Bart Garssen, David Godden, Gordon R. Mitchell, Jean H.M. Wagemans (Eds.)

Proceedings of the Ninth Conference of the International Society for the Study of Argumentation

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Preface

The *Ninth Conference of the International Society for the Study of Argumentation* (ISSA), held in Amsterdam from 3 to 6 July 2018, drew again a substantial amount of submissions for presentations. The 2018 ISSA Conference was, like previous ones, an international meeting place for argumentation scholars from a great variety of academic backgrounds and traditions, representing a wide range of academic disciplines and approaches: (speech) communication, logic (formal and informal), rhetoric (classical and modern), philosophy, linguistics, (critical) discourse analysis, pragmatics, law, political science, psychology, education, religious studies, media studies and artificial intelligence. In the opinion of the editors, the Proceedings of the Ninth ISSA Conference reflect the current richness of the discipline.

For the reader's convenience, in the Proceedings the regular papers are arranged in the alphabetical order of the authors' surnames, preceded by the three keynote speeches. The four ISSA conference directors, Bart Garssen, David Godden, Gordon Mitchell and Jean Wagemans, served as editors of the Proceedings. In addition, we received invaluable assistance in preparing the Proceedings from our assistant Martijn Demollin. We thank him very much for his help in getting the manuscripts ready for publication. For their financial support of the conference, the editors would like to express their gratitude to Springer Academic Publishers, John Benjamins Publishers, and the Sciential International Centre for Scholarship in Argumentation Theory (Sic Sat).

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Interpreting argumentation: The insider and outsider points of view

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ABSTRACT: As any complex speech production, argumentative discourse needs not only to be decoded, but to be interpreted. The way this interpretation process takes place depends on the discursive role the interpreter takes on as an insider (whether he or she is engaged in the attack or the defence of a viewpoint) or an outsider (typically, the academic analyst's perspective). The insiders' interpretation of an argumentative utterance is determined by their orientation towards the issue at stake. Based on a 2015 speech of Nicolas Sarkozy on 'neutral' packaging for cigarettes, I will make clear the clues on which my interpretation is based; I will examine the way this declaration is interpreted in the comments that were posted on the Web. I will show that these interpretations are commanded by rhetorical concerns.

KEYWORDS: argumentation, argument analysis, argument interpretation, argument from comparison, slippery slope argument, Sarkozy

1. INTRODUCTION

My main concern here will be with interpreting argumentation. More specifically, I will parallel the interpretation of argumentation from the insiders' point of view – that is, that of the participants engaged in an argumentative discussion – with the interpretation from an outsider's point of view (in this case, from my point of view, as an academic analyst of argumentation). I will show what is common to both interpretative viewpoints, and what is specific to one or the other. My reflection will be based on a declaration made by Nicolas Sarkozy in 2006 on the plain packaging of cigarettes.

I will begin by saying a few words about my approach to argumentation. It is possible – and even plausible – that the theoretical and methodological background I rely on may sound at best, puzzling and somewhat exotic to you, and even trivial or pointless. Let me make it clear how big the problem is. In the introduction to the brilliant "bingo" talk he gave in 2014, Frans van Eemeren said, I quote:

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

I will resort to Charles Willards as a warrant and focus on dissensus rather than on consensus. For it seems that in my case, unanimity collapses a little bit earlier than predicted by Frans van Eemeren, since I do not consider argumentation as a communicative activity devoted, by definition, to persuading or convincing an addressee; nor do I consider that "the study of argumentation has a descriptive as well as a normative dimension" – and more specifically, it's the normative part of the claim that I do not agree with.

First, the persuasion issue. Defining argumentation as a persuasive endeavour prevents us from saying anything about the many situations in which, although there is little doubt that people do argue, one can hardly assume that they seek to persuade (or convince) anybody. I do not claim that argumentation is never oriented towards persuasion; I just say that in many situations that cannot be considered anecdotal, it is not. This is the case for instance when there is such a deep disagreement between the interlocutors that no agreement, even local, can be reached; nevertheless, it happens that, in such situations, even though the participants are aware of the fact that they will never succeed in convincing the addressee, they argue all the same. It is also the case when the interlocutors already agree on the issue at stake ("Emmanuel Macron's talk was such a mess yesterday, don't you think?" "Oh yes, I do!"). Nevertheless, even though participants are aware of the fact that they don't need to convince the addressee, they argue all the same ("the way he handles the migrant crisis is cynical", "he takes always more from workers to give to employers", …). Not to mention the situations in which the arguers do not support any pre-existing conclusion, and try to work their way to a satisfying common position on the claim under discussion: what would it mean to say that the arguers try to persuade one another, when they simply try to make their mind up collaboratively on a disputable issue?

The second point on which I depart from the alleged consensus within argumentation studies is their normative dimension. Let me be clear, to prevent any misunderstanding. Of course, argumentation, as a discursive, communicative activity, has a normative dimension. When engaged in a dispute, people phrase their argument to make it fit (at least to some extent) with what they consider is the standard operating in this given situation. They also assess their opponent's argument according to standards that are often left implicit, but that can be made explicit when their assessment is challenged. So, argumentation as a communicative activity has a normative dimension.

Now, does it follow that the study of argumentation, seen as an academic paradigm, has to combine a descriptive dimension with a normative dimension? Here, my answer is: not necessarily. This does not in any way mean that I consider that normative approaches to argumentation are pointless: they have an unquestionable social, political, philosophical and pedagogical interest. It only means that one can legitimately decide not to endorse such a normative perspective, and stick to an empirical, descriptive approach to argumentation.

My position is very much determined by the disciplinary area in which I was trained as a student: originally I was trained as a linguist. Linguistics is the study of language. It aims at describing language from various perspectives (language form, language meaning, language in context). It aims at accounting for the way people talk, not at prescribing how they should talk. The results of linguistic research may be helpful for the people concerned, by improving linguistic practices; nevertheless, linguistics cannot be considered as a mere ancillary discipline subordinated to higher level concerns with improving verbal practices.

Similarly, an approach to argumentation aiming at accounting for the way people construct their discourse so that it resists contention better in a situation of actual or virtual disagreement, an approach to argumentation aiming at showing how the linguistic choices they make contribute to this enterprise, aiming at scrutinizing the interactional strategies people resort to in such situations in order to gain allies or to organize the confrontation with opponents, such an approach is legitimate *per se*. It may be useful for people having normative concerns about how to argue reasonably, but it is not its *raison d'être*.

1. INTERPRETING ARGUMENTATION

My talk, today, will be more specifically concerned with the question of the interpretation of argumentation. I suggest that we take Christian Plantin as the point of departure of our reflection

and precisely, the entry "Interpretation, exegesis, hermeneutics" of his *Dictionary of argumentation*. "Hermeneutics, exegesis and interpretation", Plantin (2018) writes, "are the arts involved in the understanding of complex texts".

There is little doubt that argumentative discourses are in many respects complex textual data. Their meaning cannot be fully accounted for by simply understanding the words, or even the sentences they are made of. The full significance of an argumentative text results from its global arrangement. When trying to grasp this global arrangement, the analyst has to take many elements into account: the meaning of the words, their syntagmatic organization within sentences, the way the text articulates and hierarchizes various viewpoints through its enunciative layering, a knowledge of the interdiscourse, and of some elements of the context in which the argument takes place.

Interpreting an argumentative discourse also – and perhaps first and foremost – requires grasping the speaker's intention. In an argumentative perspective, the speaker's intention amounts to the conclusion he or she tries to support: « the conclusion is the assertion according to which the discourse is organized; towards which it converges; in which its orientation materializes; the intention which gives the discourse its meaning, and the ultimate core of the text obtained by condensing it" (Plantin 2018). Interpreting an argumentative text amounts to identifying its conclusion, and showing how the various elements of the text contribute, directly or indirectly, to make it more resistant to contention (Doury 2003 : 13). In many cases such a process is not automatic, and requires the interpreter to have a reflexive competence (Macagno & Capone, 2016: 404 ; Grossmann 1999: 153).

Interpreting argumentative data is not exerting a wild hermeneutic. It is constrained by some standards the respect of which warrants its legitimacy. Such standards have to be agreed on within the interpretative community concerned (Plantin 2018 : 326). Let me list the most general of these standards:

- An argumentative text communicates more than the statements that compose it.
- Interpreting an argumentative text amounts to identifying its argumentative orientation, that is the conclusion it supports, and to showing how the propositions in the text contribute to supporting this conclusion.
- The interpretation has to « maximize the argumentativeness of the text »: any sequence that can be understood as argumentative has to be treated as such, writes Plantin (2010); this amounts to considering that the coherence principle that prevails is argumentative.
- The interpretation of an argumentative text must obey, in Trudy Govier's words, a principle of « modest charity», according to which « When other indicators (context, logical pattern, professed intention, indicator words) count equally in favor of several distinct interpretations, we adopt that one which generates the most plausible argument" (Govier 1987 : 148; see also Lumer, 2003)..
- An interpretation should not be content to reiterate otherwise what the data say themselves, but must always bring something more. In this sense, an interpretation is always an overinterpretation. The important thing is to manage to keep this overinterpretation under control, says sociologist Bernard Lahire (2013).
- And to make sure that it is kept at bay, an interpretation has to rely on various clues, which are heterogeneous in nature, but which can be made explicit. Such clues make some interpretations more plausible than others, but no interpretation can be considered as exclusive.

Let us turn now to the case study that will help us identify the common points and the specificities of the insiders' interpretation of an argumentative speech and my own reconstruction of it.

The starting point of this case study is a speech delivered by Nicolas Sarkozy in February, 2016. Nicolas Sarkozy was then President of the rightist Les Républicains Party. A few months later, he declared himself a candidate for the 2017 presidential primaries. The sequence I will focus on took place during a meeting of his party devoted to agriculture and rurality, at the 25th minute of a 44 minute speech. Sarkozy has just advocated a strong European agricultural policy. He then abruptly turns to another issue. In January 2016, a law was voted making plain tobacco packaging mandatory in France (cigarette packets must all have the same size, the same shape, and no logo).

I will first let you listen to the sequence. I will then propose my interpretation of it. I will make the way I proceed as explicit as possible in order to make sense of this speech event, and the clues on which I base my analysis of it, notably in terms of argument scheme. I will then turn to the many comments that could be heard in the days that followed in the mass media (radio and television) and that could be read on the Internet, and I will examine the interpretations of the sequence that these comments display.

> A word on this plain packaging thing. Because, I've heard nonsense in my life, I have seen demagoguery, but this, this plain packaging thing, my dear friends, it's completely related to what we are discussing today... Because, if we accept plain cigarette packets, in six months, you will be offered plain wine bottles. And that will be the end of our controlled designations of origin. And that will be the end of our terroirs. And that will be the end of the protection of our know-how. Why am I telling you this? Just think for a minute. If you accept it today, this plain cigarette packet, tomorrow, some fundamentalists will demand plain wine bottles. And then we'll also have plain cheese. We already had "the normal president"[1]…
> This is a much more important fight than we imagine. It's the fight for our designations of origin. It's the fight for our know-how. It's the fight for our identity. It's the fight for our history. It's the fight for our terroirs. And if we give in on this, we'll give in on everything.

2. THE ACADEMIC ANALYST'S INTERPRETATION OF THE SEQUENCE

So, let's turn to the academic analyst's interpretation of the sequence – the "academic analyst's interpretation" standing for my interpretation.

Contextual elements

If one wants to fully understand this sequence, one has to take some elements of the context into consideration.

