

## What is an Argument – and Why?

### ¿Qué es un argumento y por qué?

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**Abstract:** The modern endeavor about argumentation has spread out into a large field of fairly different theories and approaches. This is not only a sign of intellectual wealth and plurality but also of a weakness in agreeing about the aims and basic elements of argument. The conception which is presented here in a summarized form has been developed in Hamburg/ Germany during the past 25 years. It meets the demand of self-referentiality i.e. the need to be not simply stated and claimed but also justified with arguments and defended against objections. It is embedded into philosophical self-reflection, concerned about reasonable deepening and enlargement of horizons. In consequence it shows a new dynamic quality resulting from the interaction of pragmatism (exceeding, however, the common use of pragma-linguistics) and dialectics (exceeding again the common use of dialogue settings). Argumentation in this sense is the medium of maintenance and improvement of human orientation.

**Keywords:** Conception of Argument, American Pragmatism, Hegelian Dialectics, Orientation, Self-referentiality.

**Resumen:** El desarrollo moderno en la argumentación se ha expandido en un largo campo compuesto por diferentes teorías y acercamientos. Éste no es sólo un signo de salud intelectual y pluralidad sino también de debilidad en acordar las metas y elementos básicos del argumento. La concepción que es presentada aquí en una forma sintetizada ha sido desarrollada en Hamburgo/Alemania durante 25 años. Asume la demanda de la auto-refrencialidad, esto es, la necesidad de no ser simplemente anunciada y afirmada sino también justificada con argumentos y defendida de objeciones. Está cimentada en una reflexión filosófica, referida a la profundización razonable de horizontes. En consecuencia muestra una nueva cualidad dinámica que resulta de la interacción entre el pragmatismo (excediendo, sin embargo, el uso común de la prag-

ma-lingüística) y la dialéctica (excediendo nuevamente el uso común de la idea de los contextos del diálogo). La argumentación en este sentido es el medio de mantención y mejoramiento de la orientación humana.

**Palabras clave:** Concepto de argumento, dialéctica hegeliana, orientación, pragmatismo americano, auto-refrencialidad.

## 1. Introduction

In Germany we have a proverb saying that “one can miss the forest among all the trees”. I think this is a good description of the situation in argumentation theory today: We see many approaches with rather different topics and aspects, which is a sign of richness and creativity. But we see very few ideas about a unifying view of the aims and means of argument, i.e. of its general meaning for human life. This is a sign of weakness in clarity about the basics.

Before the present move in argumentation theory started during the 2<sup>nd</sup> half of the 20<sup>th</sup> century people had been increasingly unsatisfied with the Aristotelian legacy. Logic had become mathematics, Rhetoric had become ornament and Dialectic had lost its argumentative meaning in the dialectical philosophy of Hegel and Marx. The fresh start was made then with three main tendencies. The Anglo-Saxon world, being led by Toulmin and later Hamblin, worked out the logical aspect. The Latin world was impressed by Perelman and later Meyer and developed a revised view of rhetoric. In German speaking countries scholars were primarily concerned about the conceptual problems. Habermas (1987) and Apel (1973) were the protagonists. They had studied Hegel, Marx and the American Pragmatism (mainly Peirce and Mead) and they strived for a concept of argumentative reason against the growing influence of postmodern relativism.

Our work in Hamburg started on the background of their work and, at the same time, with regard to the rapidly proceeding international scenery. We went to the meetings, in particular, of course, to the ISSA conferences in Amsterdam.

From the early 90ies on we developed a root concept of argumentative reason which is located mainly in the logical and the dialectical sphere. Rhetoric, as far as it is concerned with the persuasive effects of argument,

was recognised as a discipline about the subjective conditions of insight. If its content is to exceed the everyday stereotypes (like e.g. young people are open, old people are not, poor people are egalitarian, rich people are not...), it has to be supported by serious empirical research.

