, p. 218f.). Still, based on effect size (table 9.5, p. 223):

The final conclusion of this comprehensive research project is that the body of data collected indicates that the norms that ordinary arguers use when judging the reasonableness of discussion contributions correspond to a rather large degree with the pragma-dialectical norms for critical discussion. (p. 224)

3. Evaluation

This book, *a fortiori* the project on which it reports, should count as a substantial achievement. *Vis à vis* standard social science statistical methods, and provided a typical sample size of $n = 50$, there is little one might want to criticize.⁸ With all reservations under which empirical results must placed,

the book's carefully optimistic tone appears fully justified. Even readers who never doubted that such results would be obtained should find value, especially in the occasional surprising result. Such "anomalies" are promising leads to future research, especially on cultural differences in argumentation.

Though likely perceived as less valuable, one might copy the methods presented here and apply them to the Pragma-dialectical rules the conventional validity of which has not been investigated. After all, the study establishes that *four out of ten* Pragma-dialectical rules (freedom, obligation to defend, argumentation scheme, and concluding rule) are conventionally valid to a rather large extent – not more, not less.

This book is a true resource, irrespective of one's theoretical orientation. Rich in examples and charts, it also provides excellent teaching material. Didactically, the presentation of the Pragma-dialectical approach in application to test items appears (to me) to improve over a "theoretical" exposition. Conversely, and perhaps with the exception of a clear, albeit brief statement on the 'is-ought problem' (*naturalistic fallacy*) (p. 27, see Section 2.1), the theoretically inclined reader might find little that is new to her.

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