First, in such meetings, participants have to make many points regarding different issues. Nevertheless, they have to display a form of coherence in their speech. In the present case, *a priori*, there is a wide thematic gap, between the theme of the day (agriculture and rurality) and the plain packet measure. Sarkozy's argumentation permits him to bridge the two topics, via the evocation of the defence of the products from 'terroirs', in other words products from French regions.

But why is Sarkozy eager to bring in this plain packet topic, whereas its connection with the meeting is not clear? In this regard, the primaries to come (and, beyond, the presidential elections) are a significant contextual element when analysing the speech of a potential candidate canvassing for votes.

Advocating the cause of wine, cheese and 'terroirs' flatters the participants in the meeting and more broadly, thanks to the media dissemination of Sarkozy's speech, the corresponding part of the electorate.

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[1] This is an allusion to François Hollande, who was at that time the French President. During the previous presidential campaign, in 2012, Holland claimed he would be a "normal President" as a reason to vote for him, in contrast to Nicolas Sarkozy, who was accused of being excessively "bling bling" (that is, showy, ostentatious).

Beyond the rural electorate, the allusion to a possible endangerment of "our history" and of "our identity" can be read as a discreet appeal to the right (or even extreme right) fringe of the electorate of Republicans. In February 2016, French public opinion was still very much marked by the terrorist attacks that had struck Paris in January and November 2015. The use of the term "intégriste" [*fundamentalist*] in French echoes the characterization massively applied to the Islamist terrorists responsible for the 2015 massacres; hence using this adjective can be considered as a strategy playing on the audience's fears, and targeting more specifically the extreme-right part of the electorate (which was rightly accused of stigmatizing the whole Muslim community). The mention of the risk of corrupting French identity targets the same part of the electorate.

In addition, since the manufacturers and sellers of cigarettes are opposed to plain packaging, the virulent position of Sarkozy against this measure is likely to gain their support.

When I underline the electoral interest that Sarkozy may have in asserting what he says, I do not mean that his position is not to be taken seriously: a speech may serve the speaker's interest while being sincere and intelligent (it may also be the case that the qualities of the speech are limited to its strategic interest).

Finally, in application of the principle according to which there is no better way to muster the troops than to direct their attention towards a common enemy, Sarkozy takes a sideswipe at François Hollande ("we already had the 'normal' president"). He also attacks the socialist Minister of health, Marisol Touraine, when he describes the measure she supported as a manifestation of "demagoguery" or as "nonsense".

In brief, even before paying attention to its argumentative structure, when considering various contextual elements, one can see Nicolas Sarkozy's speech as an attempt to found a community of interests and values between the future candidate in the primaries and three electoral "targets" (the rural world, the tobacco lobby, the extreme-right fringe of the electorate) on the back of a common opponent (the socialists in power).

A slippery slope argument

Now, when I try to characterize Nicolas Sarkozy's speech in terms of the argument scheme he uses, I would describe it as a case of slippery slope argument, or an argument of direction according to Perelman's terms. I propose that we define the slippery slope argument as an argument of which the conclusion is the rejection of a course of action. The reason why this conclusion should be rejected is not that the course of action is unacceptable in itself, but because its acceptance would constitute the first step towards other measures or decisions which, contrary to the course of action at stake, are unacceptable. Such an argument implies that one admits the existence of a chain of events some kind of gearing starting from the first decision and resulting in later highly challengeable subsequent decisions through an inescapable process. The reason why the first decision should modify the way the later decisions are considered is often an *a pari* reasoning: if we apply measure M to all X, then we cannot refuse to apply it to all Y, since X and Y belong to the same category.

Various clues are in favour of the interpretation of Sarkozy's speech as an argument of direction.
-       In this excerpt, Nicolas Sarkozy does not criticize the measure of plain packets in itself. He rather rejects it on the basis of the unacceptability, which he takes for granted, of other measures the adoption of which this first step would lead to ("plain" bottle of wine, then plain cheese packaging).
-       The progression, from the adoption of the first potentially innocuous measure, to subsequent unacceptable measures, is presented as inescapable,

- by the use of a conditional construction ("if we accept the plain packet of cigarettes, in six months, you will be offered the plain bottle of wine "),
- by the specification of the period at the end of which the new measures will be put in place ("in six months", and later on, "tomorrow")
- by the use of the future indicative ("you will be offered", "that will be the end", "you will (also) have") which depicts the future as certain,

- Finally, the process evoked is a slippery slope that includes several stages (from cigarettes to bottles of wine, then cheese, and finally French identity and French history).

So long for my interpretation of this excerpt from Nicolas Sarkozy's speech: I propose to see it as an attempt to win over various electoral "targets" on the back of a common opponent; the backbone of this attempt is an argument of direction, which starts from the acceptance of plain packets for cigarettes and ends with the loss of "everything".

3. THE COMMENTATORS' INTERPRETATIONS OF THE SEQUENCE

Let us now have a look at the way this sequence is interpreted – or at least, at the interpretations that are displayed – by the part of the audience which reacted in the mass media or on the internet right after Sarkozy's speech.

The reactions to an argument give the analyst access to the interpretation which was selected by the person who reacts to it, and which determines the way he or she assesses it. It reveals the elements of the context on which he or she draws in order to attribute intentions to Sarkozy. It also reveals the argument scheme he or she considers Sarkozy used in his speech.

Indeed many authors in argument studies have shown that the notion of argument scheme, which is an important analytical category for experts in argumentation, also makes sense for ordinary speakers (Garssen 2002, Doury 2004). The latter connect the specific argumentative sequence addressed to them to a more general argumentative pattern, which they are usually unable to name precisely, but which conditions the way they discuss it.

Such a categorizing process can easily be grasped when commentators use "meta-argumentative" terms in order to label the moves used by the arguer they react to. Of course, you must not expect to find claims like "Sarkozy used a slippery slope argument", "a *tu quoque ad hominem* attack" or "an *argumentum ad ignorantiam*". However, comments such as "this comparison is quite illuminating", "this generalization is highly disputable", testify to the relevance of the notion of argument schemes for ordinary speakers.

This categorizing process may also be observed through the way commentators criticize or refute an argument, or support it by anticipating objections that might plausibly be addressed to it. We know that the critical questions to which an argument may be subjected vary according to the argument scheme it belongs to. This is true for the academic analyst of argumentation who attempts to assess the acceptability of an argumentative move. The same goes for ordinary speakers: consequently, the propositions that they put forward in support of or in opposition to an argument are clues to the way they have interpreted this argument in terms of argument schemes (or to be more cautious, clues to the interpretation they choose to display) (Anthony & Kim 2015 : 94, Garssen 2002).

First, let's turn to the context as a basis for reconstructing the arguer's intention. In the analysis I have proposed of Sarkozy's speech, I connected some elements from the context with some discursive choices in order to access their meaning, beyond their literal signification. More often than not, the contextual elements I drew on are also mentioned by the commentators as information likely to help one to better understand Sarkozy's talk. Such a convergence is not surprising as, following Kerbrat-Orecchioni (1980), the mechanisms which underlie the interpretation of the "learned" analyst as well as that of the "ordinary commentators" "generally

incorporate a hypothesis, implicitly formulated by the receiver, concerning the semantic-pragmatic project of the speaker", in other words, his " signifying intention" (p. 181, my translation). This hypothesis resorts to three kinds of considerations: what is known of the speaker, the speech itself, and the circumstances in which it is produced.

In the present case, Sarkozy's willingness to go "fishing for votes" is frequently pointed out as a central element for a proper interpretation of his words, as evidenced by the examples that follow:

> « he tries to improve his situation in the eyes of voters » / « He is against plain packs; the only reason: to twist discontented people around his finger; « SARKOZY goes fishing for votes » / « Sarkozy is acting like Sarkozy, he bustles about like Zébulon looking for his lost electorate » / « He'll say or do anything to get the French to vote for him in 2017» / « he'll do anything to rope in votes! »

The same line of interpretation can be found listening to professional commentators, for example the journalists Claire Fournier and Christophe Barbier on ITélé:

> Claire Fournier: There is politics, behind all that, anyway
> Christophe Barbier: for sure, it is gutter electoralism

In all these cases, the mention of Sarkozy's electoralism serves a strategy aiming at rejecting his position on the plain package measure by disqualifying the intentions that motivated him. Similarly, many comments suggest that Nicolas Sarkozy is deliberately serving the interests of the tobacco lobby, which he expects in return will fund his campaign. In so doing, these comments display a circumstantial *ad hominem* rebuttal, that is, they reject a position on the grounds that it is biased by the pursuit of private interests.

Even if the "scholarly" analysis and the analysis evidenced by the comments converge in connecting Nicolas Sarkozy's stance on plain packets with electoral issues, what is characteristic of participants' comments is that this connection is subordinate to a refutative aim. The scholarly analyst, in principle at least, does not take a stand in the debate, and does not side with one point of view rather than another.

Let us examine further the reactions to Nicolas Sarkozy's talk, beyond the interpretation of it in the light of the intentions attributed to him. The comments display two main lines of interpretation: some present Sarkozy's reasoning as an argument of direction, while others present it as an argument by comparison.

How can I access the way commentators interpreted Sarkozy's speech in terms of argument schemes? Let us first examine the meta-argumentative terms they use, and the way they rephrase Sarkozy's line of reasoning. Meta-argumentative terms frequently appear in association with the comparison interpretation, but never with the slippery slope interpretation. It is not really surprising, since the vocabulary of comparison (that is, words such as *compare, liken, like, similar, analogue…*) pertains to people's general linguistic competence, whereas it is not the case for "argument of direction" or "slippery slope argument". So we encounter terms like "*comparer*", "*incomparable*", "*assimiler*", "*faire un parallèle*", which clearly orient toward an interpretation in terms of argument by comparison.

> Comparing a product that kills one consumer out of two (tobacco) to a product that kills only in the case of excessive consumption (wine) or that does not kill at all (cheese)
> Nicolas Sarkozy equates [« assimile »] cigarettes and agricultural products such as French wines
> How can one draw a parallel between cigarettes and products of the 'terroir'?

As far as the interpretation in terms of slippery slope is concerned, whereas the scheme is never designated as such, commentators resort to the vocabulary of causality (*to cause, to affect, lead*

to), and to expressions pointing to a step-by-step, progressive process (*more and more, less and less*).

> **you start with** that and you never know **where they will stop**
> **Tomorrow** he will ban the sale of lighters and matches and **the day after** that ashtrays, and **after comes the weekend,** phew, 2 days out for us
> The packet causes something else to happen and as far as islamists are concerned France eats humble pie **more and more**.

Beyond meta-argumentative designations or indications given by the way the reasoning is rephrased, the way Sarkozy's reasoning is criticized also reveals the way it was interpreted in terms of argument scheme.

Sometimes the criticism is phrased in such a way that it may address both interpretations. Claims like "X has nothing to do with Y", or "I can't see the connection between X and Y" may challenge a similarity as well as a causal relationship between X and Y.

However, criticism is frequently more specific, and points to a specific interpretation in terms of argument scheme; the angle of criticism is then particular to the scheme that is being questioned.

As far as the comparison interpretation is concerned, many comments judge Sarkozy's argument severely on the grounds that "he compares what cannot be compared", for instance:

> Drinking milk or eating cheese is in no way comparable with smoking.