In general we have found that a conception of reasonable argumentative practice cannot be defined by strict criteria. Why – because then it necessarily becomes instrumental and is open for mere sophistry. We need, however, a non-instrumental understanding if we want to put our life on the results of argument. We need to determine not only means for given aims, but also reasonable aims and principles – in daily life as well as in science and in philosophy. The Hamburg approach is the first conception of argument which is not instrumental and not simply enacting given standards of “rationality”. The current state of our work is put down in my book about the concept of argument (Wohlrapp, 2008).

The present paper is a very concise sketch of its main ideas. These are the following five: (1) The Pragmatic Concept of “Orientation”, (2) The Dialogical Control of Thetical Constructions, (3) The Subjective Constitution of Issues, (4) The Thetical Validity, and (5) The Principle of Transsubjectivity.

## **2. The Pragmatic Concept of “Orientation”**

2.1. The first idea is concerned about the very nature of what we put forward when we develop an argument. It is common to conceive it as “sentences” or “propositions”. This answer moves on the logical track. One will ask for premises which more or less strictly entail the sentence as a conclusion. Since the pragmatic turn in linguistics, however, argumentation is conceived as a sequence of speech acts. The charm of this answer is due to Austin’s notion of “perlocutionarity” (Austin, 1976). It was meant to denote speech acts with which a speaker achieves something in the mind of the listener. If the target of argumentation is persuasion, then the whole thing should be understandable as a “perlocutionary speech act”. This line of thinking demands us to define speech act conditions for the persuasive effect. This is a tough issue, because generally that effect depends on all kinds of content varieties also. The Amsterdam School has done its best to

work out this idea. It is however, an ironic fact that the reference to speech acts is a superfluous component in their procedure to overcome dissent.

2.2. The answer which I want to propose is neither sentences, nor propositions, nor speech acts, but „orientations“. When we argue about a thesis, when we give reasons, check the validity of reasons, object to the thesis or to a reason, then we are always handling orientations. ‚Orientation‘ is of course a colloquial expression but here it works as a term, taken from Kant’s philosophy (Kant, 1786). It refers to a piece of theory – a concept or a sentence or a group or system of sentences – in a particular function: to clear up the conditions in a praxis field so that good and appropriate acting is possible. The adult person in the course of normal life is sufficiently oriented, which means that one understands enough about the conditions of appropriate acting. Here is an easy example: When I need to go downtown I am oriented by my “theories” about the public traffic system in Hamburg. Thus I would take some Euros and I head for the metro train, which goes there every ten minutes. Please observe, that ‚orientation‘ is a pragmatic concept. It refers to the practical relations of the respective theories. Whenever a theory is taken as an orientation, then a verbal element is related to the non-verbal action context.

2.3. We are here using pragmatism in a sense which is richer and deeper than the mere linguistic pragmatic notion of speech acts. It was surely an important insight into language that speaking can be acting, e.g. in a promise or in a baptism. When this insight, however, was isolated from the Wittgensteinian reflections about “Sprachspiele” (language games), (Wittgenstein, 2009) then something important was dropped. Wittgenstein had seen very clearly that the action qualities of language are always embedded into nonverbal activities. In his considerations the epistemic vicinity to Pragmatism in the full sense of Peirce (and Aristotle, Vico, Kant, Marx, Lorenzen etc.) are still obvious. But in the works of Austin (1976) and Searle (1969) the focus swept away. Still the pragmatic turn in linguistics has brought about a wealth of new insights into the functioning of language. For a realistic conception of argumentation, however, we need more. In order to understand how a thesis can be shown to be valid we have to make use of the relationship to the nonverbal circumstances, articulated

in theories. Here the circle closes: Whenever we feel the need to discuss theories, we do not take them as mere speech acts, expressing opinions. We take them as orientations.