The alleged reasons why the comparison is not acceptable are the following:
- One term of the comparison is French, the other comes from abroad; one is "artisanal", the other is industrial;
- One term of the comparison is clearly health-endangering and potentially lethal, the other is risky only if consumed without moderation;
- One term of the comparison is rooted in a long-lasting tradition, whereas the other is not;
- Such criticisms end in an evaluative distinguo between "noble" products we can be proud of, and trivial, vulgar items, with which the first cannot be compared without committing a crime of lèse-majesté.

A way of denouncing the absence of any central property shared by the terms of the comparison is to claim that they don't belong to any subsuming category, since cigarettes are not "produits du terroir" whereas wine and cheese are:

> Since when did cigarettes become a regional product?

> So, Marlboro, Camel… are the fruit of French regions? N Sarkozy really takes voters for morons!

Such criticisms sometimes give rise to reactions which support the acceptability of the comparison by putting forward common properties between the items compared. Take this pair of messages:

> Message 1: How can he compare tobacco to a Burgundy wine, it cannot be compared, and he wants to be a candidate for the presidential elections, lol!
> Message 2: Both cause cancer, the sale of both is regulated by the state, both are the target of lobbying.

Such a criticism, as well as the reaction to it, confirms that Sarkozy's argument has been interpreted in comparative terms.

Now, as far as the interpretation in terms of argument of direction is concerned, the criticism challenges the mechanism purportedly leading, from the adoption of the measure for cigarettes, to the adoption of the measure for wine and cheese:

> Why should a measure on cigarettes affect the produce of our regions?

When looking deeper into the criticisms, it appears that interpretations in terms of comparison give rise to the most severe assessments of Sarkozy's line of argument:

> So, comparing cabbages with turnips is worth an F.
> What nonsense!… Drinking milk or eating cheese can in no way be compared to smoking

By contrast, when interpreted in terms of slippery slope, Sarkozy's argumentation seems to be considered worth discussion:

> The correlation with plain bottles of wine is interesting because it is logical, alcohol causes serious diseases, tobacco only aggravates them, for sure, there is a certain logic in what Mister Sarkozy said.

> As far as cheese is concerned, I can't really see the dangers attached to its consumption!!! By contrast, for wines and spirits, it would definitely be logical to demand plain labels displaying filthy pictures of a liver suffering from cirrhosis, rosacea and rhinophyma!!!

Interpretations of Nicolas Sarkozy's reasoning as an argument of direction thus indicate that the commentator takes a more charitable stance towards it.

To sum up, the most critical assessments of Sarkozy's speech are those where the displayed interpretation is expressed in terms of comparative argument, whereas when it is understood as an argument of direction commentators take a much more benevolent stance. Consequently, I would have expected that the first line of interpretation (argument from comparison) would be characteristic of commentators opposed to Sarkozy or favorable to the plain packet measure; similarly I would have expected the second line of interpretation to be supported by commentators more sympathetic towards Sarkozy, and radically opposed to the plain packet measure.

And it is the case that sometimes, identifying a line of reasoning as a specific argument scheme forms the preamble to a refutative move. In such cases, the comments that follow an argumentation should not be considered as testifying to the way this argumentation was really understood, but as the interpretation that the commentator chose to display, and this choice may be fully strategic. When interpreted as a comparative argument, Sarkozy's speech is easier to refute; so it may be interesting, for an opponent, to display this interpretation in order to point to its pitfalls and to reject it more easily.

Nevertheless, examining the data further shows that the interpretations that are displayed in the comments posted as reactions to Sarkozy's speech do not always obey this strategic requirement, as shown in the following example, which disconnects a negative opinion on Sarkozy from a rather positive assessment of his line of reasoning:

> Though I can't stand this character, we cannot consider him completely wrong. Alcohol kills about 50 000 people a year in France. So why could not we think that some useless and costly associations could propose plain bottles of alcohol … We live more and more in a world where liberty is in danger.

Here, although the commentator has no liking for Sarkozy, he acknowledges that the chain mechanism he anticipates is plausible, and also shares with Sarkozy the negative assessment of its predictable outcome (endangering liberty).

The reverse is equally possible: a previous positive attitude towards Sarkozy can coexist with a negative assessment of his reasoning:

> I am right-wing but in this case, I can't see the connection between cigarettes and 'terroir'!

The focus on the critical examination of the 'slippery slope' mechanism at the core of Sarkozy's reasoning, regardless of what one thinks of Sarkozy – and even regardless of the conclusion he intends to support – sometimes results in a counterproductive support, through which the commentator acknowledges the rationality of the step-by-step forecast on which the argument of direction relies, but concludes from it to a claim contrary to the one targeted by Sarkozy:

> 'Terroir' or not, on the roads, there is a huge difference between someone who smokes and someone who drinks wine or spirits: the smoker doesn't kill people, while the drunken driver does. So one cannot bore us all year long talking about the dangers, risks and often lethal accidents due to alcohol, while not applying to the bottles that contain it the same packaging sanction as the one applied to cigarette packs – except that on the label of the divine bottle one will see dead or handicapped people, or extracts from convictions.

The commentator acknowledges that the logical application of the rule of justice should lead, along with an *a pari*, and even an *a fortiori* principle, from the plain packet for cigarettes, to the plain bottle of wine. But, whereas the identification of this logical link serves as a reason for Sarkozy not to accept the first measure (plain packaging for cigarettes), for the commentator it serves as a reason, beyond plain packets for cigarettes, to impose plain bottles for wine.

4. CONCLUSION

In conclusion, I would like to recap some of the results I obtained through the analyses I have presented to you, based on Sarkozy's speech on plain packets and on the commentaries that followed.

The interpretative work done by the scholarly analyst, on the one hand, and by the "ordinary" participants, on the other hand, relies on clues that are very similar, and results in diagnoses that may be more or less convergent. The main difference however is that the ordinary participant is, well, a participant: he is engaged in the exchanges, he is sensitive to the issues at stake, to accomplish his own objectives he has to negotiate with his partner in the interaction, who pursues other objectives that may be incompatible with his. And when he shows, through his approval or his criticism, how he interpreted his opponent's argumentation, it may sometimes not be just for the sake of it: since some interpretations in terms of argument scheme result in an increased or decreased vulnerability of the initial argumentation, they have to be understood as strategic moves.

But this is not always the case: as we also observed, many commentators do disconnect their own position on the question at stake from the way they criticize it. They interpret and assess the argument under discussion per se, from a somewhat detached position that is reminiscent of the scholarly analyst's position.

My intention is not to claim that we, as analysts, should quit our jobs since so many people do it, sometimes in a witty way, and for free. It is rather that the cognitive process through which participants in an argumentative discussion interpret their partner's argument, the choice they make of displaying, in their own reaction to it, such or such an interpretation, of expressing approval or disagreement on the basis of the assessment they attached to this interpretation, are very complex, valuable and exciting objects for us, as scholars in argumentation studies.

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On the necessity of community argument, along with inherent and emerging obstacles to it

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ABSTRACT: The most productive arguing typically involves differences in views, and these are to be experienced in contact with communities other than the arguer's. These communities can be social groups or, metaphorically, discrete sections of long term memory. Evolution has ensured that people are inclined to agree with their own social communities and disparage out-group views. It has also designed human memory to have isolated chunks of information that do not normally touch. These inheritances are inherent obstacles to community argument. Emerging ones come from recent work by social scientists, who are designing persuasion techniques that are intended to short-circuit critical thinking. These research projects include distraction, nudging, narratives, visual messages, and others. The ISSA community should begin work on a pedagogy to address these matters.

KEYWORDS: community argument, critical thinking, evolution, interpersonal argument, memory

1. INTRODUCTION

Although arguing can take place without controversy, its great merits occur when it is used to regulate or explore disagreement. Disagreement is normally initiated by contact with the outside – that is, with something external to one's immediate opinions and memories. So a comfortable sequence of thoughts is suddenly interrupted by an inconvenient recollection, or a familiar set of arguments receives an unexpected objection from a new friend. I use the term "community" to describe the sources of both the alien thoughts and the novel interpersonal objection. Disagreement and controversy are always new in this sense, and come from friction within one's interior or social community. Community argument is at once the comfortable give and take one has with well-intentioned intimates, and perhaps more importantly, a social practice in which outsiders are being invited to join and reinforce one's community. At its best, arguing both declares and implements community.

Humans have evolved to participate in homogenous social communities, and the strictures of cognitive efficiency have also generated evolutionary pressures for us to search only local memory to generate our views and decisions. These barriers against community argument (involving disagreement and controversy) are inherent. They can be interrupted, but only by dramatic interventions such as programmatic education systems.

Other obstacles to community argument are more recent. These are emerging in social science research that is designed to prevent critical thinking about potentially controversial topics. In the last half century researchers have been developing persuasion technologies that intentionally induce people not to think hard about persuasive messages. These technologies include distraction, narrative argument, visual argument, heuristics, nudging, and immersive virtual reality.

The ISSA community is uniquely qualified to invent critical thinking principles that can be applied to all these persuasive technologies, not just to the linear verbal forms that have been our preoccupation. I call on the ISSA community to work on a generalized

argumentation pedagogy that can be simply taught, and that can therefore become a reflexive part of people's self-defense systems against exploitive or otherwise bad arguments. We need to be able to teach people how to push any argument up against a community that might be justifiably discrepant.

In this paper, I will first review the well-understood case for having community arguments. Then I will explore both the inherent and emerging obstacles to it. I will conclude by suggesting how our own community should try to address the problems I describe.

2. THE NECESSITY OF COMMUNITY ARGUMENT

I am using "community" partly as a metaphor here. By this term, I mean to indicate that various people (or thoughts, but we will get to that) live jointly and communicate freely with one another, so that when they exchange reasons they experience a community argument, aimed at community agreement. The fact that all these people are part of the same community is not a small thing, and we will soon see how important it is. In the modern age, literal communities are shared by heterogenous people. These different people have different backgrounds and life histories, and so they often diverge in terms of their beliefs, values, and judgments. When they talk or exchange reasoning with one another, they speak from different stances and reflect different views.

These differences are the source of much of arguing's value. We can review an argument that draws on nothing new. This happens to some of us when we read an article that we wrote 20 years ago. This sort of argument review is no longer inventive and might remind us of something, but it does not really move us to any new conclusions. However when we talk with a person noticeably different from ourselves – a person strange in his value judgments, odd in her life experiences, peculiar in his attitudes, mysterious in her allusions, and surprising in his reasons – that is when we are challenged. We may turn stubbornly away from the challenge, and in that case we will gain little. But alternatively we may engage our neighbor in her suddenly apparent differences, and it is then that we can improve our thinking.

Notice that several things are required for profitable community arguments. First, there must be difference, difference that leads to disagreement in the moment. In addition to this friction, we must also have mutual engagement, variously called clash or responsiveness (Jackson, 2017). And of course, we need to have enough commonality for communication to take place (Brockriede, 1975; Sprain & Black, 2018). These are the conditions that have led to some of the great debates in human history: between democracy and the divine right of kings (Habermas, 1989), between Protestants and Catholics (Edwards, 2004), between subordinate women and dominating men (Beauvoir, 1972), between the sciences and the humanities (Snow, 1963), between private property and public interest (Carson, 1962), and a multitude of other great arguments that have brought each of us to our present place.

We can also understand our own minds as communities. We have chunks of memory segregated from one another to varying degrees. Sometimes we pass easily from one community of knowledge to another, as when we think about automobiles and then about mass transit. Sometimes it is more effortful to move from one to another, as when we think about automobiles and then Roman aqueducts. I will use "community" metaphorically to include this interior passage from one portion of our mind to another because for the purposes of this paper, that interaction is enough like moving from one's own thoughts to a neighbor's that I can make similar points about both processes.