Of course not every theory can equally well serve as an orientation. But in order to define the reliability of a given theory, there is no presupposed philosophical quality like truth or knowledge, which had to be regarded. It is just the other way round: What truth and what knowledge means has to be fixed from the starting point of the orientation function. (The concept of knowledge is not my task here, see Wohlrapp, 2008, chap. 1)

2.4. If our available theories do not sufficiently provide for orientation, we meet an „orientation gap“. There is a quarrel, a problem, a question. E.g. there is no train running tonight – how to go downtown now? This orientation gap is easily filled with alternative theories about possibilities to move in the city of Hamburg (friend’s car, taxi, bicycle, walk). It is, however, obvious, that there are orientation gaps where simply not enough established theory is at hand: How to secure the water supplies on the earth? Is euthanasia morally allowed? Is there (human) life somewhere in the universe? etc. What about these orientation gaps? Here “research” starts. I am using the word ‚research‘ in a very wide sense, not restricted to scientific research. Whenever people need orientation but are lacking theories (and are sufficiently determined), they start research. Research in this sense takes place in everyday life, in the scientific laboratory, in politics, on court and in the general making of the global future of mankind.

2.5. Research is a two sided activity, it is theory building and it is acting. With respect to research I want to distinguish two modes of theory: old theory (or „epistemic“ theory) and new theory (or “thetical” theory – derived from ‚thesis‘). „Old theory“ is the one which had worked as orientation until now. It has now shown some gap or defect but is not completely destroyed. „New theory“ is the one which is now fabricated out of parts of the old theory together with intuition and phantasy. New theory articulates what one believes to be the case or else what seems to be right, correct, promising at the orientation gap. New theory is what we utter, when we rise a thesis. A thesis is meant to bridge an orientation gap, it is meant as a piece of “New Orientation”. Now the question arises, whether it can function as

such. New theory is not simply “tested” in subsequent activities (this is a cliché, which was taken from an oversimplified image of scientific research as it was propagated by the early Popperism); rather it is firstly discussed. There are arguments produced to show the thesis’ suitability for orientation and there may be objections against it which have to be refuted. So this is, what our usual argumentation praxis should be conceived as: Investigating and checking whether a thesis is able to serve as a “New Orientation”.

2.6. To sum up: The layer in which the uses of argument work, is where we conduct research. This means that we construct new theory in order to overcome an orientation gap. We select a valid candidate for New orientation via discussion and argument and then integrate it into our respective practice. This concept of „orientation“ is an outstanding entry to come to grips with what we are dealing with in using arguments. (“Standpoints” or “Opinions” are not specific enough – why should I be eager to be right with my standpoint? “Speech Acts” are too specific – why should I use a specific speech act if I want to communicate my thesis or any argument?)

### **3. The Dialogical Control of Thetical Constructions**

3.1. The second idea is about the argumentative process itself. This process consists in constructing the thesis step by step and controlling every step pragmatically and perspectively. We need a dialogical setting with two roles, proponent and opponent. “Proponent” is the figure who rises the thesis and tries to justify it. “Opponent” is the figure who checks the viability of the steps in the procedure. To justify a thesis means to start with epistemic (old, established) theory and to construct out of this material the thesis. If the thesis has to bridge a real orientation gap, this will not be possible. We will also have to produce new theory, thetical theory. Thetical theory is fabricated by exceeding and enlarging (sometimes also superseding) our old theories with hypothetical elements, so that a somewhat understandable image of the circumstances around the orientation gap is achieved.

Let me quickly demonstrate this with regard to my examples. I would bridge the orientation gap about the missing train tonight by thinking about one of my friends who told me, that he’ll go there by car. This in-

formation is then my „old theory“. But is he is prepared to give me a lift? This is a thetical aspect in my justification of the „thesis“: that I can get by with a little help of my friends. In the euthanasia case a justification for the legalisation, or, at least, one reason for it, would be that social costs for care were cut.<sup>1</sup> Here too we had a thetical aspect, namely that these hypothetical cost cuts would be generally appropriate. So far for the assembly of a justification.

3.2. In a dialogue the following procedure is performed: Proponent rises a thesis. Opponent asks for justification. Proponent then offers a first reason. A reason has usually two elements: A statement-element and an inference-element. If the inference element is formally valid,<sup>2</sup> then it is „old theory“ anyway. If the inference element is not formally valid (because it is e.g. a generalisation or an analogy or an abstractive or methodic step etc.), then this element is thetical and has to be checked with respect to the details of the specific issue. The opponent will ask for those details, he will e.g. cast doubt or even contradict the viability of the inference. If necessary, this has to be reiterated until it becomes obvious whether the inference is valid for the special case or not. (To state it clearly: A semiformal justification figure as e.g. generalisation is part of the thesis viz. the thetical construction – its use implies the claim, that it is appropriate for the present case.)

Suppose the opponent buys the inference element. Then the statement element undergoes the same procedure. If it is old theory it has to be proven appropriate here, if it is new theory it has itself to be supported by old theory. This would then be a second reason to be produced by the proponent, and checked by the opponent.

3.3. Opponent is the name for a role, related to the initial thesis. That role is defined by the general aim to check the construction whose peak is the thesis. The checking procedure is the control of whether the respective step can be done or not. That a step “can be done” is of course not the same as

<sup>1</sup> The cutting of social costs is one of the Pro-Arguments for euthanasia legalisation which is discussed by Trudy Govier (1997, p 393ff).

<sup>2</sup> “Formally valid” means that the form of the inference can be generated in a formal system like deductive logic, arithmetic, probability theory, decision theory etc.

that it is compulsive. I want to remind that a thesis exceeds the established theories and therefore cannot be formally deduced from them. The control procedure checks the thetical construction about whether it contains a gap or a contradiction. Contradictions have of course to be eliminated. Gaps have to be bridged. That a certain step is not formally valid is however not necessarily a „gap“. Only for special kinds of theses a justification has to be compulsive. The most prominent case is the guilt-judgement on the criminal court. Generally a justification for a thesis attempts to show (a) that the thesis can be constructed, (b) that it provides for insight and (c) that no better alternatives are at hand.

Let me again put some spotlights on the examples: If my friend tells me that he has already four passengers in his car, then the thesis with the envisaged justification proves invalid. Furthermore: Suppose the opponent can show that the cutting down of social costs in the case of terminally ill patients is not generally appropriate, e.g. in presenting cases of people being without care in their dying process because of poverty: then there appears a contradiction with our human rights norms and the reason about cutting down social costs is not a valid argument for the legalisation of euthanasia.

3.4. The dialogical control of the thetical construction with respect to gaps and contradictions is a “pragmatical” control in the following sense: We confront the thesis viz. its construction with our established theories. Those theories are established insofar as our practical life viz. our acting in practical fields is understood with them. We act on those fields in taking those theories as orientations.

There is, however a second side to be regarded in the dialogical control. Usually people conceive issues in different ways. These perspectival differences can become crucial insofar as for one opponent a certain step in the construction maybe viable whereas for the other maybe not. If my opponent is e.g. a strict ecologist and well informed about the chaotic reality of city traffic, he will not buy the solution of my orientation gap with going downtown by car. That is no reasonable possibility, haven't you heard about climate change, he will frown. I might feel helpless in front of this perspective where my simple cinema visit downtown is viewed in such a global way. What to do here?

Our concept of argument tackles the fact of perspectival differences in the following way: dialogical control implies not only the pragmatical (objective) side of the justification but also the perspectival (subjective) side. In order to cope with perspectives, we have to enlarge our argumentation theory so that it can deal with subjectivity, but without derailing into relativism.