Arguments without controversy have their place and can generate entertainment, self-esteem, or social identity (Cho, Ahmed, Keum, Choi, & Lee, 218; Hample, 2018, ch. 2). But they do not generate intellectual growth or change. Whether we are interested in personal or

social development, community argument is necessary. Divergence and reasoned engagement are essential for the development of new meanings, which is the province of serious argument (Hample, 2009). Thus, I am convinced that community argument is a necessary feature of civilization and personal improvement.

3. INHERENT BARRIERS TO COMMUNITY ARGUMENT

In this morning's time and place, I doubt that there is much controversy about the value of the sort of arguing I have described, and so I will not elaborate on that theme any further. Instead, I want to discuss some of the threats to the possibility of vigorous, divergent, reasoned disagreement. In this section I will examine two inherent problems for community argument, obstacles that human evolution has insisted upon. In the next large section, I will address some recent barriers that also deserve more notice from our community.

3.1 Evolved sociality

Humans evolved as a social species. Both our primate ancestors and early versions of our own species lived in small tribes or family groups. Fagan (2010, p. 6) suggested that a typical Neanderthal never came into contact with more than a few dozen other humans in a lifetime, and that most of the out-group contact was very brief (also see Simpson & Belsky, 2016, p. 94). A person's life was tightly composed in regard to social relations. Every individual depended on others for hunting, for gathering, for exploring, for sheltering, for mating, and so forth. Today we think of our social groups as sources of interpersonal stimulation and emotional pleasure, but in our environment of evolutionary adaptedness (EEA) the kinship group was a decisive determinant of life or death.

 People who lived comfortably in groups were favored evolutionarily. Loners, people who were uncooperative, those who would not do their part – these people either left their tribes or were shunned (Cosmides & Tooby, 1992; Roos, Gelfand, Dau, & Lun, 2015). Alone, one's survival prospects were slim, and life expectancy would be measured in days or weeks. Survival and reproduction required cooperation, conformity, reliability, reciprocity, and trust (Bateson, 1988).

 But this cannot be the whole story. As we contemplate our own lives, we see that argument is all around us. Disagreement, withholding cooperation, not taking the other at his or her word, insisting on a different decision – how could all of these also have developed as psychological adaptations in the face of these critical needs for sociality? Mercier and Sperber (2017) proposed that arguing originated in response to persuasion. The simplest sort of persuasion is a command or request, a more nuanced version includes a reason for the desired action, and a much more sophisticated kind of persuasion provides a *good* reason. Mercier and Sperber said that people developed epistemic vigilance so that they could distinguish these sorts of communicative events from one another, and thus to protect themselves against unreasonable exploitation. As millennia passed, persuaders learned to anticipate critical reactions and thus began to argue better.

 So from an evolutionary point of view, arguing has always lived in the friction between two powerful energies: sociality required cooperation and agreement, and self-defense required reasoning and reserve. The inevitability of difference among humans collided with the need to merge oneself into the tribe. Rejecting the kinship group would be fatal, and inability to defend oneself against self-interested persuaders would be fatal as well. People who could not maneuver between these pressures did not become our ancestors.

Of the two forces, sociality is the one that presents an evolved obstacle to community argument. Spoor and Kelly (2004) said that our early tribal communities were oriented to group affect, and that positive feelings were one of the factors that kept people together. A key sort of affect was cohesiveness, which had three elements: interpersonal attraction, commitment to a task, and a sense of pride in one's group membership. Here again we see the idea of cooperation and the impulse for agreement as a foundation for group life. To disagree, to reject, to doubt, to refuse – these are all contraindicated by cohesion. To bond is to agree, and so agreement is pleasurable.

This sociable wiring continues to affect human life today. A huge quantity of contemporary research in social psychology is collected under the idea of a "need to belong," which has the evolutionary basis just reviewed (Baumeister & Leary, 1995, esp. p. 499). Today, isolation is connected to poor physical and mental health, and people are distressed at the prospect of a social bond breaking (e.g., by divorce or geographical separation). Evolution established the norms and essential behaviors for interpersonal attachment from birth to old age, and so continues to outline the organization of our families and close relationships (Simpson & Belsky, 2016). Our social lives can be partly summarized as continuing patterns of attachment impulses, and these are determined by our trust and respect for others as well as our self-regard. These put us into a place in every relationship. And more importantly, these motivations cause us to seek affiliation and to be disturbed or hurt by a lack of attachment.

Belongingness, a highly desirable form of sociality, reverberates though the human condition, and we can see how it influences arguing. The need to belong can spontaneously transform into a need to step back and pacify because human social systems had clear hierarchies of power and status (Boehm, 1999). When people are faced with danger, professors of argumentation would like to mention that one might try to manage the threat with arguments, but this is a minor suggestion in view of the main impulses evolution has provided: fight/flight or tend-and-befriend (Taylor, 2012). Fighting might be argumentative but might also be physical or otherwise unreasoned. Flight is avoidance, and so rules out any sort of interaction. Tend-and-befriend is the impulse to affiliate immediately and insistently in response to an outside threat. Very generally speaking, evolution has taught men to fight or flee and has taught women to retreat to a condition of social support that throws up a barrier to invaders (Taylor, 2012). Tend-and-befriend is a particular sort of motivated avoidance, in which one retreats from an outside challenge – physical or argumentative – and seeks protection within one's most valuable social group. Tend-and-befriend, flight, and maybe fight have in common that they shun argumentative involvement.

We see all these impulses still strongly at work today. People prefer to interact with people they agree with and therefore people who can be depended upon to agree in return. Normally we seek to bond, not to debate. People are threatened by the prospect of discussing any divisive issue (Simons & Green, 2018). Noelle-Neumann's (1974) "spiral of silence" theory said that the fear of social isolation would make people reluctant to express unpopular opinions. A recent meta-analysis (Matthes, Knoll & von Sikorski, 2018) has shown that the spiral of silence is reliably apparent in human behavior and intentions. The modest overall effect ($r = .10$) was dramatically increased ($r = .34$) when people were confronted with the possibility of expressing a minority opinion about a personally important matter to one's friends or family. The more important the social bond, the more attractive was the silence.

The ideal of community argument, however, objects to silence and requires that people come into serious contact with others who disagree. In terms of the EEA, this might amount to interacting with a member of another tribe. Here again, we see innate pressures not to engage productively. Mackie, Devos, and Smith (2000) explored the connections between group identification and various reactions to the out-group. Respondents were asked to identify themselves as members of the "group" that had particular views – e.g., that drug

offenses should be strongly punished – but received no advocacy from the other side. Just knowing that the other "group" disagreed with them produced significant feelings of anger and contempt toward that group, as well as intentions to confront or attack the other group. These effects were particularly pronounced when respondents felt that their in-group was in a strong position regarding the issue at hand.

Those group affiliations were artificial, of course. Political parties are more natural tribes today. Gervais (2015) exposed Republicans and Democrats to online comments that were manipulated to be civil or uncivil, but all critical, regarding an Obama Administration policy. The Democrats became angrier than the Republicans when exposed to the incivility, and were also more likely to critique the author of the Obama-opposed comment. This is consistent with the idea that the Democrats were emotionally protecting their home group, but the Republicans were not. This has immediate implications for whether any argumentation is likely to be productive. Molina and Jennings (2018) tested the effects of civil and uncivil online remarks on people's willingness to engage in the deliberation. They found that civil comments led to greater mental elaboration of the issues, and then to more willingness to engage.

So this cursory summary of sociality, one element of our evolutionary heritage, shows that we evolved to need social bonds. Our very survival depended on our motivation and ability to maintain membership in close tribal groups. We continue to act that way today. We try to find groups for ourselves, communities of like-minded people with whom we are comfortable in a literally agreeable relationship. We find disagreement threatening. We prefer cooperation to confrontation, and are hurt and disturbed when our groups begin to flounder or dissolve. Nastiness is a natural response to a disagreeable out-group, but only civility invites good arguing. We have evolved to meet contradiction with silence.

Biology is not destiny, and the inevitability of human differences means that there is also a countervailing pressure that favors arguing. But we should recognize that passivity, avoidance, and insincere agreement are evolved adaptations that are in service of our larger social lives. These things can be addressed with large-scale interventions, such as K-12 public education, but superficial complaints about people occupying "echo chambers" are no more than shouting into a hurricane.

3.2 Evolved cognitive modularity

To this point I have been considering "community" in a fairly literal way. I have been thinking about families, neighborhoods, and identity groups, and contemplating the consequences of members of those communities not arguing with one another or their more distant neighbors in a constructive way. But not long ago, reading Cherniak (1986) made me realize that another sort of community, this one more metaphorical, also had important relevance to whether or not we argue well. These "communities" are the little sections of our minds that operate with easy modularity and only effortful cross-module coordination. I am proposing that we think of each module as a community, and that we consider what happens when the communities do not easily speak to one another.

A number of psychological theories deal with the "modularity of mind," a theoretical orientation that began in modern times with Fodor (1983) and has much older roots in faculty psychology. The basic idea is that evolution created specialized information processing abilities so that people could avoid danger, detect cheaters, recognize safe habitats, remember words, form sentences, and so forth. The modules are distinct both biologically and functionally, so that verbal abilities have particular brain locales, as do musical abilities or spatial reasoning. It is easy to see how one module's activity might not coordinate in a community way with that of another module. For instance, if a children's song gave directions

for finding your way home in a forest, people might well be able to sing the song without absorbing anything about navigation in the woods. Kenrick (2012) said that humans and other animals evolved minds in which different functions are separated so that they can operate without interference from other elements of the mind. He offers the example of birds that learn birdsong in starkly different ways than they learn what foods are poison, and that both are quite different from how birds learn and remember the day's location of good food. This is in the service of speed and efficiency, so that conclusions that were urgent in the EEA would appear as quickly and simply as possible.

Here I want to concentrate on a special modularity, the one that Cherniak (1986) discusses at length – the modularity of long term memory (LTM) stores. Humans have two memory sites, short term (STM) and long term memory. Our active thinking goes on in STM. We can bring about half a dozen things into STM at once, and we shake them together, making inferences, noticing consistencies, realizing how one is an exception to another, and so forth. All these things (even the names of percepts) have to be retrieved from LTM. Essentially, our thinking goes on in STM, which is therefore the site for producing, evaluating, and comprehending arguments. LTM, on the other hand, is like a warehouse in which innumerably more than half a dozen things are stored. The items on the shelves of LTM are essentially inert, dissolving slowly unless the forklift comes around periodically to take them into the STM showroom. If all the relevant items are not retrieved from LTM so that some memories have no voice, we have something analogous to a failure of community interaction.

The architectural problem is that the forklift needs to find things efficiently. LTM searches cannot be done randomly because that would be hopelessly inefficient, and our ancestors would all have died thinking about clouds or flowers because the forklift failed to return anything involving predators that live in caves. LTM has to be organized somehow, just as we put particular files in particular folders on our hard drives. Even with today's high computer search speeds, most of us still look for files by going to a particular directory, looking at the list of subfolders, and then looking at the names of the files in the list. Imagine looking at a random list of arbitrarily named files, all of them together in a single jumble. Hard drives, libraries, academic conferences, and our own memories – all of them have labeling, indexing, hierarchy, and networking, and all of this is in the interest of efficient retrieval. Some of your hard drive's subfolders are close together in some superordinate folder, but some of them are in storage sections that are so distant that you have to back up almost to your root directory to navigate from one file to another. Some files – some chunks of memory – are in the same community and some are in remote ones.