#### **4. The subjective constitution of issues**

4.1. The word ‘constitution’ in the sense I am using it here, is not the colloquial expression referring to the normative fundament of a state. It is an epistemological term from the “Transcendental Philosophy” of Immanuel Kant’s. Kant had discovered that objects are not simply “given” to the perceiving and recognizing subject, but are organized by forms of appearance and understanding, which belong to the special qualities and faculties of the subject. This insight has been a philosophical highlight 200 years ago. Today it can be understood by every normal minded person. In Germany shops have to be closed by law after 8 p.m. and all day on Sundays. Whether or not a certain ware outlet e.g. in Hamburg’s Central Station has to be closed depends on whether it is a „shop“ or not. And this depends on the concept of a „shop“ which is defined in the respective laws. For a more serious example you can think about the final phase of human life. Whether or not a person is „dead“ depends on the definition of death. A person can be alive according to the heart-definition of death, whereas the same person can be dead according to the brain-definition of death; and yet within the brain definition the difference between the complete brain death and the partial brain death can become crucial for human life or death. This is what is meant by the “conceptual constitution” of objects.

4.2. For a well-founded concept of argument we need a generalisation of that Kantian insight. In the notion of a “perspective” we find already some common starting point for this idea. It is easy to see that a problem or an orientation gap will always be seized under a certain perspective and that this perspective will anticipate a certain texture of the thesis. I have named it the “frame-structure” and I have been pleading that frame theory has to

be integrated into argumentation theory for more than 20 years already (Wohlrapp, 1984, 1996, 1998, 2003). Until now few people have realized the merits of this idea but I do not take science and theory building as a market place and therefore I will go on proposing it – at least, as long as I do not see any serious objections against it. In Anglophone America the expression of ‚frame‘ is meanwhile quite common, but most time it is not conceived in its whole theoretical and epistemological meaning.<sup>3</sup>

4.3. The important point is, that a certain frame structure fixes and restricts the appearance and cognition of a certain issue. Very often a certain frame structure is characteristic for a certain subject as being his/her perspective in perceiving the issue and thinking about it. Let me try to show this in the example material: A person presenting as a pro-argument for euthanasia the advantage, that it would cut social costs views euthanasia in an economic or social-economic perspective. We can say, that in this perspective a certain “aspect”, namely the economical aspect, is stressed in the issue of euthanasia. A person who engages in the issue by promoting this argument may be a person whose orientation system<sup>4</sup> is very much shaped by the economic frame-structure. Of course this is not necessarily so, but very often, when we meet deep disagreements, it is because dialogue partners have different frame structures in their orientation systems.

4.4. This is what I call the “subjective constitution of issues”: What a thing or an object or an event or any issue means for a subject depends on the frame structures in the orientation system. Some of the frame structures are only crucial for how a person would approach an issue spontaneously,

<sup>3</sup> There are a lot of internet entries with respect to „frame“, mainly concerning political or socio-psychological issues. Normally the texts are easy to understand and filled up with impressive examples but theoretically they use to be poor. The founding fathers of frame theory are Irving Goffman (1974) and the Palo-Alto-Psychotherapists around Gregory Bateson (1972) and Paul Watzlawick. In their work the notion was much clearer than in most of the present usages. But even there the link with the philosophical constitution problem could serve for more clarification.

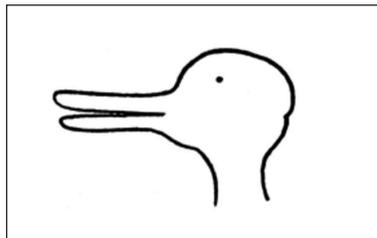
<sup>4</sup> The expression ‚orientation system‘ shall denote the whole complex of orientations with which a person manages to live his/her life. I prefer this expression to the normally used ‚belief system‘, because ‚belief‘ is not clearly related to practical life, whereas ‚orientation‘ is.

but without being bound to that perspective. Yet there are always „primary frames“ which are part of the habit and individuality of a person. They can be brought into theoretical distance only with great difficulty.

As to my examples: I could try to tell my ecologically minded opponent, that the climate change perspective shows only one aspect of my orientation gap and even a minor one. The problem is too big, I cannot handle it in this micro-decision about how to go downtown tonight when there is no train. There are more aspects to be considered, especially my personal budget for this evening. But: Will this touch my opponent and make him drop the objection? And in the euthanasia case: I could tell my proponent, that the reason he gave, works within the economic frame; but that this frame may not dominate our handling of human life and death. And again: Will this move my dialogue partner?

4.5. The term „dialectics“(in Zeno’s and Plato’s “*dialektikè téchne*”) was originally used for the management of the irritations caused by the different possibilities of constituting an issue. It must be clear that the same issue, when put in a different frame, can change completely: What is true in one frame can be false in another. For a simple illustration we can take Wittgenstein’s famous duck-hare-head.

Diagram: Wittgenstein’s duck-hare-head (2009, section XI):



In the duck-frame the finger-like bulges are the beak and in the hare-frame they are the ears. But usually what is a beak cannot be at the same time a pair of ears. The art of dialectics was meant to overcome those irritations

and find out about the truth through those changes. This is the reason, why I call a definition of “dialectics” superficial, if it merely refers to a dialogue game.

4.6. Our term for the appearance of differently framed arguments is „heterogeneity“. If it appears in the argumentative dialogue one gets crooked settings. Typically objections do not fit with the thesis or argument they were meant to contradict. Very often there is no remedy for this kind of heterogeneity in the theoretical bases of the dialogue partners. Then the argument may run into dispute or quarrel, and whether a certain thesis is valid or not, may come out as “undecidable”.

4.7. I have proposed a theoretical tool for heterogeneous settings: The concept of a “frame treating argument” (FTA). This is an argument which (a) brings the respective frame-structures out; and (b) establishes a relationship between divergent frames. I know mainly about three kinds of FTA: frame-criticizing-arguments, frame-ranking-arguments, frame-harmonizing-arguments. Examples: “Frame-criticizing” is done when e.g. we oppose to naming the prosecution of terrorists a “war” on terror. “Frame-ranking” is done when e.g. in a normative evaluation we put the legal frame over the moral frame (or – in cases where the laws are illegitimate – morals over laws). “Frame-harmonizing” is done when conflicting norms about certain practices are reduced in their claimed universality so that different collectives may follow different norms (e.g. culture conflicting wedding ceremonies, funeral practices etc.). As we all know there is no general argumentative strategy to perform a FTA. Yet it is useful to have a term and to investigate systematically about the possibilities.

## **5. Thetical Validity**

5.1. The notion of “Thetical Validity” is the very centre of this concept of argument. It stands for a quality of a new insight and is located between certified truth and mere opinion. We can easily make use of the word ‚truth‘ in everyday contexts. Is it true that he has already four passengers in his car tonight? It is true that a car driver leaves an “ecological footprint”? etc.

Here we can go and check whether circumstances are such as represented in the respective sentences – at least we can do so “in principle”. When we proceed into science or epistemology we meet a lot of crucial problems with the concept of truth – in philosophy there are some 5 different concepts of truth discussed (Künne, 2003).

5.2. Truth is connected to knowledge and with the term ‚knowledge‘ we are in quite the same circumstances. There is a colloquial sense which establishes a rough difference between knowledge and conjecture – and when it comes to the theory of knowledge or to the philosophy of science, these clear distinctions tend to diffuse. Anyway, knowledge is meant to be proven and sure, however difficult it may be, to show that. (In my opinion the best way to develop a concept of knowledge is the serious pragmatical way which means to define some criteria of theoretical readiness or closure for practically approved theories – but this is out of my target here) (Wohlrapp, 2009, Chap. 1).

5.3. As “knowledge” is sure and proven, an argument can only produce knowledge if knowledge is already fed into the premises. The resulting kind of argument is purely formal. The most important use of formal argument is made in criticism, i.e. in pointing to missing premises for a certain claim. This is however not very much and it does not justify the big credit which logic has been receiving for the understanding of argument.

5.4. On the background of this view Toulmin insisted that the typical argument is not formal, but content-enlarging (“substantial”) (Toulmin, 1958, 123ff, 217ff). Is there a general criterion for the cogency of content-enlarging arguments? The common way of thinking here – which was also paved by Toulmin – is to “qualify“ the claim, and regard it as only “probably true” (Toulmin, 1958, 127 ff). The pragmatical meaning of this „probability“, is, however, not clear. What do we do about an information that Peterson is „probably“ not a catholic. Would we give him a business call on a Sunday?