The point of organizing, remember, is that we do not have to search the whole warehouse. We find what we need and quit looking. This is part of the reason that Cherniak's (1986) theory is called minimal rationality (for other explicit application of Cherniak's theory to argumentation, see Canary, Brossmann, Brossmann, & Weger, 1995; Weger & Canary, 2010), which is a descendant of Simon's idea of bounded rationality (Crowther-Heyck, 2005). There would be no point in bothering to organize memory if we continued to search once we found what we thought we needed. But neither the memory organization nor the search strategies are guaranteed to be perfect.

Cherniak (1986, p. 50) made this point clearly: "…part of the human condition is in fact to fail to 'make the connections' sometimes in a web of interconnected beliefs, to fall short of a synoptic view of one's belief system." That is, human memory is not one liquid volume or force field in which any perturbation (a perception, someone else's excellent argument) automatically ripples out to every other relevant element. STM and LTM are distinct subsystems. Only material in STM can be "worked on:" material in LTM is dormant. Thus if an arguer suddenly realizes that the other person is right, only material that is already

in STM (or that is suddenly retrieved) will be altered. Strength of association predicts ease and likelihood of the materials being connected to one another, and thus able to inform one another. Cherniak (1986, p. 57) related the example of a man who understands that a match will ignite gasoline but nonetheless uses a match to peer into a gas tank. Cherniak's explanation was that "means of ignition" was in a folder not closely associated to "means of illumination." As time and life experience accumulate, "…the inactivity of the beliefs in long-term memory in itself degrades rationality. It results in the accumulation of unrecognized inconsistencies, valuable inferences not being made, and so on. Only the behavior of the contents of short-term memory can counterbalance the results of the inertness of the beliefs in long-term memory and so contribute to the maintenance of adequate rationality" (Cherniak, 1986, pp. 60-61).

So to state my point: We have evolved a mental organization that serves us efficiently but not with perfect rationality. Whether arguing alone or interpersonally, we may forget to mention some important things, we may not realize that we are saying something that we know to be wrong in another context, and we may, in the moment, not bring to bear enough of our own experience to test another person's views properly. These circumstances are analogous to those we noticed when we realized that we prefer to agree with people who are like us, that we exaggerate the badness of out-group arguments, and that we do not seek out people who can give our tribe's arguments their most demanding tests. These are not thinking flaws that derive from the narcissism of millennials, the superficiality of youth, the profit focus of modern technology corporations, or the closed-mindedness of the other political party. These are inherent remnants of our evolutionary heritage. We can rise above them, but only with very substantial interventions that take seriously *why* we have these apparent flaws in critical thinking.

4. EMERGING BARRIERS TO COMMUNITY ARGUMENT

Here I change my chronological focus from the Pleistocene Era to the present day, and my critical focus from the harsh but unprejudiced workings of evolution to the intentional aim of social scientists, who do not seem to have noticed that their work has ethical implications. I will review research from the last half century, research that has been aimed at the development of persuasion technologies that are intended to eliminate or reduce critical thinking on the part of the persuasion's audience. Having reviewed the importance of community arguing in the first portion of the paper I think I do not need to establish here that anything aimed at corroding critical thought is ethically questionable.

4.1 Distraction

As far as I can tell, this history begins in the 1960s with some early research on distraction. Festinger and Maccoby (1964) provided a persuasive message to two experimental groups. One of these was distracted from the message by a silent movie that was being played. The distracted group was more persuaded. Festinger and Maccoby explained this outcome by suggesting that the distracted group had been unable to counter-argue. They paid just enough attention to the message to have been reached by it, but not enough attention to think about it properly. The connection of this distraction effect to counter-arguing was substantially sharpened about ten years later by Petty, Wells, and Brock (1976). They pointed out that distraction's suppression of counter-arguing should promote more persuasion if the counter-arguing would have been negative, but that the suppression might lessen persuasion if the people would otherwise have had positive thoughts about the message. Their pair of

experiments supported this theory. They concluded that "distraction is most likely to lead to *enhanced* persuasion when a message presents poor arguments (i.e., arguments that are open to refutation and counterargumentation) and to *reduced* persuasion when a message presents very good arguments" (p. 883).

The distraction research has continued under a more contemporary label. Jeong and Hwang (2012) studied "multitasking" of the sort that students do while studying. Their experimental groups experienced one of three conditions: no multitasking, multitasking with a primary focus on the persuasive message, and multitasking with a secondary focus on the message. The written messages were constructed on the Toulmin model so that a reasonably capable person could detect flaws in either the data or warrant of the arguments. The experimenters used a portion of a *Transformers* movie as the "other" task. Results showed that the non-multitasking group showed far more counter-arguing than the distracted conditions (η^2 = .12 or .20, depending on the operationalizations). Students distracted by the movie were less able to defend themselves against the poor arguments in the persuasive message.

While Buller's (1986) meta-analysis of distraction effects revealed a somewhat choppy record of designs and findings regarding counter-arguing, he reported an overall correlation of r = -.17 between distraction and counter-arguing, and a correlation of r = -.50 between counter-arguing and attitude change. The first result bears only on distraction as our first documented impediment to counter-arguing. The second result, however, shows how strongly one can increase adherence if only one can reduce critical thinking.

So half a century of research has found the first persuasive technology I am considering here. That is distraction (or multitasking). It is a systematic way of suppressing counter-arguing, and therefore a way of making weak persuasive messages more effective. I have not discovered any papers on this topic where the authors worried about the ethics of distracting audiences so that they thought less critically.

4.2 Nudges

Distraction obviates critical thinking by the simple expedient of getting people not to pay attention. Let us continue that theme by considering nudging. This idea generated a lot of public discussion with the publication of Thaler and Sunstein (1999), but quite a few of us had made at least a general contact with the basic idea by reading or teaching from Cialdini's (1984) book on persuasion tricks, a book that has now moved through many editions, revised titles, and newer publication dates. Cialdini's tricks involve few arguments, and none at the substantial center of the decision. He showed how people's behaviors could be changed by giving them little favors, getting them to agree to something not as weighty as what is wanted, describing a product as scarce, and so forth.

The basic idea of nudging is that people can be persuaded toward some behavior by means of "choice architecture," which is essentially some design feature that encourages the behavior without attracting thought or using explicit argumentation. A prized example is that organ donation choices became enormously more common in France when citizens' default choice changed from "don't donate" to "donate." The government claimed the "automatic" ground in this decision without needing to make an explicit argument to those being asked to donate their organs. E. Johnson et al. (2012) summarized the nudge idea as having two types of strategy: structuring the choice and/or structuring the options. Structuring the task involves things such as deciding how many alternatives to offer, supplying particular online information aids, or setting defaults. Presenting the options to be chosen among may involve placing them into strategically described groups or making certain attributes foregrounded or backgrounded. Notice that none of this involves arguments for or against any of the decisions.

The persuader merely arranges things in a "suitable" fashion and walks away without needing to say anything that a person might think critically about. *The persuasion works by arrangement, not argument.*

Lest readers be skeptical about my worries that the persuasion research I am summarizing will be implemented by professional persuaders such as political or corporate interests, be informed that the U.S., Australian, and U.K. national governments proudly make official use of nudging for what the administrations feel to be our public interests (BETA, 2019; Grunwald, 2009; Halpern, 2015; Social and Behavioral Sciences Team, 2015). Other national governments sponsoring nudge units include the Netherlands (Stroeker, 2016), Germany, India, Indonesia, Peru, and Singapore. International institutions such as the U.N., the World Bank, and others also nudge. More than a few commentators have noticed the ethical implications of persuading people by arranging rather than arguing (e.g., Campbell, 2017). I personally favor organ donation and this is not the place to undertake a critical study of the various things that governments have nudged us to do. My argument in this paper does not depend on my personal balance of skepticism versus cynicism about world governments, marketers, and high-revenue non-profit organizations. I merely want to point out that since the key element of nudging is arrangement, the persuader is not providing anything that can easily be counter-argued. Critical thinking is suppressed, on purpose.

4.3 Narratives

Stories have points to them – perhaps a moral point, perhaps an insight about human nature, or perhaps a behavioral recommendation. Stories can be told so that they feature explicit arguments favoring their conclusion, but more often they simply perform or display the argument's point (Olmos, 2013; cf. Lake, 1983). When the narrative merely enacts the desired behavior, we can see that this is at least a cousin to nudging, because the point is made by arranging the reader's imagined experience, not by making one's reasoning apparent. To model a behavior is not necessarily to argue for it.

Since no linear arguments may be obvious or even present in a narrative, we should not be surprised that Cin, Zanna, and Fong (2004) indicated that one of the sources of narrative's persuasive effectiveness is that very little counter-arguing takes place. Narratives can be conveyed in novels, short stories, poems, ballads, and simple self-disclosures, but quite a bit of the academic interest in the past few decades has concerned what is called edutainment. Governments or other influence agents influence the plot lines of televised dramas or similar vehicles to display safe sex practices, how to deal with school bullies, what to do when your spouse opposes vaccination for your child, and similar topics. Shen and Han's (2014) meta-analysis showed that edutainment modestly promotes persuasion in health contexts ($r = .12$, $k = 22$, $n = 19,517$).

Slater (1997; Slater & Rounder, 2002; also Moyer-Gusé, 2008) made a fundamental theoretical connection between narrative persuasion and the elaboration likelihood model of persuasion (ELM). Readers will know that the ELM proposes that people are persuaded (or not) by careful scrutiny of a message's arguments when they are engaged by the message's topic, but are influenced (or not) by peripheral elements of the message (e.g., source credibility or attractiveness) when they are less engaged. Slater says that when people become caught up in a story or entranced by a character in it (i.e., they are "transported"), they cease to scrutinize the message – either its narrative development or its point. Thus, good narratives reduce counter-arguing.

The empirical record for this prediction is not clear-cut, but perhaps we should not have expected it to be. The degree to which counter-arguing is suppressed is affected by the narrative's power to transport, as well as by the degree to which people can detect that

someone is trying to persuade them. All of the empirical studies use only a few narratives, and we know this will prevent secure generalizations. And most fundamentally, it will never be clear what the narrative is being compared to because narratives inherently cannot contain precisely the same information as a linear message aimed at the same point.

Let me offer a sample of the empirical research on the relation between narratives and counter-arguing. Niederdeppe, Shapiro, and Porticella (2011) compared three written messages about obesity: a narrative, an evidence-based argument, and a combination of the two. They found that the narrative condition generated fewer counter-arguments than the evidence condition, but only for people who self-identified as liberals. The counter-arguing suppression only appeared for a certain group in that study. It did not appear at all in another investigation. Moyer-Gusé and Nabi (2010) showed videos about unplanned teen pregnancy to teenagers in the U.S. One of the videos had a narrative structure and the other did not. They found that being transported by the narrative actually increased counter-arguing, contrary to predictions. They also found that counter-arguing was strongly predicted by viewers' levels of psychological reactance, implying that narratives might successfully be targeted to people who have little disposition to be reactive. However, we should notice that counter-arguing is only one form of message elaboration. Elaboration can also be supportive of a message's point (Petty, Wells, & Brock, 1976), and we should be just as interested in pro-arguing as counter-arguing. Shen and Seung (2018) discovered that self-reported message elaboration was very strongly predicted by transportation and related measures in their study of four videos dealing with sexual health.