5.5. Many scholars try to heal this with the help of the rhetorical side of argumentation. A “probable” thesis in this sense is one which is “acceptable” for most people being prepared to share the speaker’s opinion. But

with acceptability we run into a dilemma: Either it refers to certain criteria (e.g. Govier's (1997) ARG conditions, Johnson/ Blair's (2006) RSA criteria) then persuasion plays no role for it. Or the "acceptability" refers to an alleged fact: that most people (in certain audiences) will accept the argument. This is, however, a problematic idea. The causal nexus between the argument and its acceptance cannot simply be stated; it would have to be settled empirically<sup>5</sup>.

5.6. Concerning these questions we have found that the validity of the thesis has to be taken as something completely different from truth or shared opinion. It is the suitability to serve as a New Orientation. This quality is displayed in a dialogue in which an opponent-controlled justification is given and possible objections have been cleared out. If this can be achieved, then the thesis is "free from objections". Freedom from objections is a general criterion signifying a specific quality of a thesis, relative to a certain dialogue.

5.7. Now this quality should be universalized. How can we do this? We could demand that this result should be reproducible in front of the "Universal Audience". But this again would not be a very good idea. There are so many different subjects in the universal audience. They pursue different projects and live different lives. Their orientation systems are more or less advanced, some parts may be erratic or bluntly stupid. A lot of very well justified theses would never run through if their realisation would depend on the acceptance of the social mainstream or even all human beings.

5.8. I think a good way is to universalize not dialogues, nor speakers or their alleged acceptance but to universalize arguments. "Freedom from objections" can be achieved in a certain dialogue. It should, however, not be declared simply on the state of the arguments in that single dialogue; rather with regard to "all arguments" relevant for the argumentation. Can we have an overview about the possible arguments around a certain thesis?

<sup>5</sup> Josef Goebbels, Hitler's propaganda minister, was an extremely gifted rhetorician. He easily won acceptance in Germany of the late 30s. Even after the Stalingrad disaster he managed to keep the majority of Germans behind the government's war politics. Does this show, that his claims were "acceptable"?

In the formal games of Dialogue Logic this is possible. But as soon as it comes to material issues there is no overview available. “All arguments” is then synonymous with “all arguments known to us”. But who shall be “we”? Isn’t that again a reference to a non-specific majority? Here our answer is: The set of possible dialogue partners is the set of people who can produce further relevant arguments. Thus a rational model of the “Universal Audience” would be the “Open Forum of Arguments”.

5.9. So far “Freedom from objections” is the criterion. But the criterion is not enough to understand what can motivate the acceptance of a valid thesis. For this task we have conceived an inner side of the New Orientation, called it “Insight”. On taking in a good thesis I may experience a flash of understanding about an issue for which I was blind or ignorant before. Suppose I had spent some time musing about the shore lines of the African and the Latin American continents. When I then hear about the Wagner Thesis of continental drift, I can have this kind of mental flash which the German psychologist Bühler (1929) has called “Aha-experience”. Insight is wonderful. It is the experience of the human spirit; and still it can be erratic and illusionary. This is why we do not simply take a thesis offering an insight as a New Orientation. Rather we put it into a dialogically controlled process, looking for the arguments and considering the objections which are possibly risen.

5.10. To sum up: Thetical validity is the quality of a thesis to function as a New Orientation for practical purposes in a field in which not enough knowledge is available. This quality has an inner side, named „insight“ and it has an outer side which is characterized as “freedom from objections”. Insight is important and motivating, but it is subjective and can therefore not function as a criterion. “Freedom from objection” is meant in a reflective universalizing way with reference to the “Open Forum of Arguments” (OFA).

## **6. The Principle of Transsubjectivity**

6.1. Up to this point the argumentative process is conceived as embedded into research projects of all kinds: from our small everyday projects (like:

Which is the best way downtown tonight? Does Jones own a Ford or not?) up to the very big research projects which mankind enacts these days (like the genetic correction of nature, the exploiting and loitering of the earth, the gap between the rich and the poor) – this process is a self-centred activity: It aims at New Orientation for some (individual or collective) subject.

6.2. This is, however, not the whole story. To adopt a thesis as a New Orientation requires an openness and preparedness for changes which might touch more or less important regions of the orientation system and which, consequently, will provoke changes in praxis and life. As these changes can be risky, we need trust to undertake them. This is the emotional impact of a thesis, justified in a dialogue on the “Open Forum of Arguments” and therefore deemed valid. The valid thesis is not knowledge, i.e. it is not yet practically reaffirmed. The practical proof comes only when it is integrated into new practical steps for which it functions as a New Orientation.

The best illustration here may be a big one – like the departure of Cristóbal Colón, who in 1492 sailed from Spain into the open ocean, trusting in God’s help of course, but trusting particularly in his own thesis that he could reach India after 4 ½ thousand kilometres. He had a good justification for this thesis. It was shown thetically valid in the sense that the best existing geographical knowledge was used for its construction and that no objection, using only that knowledge, could refute it. When it got applied in practice, Colón (and all his followers) had to invest trust in the validity of the thesis. This means that they were prepared to put their life on nothing but an argument.

6.3. Trust in this sense is not only an arbitrary emotional layer of the argumentative practice. It is the readiness to put one’s subjective identity upon the mental force of human insight. Argumentation taken as the development of reasonable New Orientations is a process in which not only sentences and thoughts are invested, but the personal subjectivity is at stake and can be overcome. This is no longer a quality of the thesis, but an attitude in the relationship between the thesis and the arguer who has deemed the thesis valid.

The principle guiding this attitude was called the “Principle of Trans-

subjectivity” by my teacher Paul Lorenzen.<sup>6</sup> Obviously we cannot have any strict evidence about whether or not a dialogue-partner follows that principle. Argumentation, however, which is not practiced in the mood of transsubjectivity, tends to be no more than sophistry which might be exploited for manipulation.

## 7. Conclusion

A basic philosophical concept has to define the aims and the ways of argumentation. It must distinguish a valid thesis from a piece of knowledge on the one hand and a mere opinion on the other. Therefore it must contain a notion of “validity” which applies to all kinds of theses about relevant issues; theses in daily life, in science, in philosophy and particularly in argumentation theory. The twofold concept of validity, embracing insight at its “inside” and freedom from objections at its “outside” is itself a thesis within the philosophy of argument. How can it be justified? This is a somehow sophisticated move: By self-application. If you would utter doubts against it, we would enter into a dialogue in which I would appeal to your self-awareness. You could realise, that you lack insight. Possibly you simply do not yet understand it. In this case I had to explain it in more detail. Maybe you finally understand it – maybe not. In the latter case I would say: Wait that it settles down in your orientation system and then we talk again.

Another possibility would be that you utter an objection. Here I would care to clear that out. In case that your objection frames the concept of argument in a completely different way – e.g. as rational persuasion – that would surely require quite some additional effort. But up to date I am confident that I can achieve a clearing. If so, I would have shown that my thesis is valid; of course valid - relatively to the state of arguments displayed by our dialogue. But this is all that can be done – and all that is necessary.

<sup>6</sup> Paul Lorenzen (1915-1994) was the founder of Operative Mathematics and Dialogue Logic. Far less known is, that during the last 30 years of his life, Lorenzen undertook some very sophisticated efforts to construct an anthropological basis for ethics and political philosophy. Here the “Principle of Transsubjectivity” is located, cf. Lorenzen (1969, p. 82).

What would this mean? It would mean that we would have performed along the lines of the presented concept. The concept would prove to be self-referential. If we start to seriously discuss it we cannot avoid following its guidelines. This is the reason why we should accept it.

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