Empirical research does not indicate that edutainment always or strongly suppresses counter-arguing. I suspect that the common conclusion that it does (e.g., Cin, Zanna, & Fong, 2004) may be more influenced by the attractiveness of the original theoretical reasoning than by the empirical record. However, in spite of its unevenness, the research literature does seem to show that a suppression of counter-arguing is expectable in some conditions, which of course may be exploitable by a persuader who can distract, nudge, or target audiences to magnify a narrative effect. The more involving narratives seem to have considerable potential for stimulating some sort of elaborated thinking by the audience. Since narratives only need to perform a point rather than argue for it explicitly, institutional persuaders may not find it hard to control what sorts of thoughts are invited.

In the case of narrative persuasion, we have a long-standing theory of argumentative analysis, Fisher's (1987) suggestion that we focus on both the internal consistency of a story (its coherence) and the veridicality of its reference to the external world (fidelity). I think this pair of considerations has promise for critical analysis of narratives and perhaps other sorts of persuasion that suppress critical thinking. But empirical work to this point indicates that these are not spontaneous critical impulses for persuasion audiences.

4.4 Visual persuasion

Some forms of narrative such as edutainment combine a narrative schema with a visual presentation. For some time, argumentation scholars debated whether one could reasonably categorize a visual production as an argument. Today, I believe the debate is over and the consensus is that photographs, cartoons, films, and other images are (or at least can be) arguments (e.g., Birdsell & Groarke, 1996; Groarke, 1996). The reason for the initial debate was that argumentation theorists remained committed to their own educations, which presupposed that an argument was a linear verbal construction that featured explicit premises and conclusions. The argumentation community was able to work through enthymemes and warrants reasonably well, but got stuck for a while when we were confronted with what appeared to be entire arguments with nary a word. Once we were able to understand how to

find the "point" of a drawing or photo, we got to work and learned to move backwards from the visual claim. Current research takes visual-as-argument for granted, and generally tries to work out how to analyze and critique such arguments (e.g., Dove, 2016; Godden, 2013; Ripley, 2008).

But for my present focus on counter-arguing, I want to revisit why it was originally hard to reconcile visual art to argumentation theory. The basic complaint was that visual material wasn't verbal – that premises were hopelessly camouflaged, that inferences seemed magical, and that conclusions could not be securely tracked back to anything. I want to express this in terms that are fundamental to communication theory, as a contrast between digital and analog information (Watzlawick, Beavin, & Jackson, 1967). Watzlawick and his colleagues insisted on a clear distinction between verbal material, which has digital meaning, and nonverbal behavior, which is analog. In 1967, people commonly knew the difference between a digital computer, which stored precise numbers, and an analog computer, which took a continuous input from one source and passed it on to another. A 1960s era thermostat, for instance, was an analog device that took continuous temperature input by heating or cooling metal strips and passed it on to the furnace in the form of continuous adjustment instructions. Wristwatches and clocks used to be analog in those days, too. Language is digital, and a proof of this is that words are to be found in dictionaries that list precise meanings for each word. Nonverbal behavior is analog, and a proof of this is that nonverbal behaviors do not have dictionaries. (This is why "body language" is a nonsense phrase.) For instance, a smile can have innumerable degrees. At one point it is alert; at the next point it is polite; at a further point it is friendly; and at yet another point it is welcoming. Those "points" cannot be found in a dictionary. They are more like the continuous information displayed on an old wind-up pocket watch than they are like a machine translator moving words from one language to another. Propositional arguments are digital and visual ones are analog.

With this background, consider a political cartoon. At what point does a politician's nose become Jewish, and the cartoon become anti-Semitic? At what point is the politician's waistline exaggerated so that he becomes greedy? At what point does the curve in the politician's hands become dangerous, so that her extended gesture becomes a choking threat rather than an invitation? These are all interpretive problems and they all have the same nature. In every case I am asking that feathery analog information be translated into granite digital meaning. I can see what the cartoon is conveying, in just the same way that I can regard an internet meme as annoyingly cute. But I cannot make a sentence that precisely carries what I feel into what I can say. I can convey my intuition or my feeling (cf. Gilbert, 1997), but that is different from being able to write down a clearly examinable verbal argument.

So if the visual argument is something like a heap of impressions, how does one counter-argue against it? That is the crux of the matter for this paper. Just about any objection that is levied against a visual argument can be answered by replying, "I never said that" or "That's only your take on it." Almost everything is deniable, and we are aware of that whenever we start to resist a poster, or a movie, or some protest graffiti. As I mentioned above, some members of our community are working out how to answer a visual argument, but I suspect that the most typical reactions to a visual argument are either to accept it or to walk away. If I am right about that, the only possible outcomes for a visual persuader are to win or to draw. A visual argument cannot be lost, because engagement often seems pointless. Even if a critic believes that he or she has discovered reasoning in a bit of political artwork, the argument can be disowned and denied. Counter-arguing against such a message is like punching air in a dream. I am doubtful that people will naturally try.

4.5 Some new horizons

We are seeing the rapid development of various communication technologies, and naturally these carry affordances for persuasion. Some of the new research continues to see counter-arguing as persuasion's enemy, and suppression of thinking as a badge of persuasive effectiveness.

Advertisers are beginning to generate computer games for children to play (e.g., Waiguny, Nelson, & Terlutter, 2012), and have already found that the degree of children's involvement in the games is important to whether the advertising works. Immersive virtual reality, using either elaborate equipment or newer smartphones, will surely be attracting more and more research attention in the years to come. Blascovic, Loomis, Beall, Swinth, Hoyt, and Bailenson (2002) have written a thorough theoretical review of how to integrate this technology with social psychology, and have identified "social presence" as a key process. Social presence belongs to the family that includes transportation, identification, and parasocial interaction, all of which are now theorized to have implications for counter-arguing. Research on persuasion in this context has already begun, and has shown effects for the realism of digitized persuasive sources (e.g., Guadagno, Blascovich, Bailenson, & McCall, 2007).

I know of only one study that has connected immersive virtual reality to counter-arguing. Two pairs of messages were prepared, an immersive virtual reality one and an ordinary video version. For both topics, the immersive virtual reality version substantially reduced counterarguing (Ma, 2018). The experiences of computer gaming and immersive virtual reality are theoretically similar to those of movies, televised narratives, and edutainment. Distractions can be programmed into these new digital experiences as well. I expect a synthesis of all this theoretical work as soon as the novelty of the new research topics has receded, and we will begin to see systematic exploration of how to suppress counter-arguing across a broader set of communication experiences.

As new media and technologies appear, we can expect that social scientists will continue the patterns of persuasion research that we have seen. That research prizes effectiveness and respects only the most obvious ethical limits. Suppression of critical thinking is too nuanced a consideration for their research programs.

5. COMMUNITY CONCERNS AND AMBITIONS

I hope that I have made a case for concern about the ethical implications of persuasion research. I have reviewed some of the literature on distraction, nudges, narrative, and visual appeals to show that suppression of counter-arguing is a genuine research objective.

The social scientists interested in persuasion only rarely have intellectual backgrounds and commitments that match our own. They seem not to have been educated to valorize critical thinking, at least as we understand it, and when they do reflect on the ability to argue, they seem not to notice that this affordance has ethical implications for personal and public life. This research will not stop, because suppressing counter-arguing is an undeniable route to increased persuasive effectiveness, profit, and votes. So this is going to fall to us, to our very specific academic community.

I think that we need to develop theories and curricula to teach critical thinking about non-propositional and nonverbal arguments. We have had some modest success in teaching critical thinking (Abrami, et al., 2008), as conceptualized by our own Delphi report on critical thinking (Facione, 1990). Students' improvements were most marked in elementary and middle school, with quite small effects reported for high school and college (Abrami, et al.,

2008, p. 1117; Huber & Kuncel, 2016 gave a more positive report about university education's effects on critical thinking, but they reviewed the ordinary experience of college rather than focused pedagogy). However, as we are well aware, these conceptualizations, interventions, and measurements of critical thinking all presuppose linear verbal arguments.

We must develop theories and then pedagogies for doing at least as well for nonverbal materials as we do for verbal ones. Presently, I think our best start is to be found in our literatures about visual and narrative argument.

Godden (2013) argued that visual arguments can be successfully analyzed by means of the theories we have developed for verbal arguments, and others have pursued that same idea. Ripley (2008), for instance, analyzed a simple advertisement for ceramic tile of the sort one might install in a bathroom, and systematically connected that message to theories from formal logic, informal logic, the Toulmin model, multi-modal argumentation, and pragma-dialectics. Dove (2016) applied various argument schemes and their allied critical questions to a simple graphic illustration of the domino theory used by the U.S. to justify military action in Vietnam. The work to date persuades me that we can analyze visual arguments using verbal tools, but I think whether those theories can give a *satisfactorily complete* analysis of visual arguments remains an open question. For one thing, we will need to be quite clear about when one of these visual events is actually intended to be persuasive, because the world is full of innocent distractions, TV shows, and doodles.

In the realm of narrative persuasion, Fisher's (1987) focus on internal and external consistency seem useful. In fact, these two ideas seem analogous to me to the illative core and dialectical tier that we have met elsewhere (R. Johnson, 2000). It might be possible to apply Fisher's ideas to visual arguments of some sorts, and certainly to edutainment.

At a minimum, we need to learn how to identify those features of an argument that are intended to hide it – that is, to suppress counter-argument or other intellectual engagement. We must be able to point to dangerous elements in an argument ("Notice how the music rises up to distract you during the recitation of the drug's side effects"), and we ought to figure out how to detect the targeting of certain audiences ("Why does this edutainment drama feature attractive vampires?"), as is standard in propaganda analysis (Jowett & O'Donnell, 2015). These are not the sorts of things that we ordinarily think about in terms of argumentation theory. Perhaps we need to be more practical and absorb more social science findings into our work, in order to promote critical thinking in emerging communication experiences.

I believe that we need to develop something akin to the old Institute for Propaganda Analysis program for K-12 education (Sproule, 1997). They came up with a list of about half a dozen fallacies, gave them bright contemporary names, and taught students to recognize them. That approach, of course, now seems to have been unduly restricted to verbal appeals. Our community needs to develop a simple list of basic idea that apply across the board – to verbal arguments, but also to visual ones, musical appeals, stories, virtual reality, digital games, product placements, nudges, distractions, and all the rest. It is, as many of us teach in our classes, a matter of public self-defense.

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We justify questions, so how does that work?

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ABSTRACT: People sometimes infer questions from one or more statements. According to Wiśniewski, such an inference is valid in a formal language if and only if the statements entail that the question has a true direct answer but do not entail any of them. I extend his account to natural-language inferences to open-ended questions that cannot be represented in his formalism. On this extended account, the title of the paper has a valid inference.

KEYWORDS: inferences, open-ended questions, questions, validity, Andrzej Wiśniewski

1. INTRODUCTION

In this paper, I show by examples that people sometimes argue for questions, propose criteria for good inferences to questions, and apply these criteria to my title.

2. EXAMPLES

In April 2003 the following conversation occurred on a phone-in program on a radio station in Hamilton, Canada:

(1) *Bus drivers* (taped 2003 04 09)

Caller (Gina, from Toronto): Hi. I wanted to speak about the SARS.[1]

Host (Roy Green): Yes, go ahead, please.

Gina: OK. On the weekend they had... were looking for court orders for two people who had not obeyed the quarantine. They now have a student who cut short her quarantine after ten days to write an exam. She's now ill, and they have now 25 students and a teacher, I believe. *So*, considering how the government mishandled Walkerton[2] and the East Nile virus[3], where... it's worked out OK with SARS, I realize they're not saying an epidemic, but last week before they really, really knew and the TTC [Toronto Transit Commission–DH] drivers wanted to wear a mask, *where* was their union? They said their hands were tied, that they can't do anything when the

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[1] 'SARS' abbreviates 'Sudden Acute Respiratory Syndrome', a new respiratory illness contracted by inhaling droplets in the air from infected people, with a high fatality rate (11.5% in Toronto [Low 2004]). Health care workers treating patients with SARS wore masks to protect themselves from infection.

[2] In May 2000, the water supply of Walkerton, Ontario became contaminated with a highly dangerous strain of E. coli bacteria. At least seven people died from drinking the contaminated water, and about 2,500 became ill.

[3] The caller means the West Nile virus. In 2002, Ontario had more cases of human West Nile virus infection than any other Canadian province, with a dozen deaths potentially attributable to it. Spurred on by potential class action suits alleging that Ontarians were ill-informed about the virus, which is usually transmitted by mosquito bites, the Ontario government announced in March 2003 a six-year, multi-pronged West Nile virus action plan.

Board of Health says this, but *why* do people so blindly believe government officials? (Appendix to Hitchcock 2009, pp. 36-39; corrected transcript)

The tone and content of the caller's remarks indicate that she was engaging in argumentation and producing arguments. The conclusion for which she was arguing has the form of a question, introduced by a. conclusion indicator and interrogative particle, which I italicize. It would be easy to extract her argument, set it out in standard form, and display visually its structure and content, numbering the premises and conclusion.

There may be doubt as to whether the conclusion is really a question. The noun 'question' has three distinct senses: a syntactic sense, a pragmatic sense, and a semantic sense (Groenendijk and Stokhof 1996). In the syntactic sense, a question is a kind of sentence (an "interrogative sentence") distinguished by various devices from other kinds of sentences, such as declarative and imperative sentences. In the pragmatic sense, a question is the illocutionary act typically performed in uttering an interrogative sentence; it is the "interrogative act" of asking for certain information. In the semantic sense, a question is the "thing" that is asked (the "question" in the narrow sense) when someone performs an interrogative act, i.e. the content of this act.

I have argued, most recently in (Hitchcock 2018), that the premises and conclusions of arguments are illocutionary act-types, and that the conclusion of an argument can be an illocutionary act-type of any of the five main kinds recognized by Searle (1976): a representative, a commissive, a directive, an expressive, or a declarative. On this conception, the issue concerning the caller's argument is whether her utterance of an interrogative sentence following a conclusion indicator is an interrogative act. Is she really asking something? Not all utterances of interrogative sentences are interrogative acts that ask a question.[4] In particular, so-called "rhetorical questions" are not interrogative acts and do not ask a question. A rhetorical question is an indirect quasi-assertion whose author illegitimately shifts the burden of proof by implicitly challenging the addressee to give a reason for disagreeing with the expected answer (Kraus 2006; cf. van Eemeren 1987).

The interrogative "why" sentence that concludes the caller's argument is not merely rhetorical. It does not challenge her audience to disagree with an assumed answer. Indeed, it is hard to imagine what that assumed answer might be. Rather, it asks the listeners to explain why people so blindly believe public health authorities, given that public health authorities recently mishandled two public health crises. More particularly, she asks the Toronto bus drivers' union in a public forum to justify its alleged belief in the Toronto Board of Health's statement that bus drivers did not need to wear masks.

This single example is enough to establish that people sometimes argue for questions. Existential generalizations are conclusively established by a single instance. However, there may still be doubt about whether Gina's conclusions are really interrogative acts that request information. To allay lingering doubts of this kind, I did a Google search for more examples of arguments for questions, using as search terms two-word strings consisting of an interrogative particle and a conclusion indicator in either order, such as 'so how' or 'why then'. I list the 16 arguments thus discovered in an appendix, grouped according to the apparent purpose of arguing for the question: to stimulate interest in a forthcoming answer (10 passages), to challenge an addressee or a third party (five passages), and to solicit an answer from an addressee (one passage).

I take these 16 passages, along with the passage just discussed and the title of this paper, to establish that people sometimes argue for questions. Further, if arguing for something is trying to justify it, then people sometimes try to justify questions. And, if there

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[4] Nor do speakers who ask a question always do so by uttering an interrogative sentence. One can ask a question, for example, by uttering an imperative sentence like 'Tell me how you are feeling'.

are norms for doing so that people can satisfy, then people can justify questions. Let us consider, then what such a justification amounts to.

3. HOW TO JUSTIFY AN INTERROGATIVE ACT: A FORMAL APPROACH

The Polish logician Andrzej Wiśniewski has been developing since the late 1980s what he calls "inferential erotetic logic", a logic of inferences to questions, which he calls "erotetic inferences" (Wiśniewski 1996; 2013). His underlying insight is that interrogative acts do not just occur; they arise. In thought or speech, they arise in two different ways. The first way is from beliefs, or, to put it linguistically, from assertions. The second way is from another interrogative act, perhaps with the help of one or more beliefs or assertions. Except in the example listed last in the appendix, the question-conclusions in our examples arise from statements (occasionally disguised as rhetorical questions). I shall therefore restrict my attention to Wiśniewski's account of the validity of inferences of the first kind, from statements to interrogative acts.

Wiśniewski's account of valid erotetic inference applies to any formal language with a dichotomy between declarative sentences and interrogative sentences (which he calls "erotetic formulas"). In such a language each declarative sentence has a truth-value, once its non-logical symbols are assigned an interpretation. The logic for these sentences can be anything one likes. Each erotetic formula consists of a question mark followed by a sequence of two or more declarative sentences within braces and separated by commas. Consider for example the interrogative sentence in example 9 (*Drunks*):

(9) Scientists say there are four types of drunks – *so which* are you?

The conclusion-question is: "Which [type of drunk–DH] are you?" The quoted title does not identify these types, so let us simply use the symbols 't1' through 't4' to abbreviate the sentences 'you are a type 1 drunk' through 'you are a type 4 drunk'. The natural-language interrogative sentence "Which [type of drunk–DH] are you?" would then be formally represented in a Wiśniewskian formal language by the erotetic formula '?{t1, t2, t3, t4}'. An erotetic formula is thus a list of the direct answers to the question that it expresses. In other words, an interrogative sentence is interpreted as the set of its direct answers.

An "erotetic inference of the first kind" is an inference from a set of declarative sentences to an erotetic formula. What does it mean for such an inference to be valid, i.e. for the erotetic formula to "follow from" the declarative sentences? As an analogy, consider the standard model-theoretic conception of the validity of an inference from a set of declarative sentences to a declarative sentence: Validity of this sort is the absence of a counter-interpretation, i.e. the absence of an interpretation (of the inference's non-logical symbols) on which the premises are true but the conclusion is untrue. Wiśniewski, sensibly enough, does not regard erotetic formulas as having truth-values. Rather, they are sound or unsound, depending on whether they have a true direct answer (on a given interpretation of their non-logical symbols). For an erotetic formula to arise from a set of declarative sentences, the set must entail (i.e. logically imply) that the erotetic formula is sound in this sense. That is, on any interpretation on which the declarative sentences are true, the erotetic formula has a true direct answer. Wiśniewski (2013, p. 51) calls this condition "transmission of truth into soundness"

Transmission of truth into soundness is however not enough to make an inference to an erotetic formula valid. For this condition is met by any inference to an erotetic formula from one of its direct answers. For example, it would be met by an inference to our erotetic

formula '?{t1, t2, t3, t4}' from the sentence 't1', a formal representation of the inference to the question 'Which of the four types of drunk are you?' from the assertion 'you are a type 1 drunk'. But validity of an erotetic inference of the first kind is supposed to capture the informal notion of a question arising from given information. If the given information includes or entails a direct answer to the question, then the question does not arise; it has already been answered. Thus the second condition for validity of an erotetic inference of the first kind is that no direct answer to the erotetic formula is entailed by the premisses, a condition that Wiśniewski (2013, p. 51) calls "informativeness". He uses the term 'evocation' for the relation between premisses and conclusion in an inference that meets the two conditions of transmission of truth into soundness and informativeness. A set of declarative sentences evokes an erotetic formula if and only if the set entails that the erotetic formula has a true direct answer but does not entail any particular direct answer.

The concept of evocation does not require that the premisses that evoke an erotetic formula are actually true. It is a conditional concept: *If* the premisses are true, then the conclusion has at least one true direct answer (but the premisses do not settle which).

Further, evocation is always general. The relationship of entailment is a function of the semantics of the logical symbols of the formal language and of the structure of the declarative sentences in the premisses and conclusion. The entailment of the conclusion's soundness and the non-entailment of any direct answer are thus independent of the meaning and reference of the non-logical symbols of the language. We can illustrate this generality by representing formally the inference in example 9:

(9) Scientists say there are four types of drunks – *so which* are you?

For simplicity, let us abstract from the frame "scientists say" and take the premiss to be: there are four types of drunks. This premiss could be represented in a first-order language with a symbol for exclusive disjunction, as follows:

EITHER type 1(x) OR type 2(x) OR type 3(x) OR type 4(x).[5]

And the conclusion could be represented as follows:

?{type 1(you), type 2(you), type 3(you), type 4(you)}[6]

The inference from premiss to conclusion can be interpreted for any universe of discourse (over which the implicit universal quantifier ranges), any four one-place predicates in that universe, and any individual in that universe. For example, the universe of discourse could be taken to be giraffes, the four types could be taken to be the recently distinguished four species of giraffes (Fennessy et al. 2016), and 'you' could be taken to be another name of a baby giraffe named 'Tajiri' born in April 2017 in the Animal Adventure Park in upstate New York. Then the formal inference would represent the following natural-language inference:

(18)   There are four species of giraffes. *So which* is Tajiri?

The formal representation of examples 9 and 18 shows how Wiśniewski's concept of evocation can be used to evaluate natural-language inferences to interrogative acts. There must be a defensible formalization of the natural-language inference that captures the features

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[5] An initial variable-binding universal quantifier: 'For every x' is implicit in the use of the letter 'x'.
[6] The formalization takes the liberty of treating the word 'you' in the context as a proper name of whoever is reading the passage.

relevant to its evaluation, and this formal representation must represent the interrogative act as a finite list of declarative sentences (the possible direct answers to the question being asked). The premisses of a natural-language inference to an interrogative act evoke the interrogative act if the premisses of such a defensible formalization of the inference evoke (in Wiśniewski's sense) the formal representation of the interrogative act. Applying this criterion to example 9, we can conclude that the premiss in the headline evokes the interrogative act that follows it.

4. HOW TO JUSTIFY OPEN-ENDED WHY-, HOW- AND WHAT-QUESTIONS

This condition for a valid natural-language inference to an interrogative act is a sufficient condition for its validity but not a necessary one. For many natural-language inferences to interrogative acts intuitively are valid but have no defensible formalization that is valid in Wiśniewski's sense. In particular, using his apparatus to evaluate a natural-language inference to an interrogative act requires that the interrogative act can be understood as a request to select at least one member of a specified set of direct answers. But many natural-language interrogative acts, such as almost all why- and how-interrogative acts, do not meet this requirement; one cannot specify in advance a set of direct answers to such questions.

Of our 17 numbered examples, only six (examples 4, 7, 9, 10, 12, 15) argue for an interrogative act that can be construed as a request to choose from among a finite set of direct answers.[7] The rest argue for what we might call 'open-ended' interrogative acts, i.e. for acts that do not contain or entail, even with the help of their context, a specification of their possible direct answers. Eight of these open-ended interrogative acts are why-questions, three are how-questions, and two are what-questions. Wiśniewski calls them "topically-oriented questions" and describes them as "a hard nut for the analysis of questions, both logical and linguistic" (2013, pp. 10-11).

Although we cannot apply Wiśniewski's formal criteria for evocation to inferences to "open-ended" or "topically-oriented" questions, the informal insights underlying these criteria do seem applicable to them. Despite the absence of a complete finite list of the direct answers to such a question, we can ask whether the premisses in context entail that the interrogative act is sound (i.e. has a true direct answer) and whether they entail a direct answer to it.

Consider first any inference from a set of declarative sentences to a why-question. A why-question is a request for an explanation. Showing that a why-question is sound, in the sense of having a true direct answer, requires establishing the reality of the "thing" for which an explanation is requested. In example 1, for instance, if the union leaders did not in fact believe the Board of Health, but were merely legally obliged forced to accept its assurance, then Gina's question to them ("Why do people so blindly believe government officials?") is not sound. There is no true explanation of the occurrence of something that did not occur.

An additional requirement for a sound why-question appears to be that the "thing" for which an explanation is requested actually can be given one. Arguably, some facts cannot be given an explanation; they are "brute facts, random events, things coming about without rhyme or reason, occurrences happening because of nothing in particular, capricious actions, ultimate truths, so's without why-so's" (Bromberger 1992, p. 167). If there are such "things" for which why-questions make no sense, do the premisses and context of a natural-language inference to a why-question need to entail that this particular why-question does make sense? That is, do they need to show that the "thing" for which an explanation is requested actually has an explanation? Here we can perhaps accept a default position that in general things have explanations, so that a why-question is always apt about any reality, whether this reality is a

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[7] Example 6 raises two questions, one construable as a request to choose from a finite list of direct answers, the other not so construable.

general phenomenon or a particular event or a particular decision or a person's mental state at a given time or whatever. An argument for a why-question would thus not need to establish that the "thing" for which an explanation is requested has an explanation, although a critic of such an argument could object that the "thing" in question is the sort of thing that lacks an explanation. The burden of proof would rest on the critic to sustain the objection. In solo reasoning, an inference from a set of beliefs to a why-question would be defeasible, subject to a rebutting defeater that makes the question empty.[8]

The second informal criterion for a valid inference from representative illocutionary acts to an interrogative act is that the premises do not entail a particular direct answer to the interrogative act. This requirement applies directly to a natural-language inference to a why-question: if the premises in context include or entail a direct answer to the question-conclusion, there is no point in asking it, i.e. the question does not arise.

Further, a question does not arise if it is common knowledge, independently of the premises, that there is no point in asking the question. One obvious reason for asking a question is that the questioner does not know the correct answer and is asking the addressee to supply it; this may be Gina's reason in example 1 for asking her question. Another reason is to motivate interest in finding out the correct answer, in a case where the questioner knows it but the addressee does not, as in example 2 about smart phones, where the questioner has an answer ready to the question why you cannot put your smart phone down but assumes that the addressee does not. There is a similar structure in the pedagogical use of arguments for questions. The teacher can make learners aware of something that needs explanation, as a basis for requesting the explanation, perhaps inviting the learners to make their own suggestions and test their adequacy. In a test situation, an examiner may pose a question to which both the examiner and the test-taker know the correct answer, but the examiner does not know whether the test-taker knows the correct answer and wants to find out. The common feature of all these situations is that posing a why-question makes sense, whether as a request for information or as a motivator of attention to a subsequent proposed answer or as a pedagogical device or as a testing device. An inference to an interrogative act would make no sense if there was no such reason for posing the question. It is perhaps debatable, however, whether the existence of a reason for posing a question-conclusion is a requirement for the validity of the inference or merely a pragmatic constraint on when it makes sense to draw the inference. Let us include it as a requirement for validity, with the parenthetical acknowledgement that it may be just a pragmatic constraint.

We can summarize the informal requirements for a valid natural-language inference to a why-question as follows:

1. The premises and context entail that the "thing" for which an explanation is requested is a reality.
2. There is no good reason to think that the "thing" for which an explanation is requested lacks an explanation.
3. The premises and context do not entail any particular explanation of the "thing" for which an explanation is requested.
4. The context provides a good reason for posing the why-question, typically lack of knowledge of the correct answer by the questioner or the addressees. (This

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[8] Bromberger (1992) on the other hand seems to regard the class of unexplainable facts as quite large, so that judging that a why-question is sound requires knowing that the fact for which an explanation is requested actually has one. Further, as he points out, the structure and content of a why-question do not provide a basis for this knowledge. Hence "what we don't know when we don't know why" (the title of his article) is what we must find out to know whether there is anything to know at all (p. 168).

requirement may be a pragmatic constraint on making the inference rather than a requirement for the validity of the inference.)

How-questions request a description of the mechanism by which something occurs.[9] The conditions for a valid inference to a how-question are thus similar to those for a valid inference to a why-question, with the second requirement replaced by the requirement that the "thing" for which a how-explanation is requested is the outcome of, or is constituted by, a process, whose components and sequencing can be described.

Let us consider finally open-ended 'what' questions whose content and context do not entail a specification of the kind of thing that can be a direct answer, such as Wiśniewski's example of a "topically-oriented" what-question: "What do you know about the case?" (Wiśniewski 2013, p. 11).[10] In standard contexts, uttering such a sentence would constitute a request to the addressee to tell the questioner everything that the addressee knows about the referenced case, whose identity would need to be established by the context. How could we apply Wiśniewski's two criteria to such an open-ended what-question? The first criterion is that the premisses entail that the question has a correct answer. In Wiśniewski's example, the soundness of the interrogative act seems to consist solely in there being a single case to which reference is being made. It seems too demanding, however, to require that the set of premisses by itself entails that there is one and only one case. The identity and reality of the case referred to may be obvious from the context. For a natural-language inference to an open-ended what-question, it seems enough to require that the set of premisses and the context of utterance entail the reality and identity of any objects whose reality is presupposed by the interrogative act.

Wiśniewski's second criterion is that the set of premisses does not entail a particular direct answer to the conclusion. We can embrace this criterion directly. However, in addition to embracing directly the criterion of not entailing a direct answer to the question, we should require, as with inferences to open-ended why-questions and how-questions, that the context provides a good reason for posing the open-ended what-question.

We can sum up the conditions for a valid natural-language inference to an open-ended what-question, as follows:

1. The premisses and the context entail the reality and identity of any objects whose reality is presupposed by the interrogative act.
2. The premisses and context do not entail any particular direct answer to the what-question.
3. The context of the inference provides a good reason for posing the what-question, such as the questioner's or addressees' lack of knowledge of the correct answer. (This requirement may be a pragmatic constraint on making the inference rather than a requirement for its validity.)

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[9] Not all interrogative sentences beginning with 'how' express a how-question. The sentence 'How could you do that?', for example, is typically not a request for a description of the process that made it possible for the addressee to do "that". It is a reproach, calling for a justification or an excuse or an apology.

[10] Neither of the two what-questions in our sample is completely open-ended. The what-question in example 4 (*The benefit of each form of consciousness*) is a request for a list of the benefits of each of three posited types of consciousness, and depends for its soundness on the adaptationist paradigm accepted by its author. Within this paradigm, benefits are, roughly speaking, things that increase the probability of the continued existence of the species that has them. This conception of a benefit provides a rough guide to the invention of hypotheses that can be tested in "just-so" stories. The what-question in example 6 (*Cooking oil*), "what should we be cooking with?", can be elaborated on the basis of the context as the question: What sort of oil should we be cooking with? The possible cooking oils can be completely specified. Thus this particular what-question is amenable to Wiśniewski's formal approach.

It seems possible to extend to other types of open-ended questions the proposed approach to evaluating natural-language inferences to open-ended why-, how- and what-questions.

5. APPLICATION OF THESE CRITERIA

Doubts about the adequacy of the proposed criteria may arise when we apply them to the arguments in our sample for open-ended why-questions and how-questions. Some examples clearly meet them. The title of this essay meets them. So, it seems, do examples 1 (*Bus drivers*), 5 (*How to make choices in life*), 6 (*Cooking oil*), 8 (*Eating vegetables*), 11 (*Roseanne*), and 13 (*The Cranberries*). In these arguments, the premiss or premisses entail (or at least might plausibly be thought to entail) the reality of the phenomenon for which an explanation is requested (justifying questions, belief by the bus drivers' union in the Board of Health's assurance, human beings' freedom to make decisions for which they can be held responsible, some oils being better than others to cook with, some people disliking vegetables, Roseanne's fictional Lanford being based on the real suburb Elgin, other musicians issuing records of the type of music that The Cranberries play). Thus they contribute to satisfaction of the criterion of transmission of truth of the premiss to soundness of the question-conclusion.

Five other arguments in the sample, however, have premisses that seem relevant but make no contribution to satisfaction of the criteria derived from Wiśniewski's formal account[11]–examples 2 (*Smart phones*), 3 (*Eating Tide Pods online*), 12 (*Paul's letter to the Galatians*), 14 (*Bigoted harassment at New Zealand sports events*), and 16 (*The holy coat at Trèves*). Not coincidentally, each of these arguments is an argument for an open-ended why-question. In each case, the sole premiss neither states nor entails the reality of the phenomenon about which the why-question is asked (the Galatians regarding Paul as their enemy, the addictiveness of smart phones, moral panic at teens eating Tide Pods online, harassment at New Zealand sports events, country people coming to see the holy coat at Trèves). Rather, the arguer seems to presuppose knowledge by the addressees of the reality of that phenomenon. Instead of asserting or entailing the reality of the phenomenon for which an explanation is requested, the premiss provides a reason for finding the phenomenon puzzling, and thus in need of an explanation. The Galatians warmly welcomed Paul in the past, so their present coolness needs an explanation. Smart phones make people stupid, antisocial and unhealthy, so people's addiction to them needs explanation. Only 86 teens ate Tide Pods online, so the worldwide moral panic at teens eating Tide Pods online needs explanation. There is no room for bigotry in sport, so the bigoted harassment at New Zealand sports events needs explanation. Nobody shuts the Tower of London to sightseers because of the legends associated with the objects displayed there, so objections to country people coming to see the holy coat at Trèves need explanation. In these five arguments, the premiss seems to have the function of establishing the fourth, possibly pragmatic criterion for a good inference to an open-ended why-question: that there is a reason for posing the question. The premiss establishes that the phenomenon presupposed by asking the why-question is not what one would expect, and is thus in need of explanation. Thus, despite initial appearances, the apparent validity of these five arguments is compatible with the account in the previous section of a valid inference to an open-ended why-question.

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[11] I owe recognition of this fact to Marcin Selinger, who pointed out in e-mail correspondence that the premiss of example 3 (*Eating Tide Pods online*) was not a presupposition of its question-conclusion.

6. THEORETICAL ISSUES

Three theoretical questions have been raised about this account of arguments for questions:

1. Are the premisses of a valid inference to a question just the presuppositions of that question?
2. Does it make sense to speak about arguing for a question?
3. Does it make sense to speak of justifying a question?

I shall discuss each of these questions in turn.

(1) Are the premisses of a valid inference to a question just the presuppositions of that question? To answer this question, one needs to clarify the concept of a presupposition of a question. Belnap (1969) defines a presupposition of an interrogative sentence as a declarative sentence that is entailed by each of its direct answers.[12] In languages where any declarative sentence entails infinitely many distinct declarative sentences (e.g. those obtained by successively adding one disjunct at a time or by successively conditionalizing with a new antecedent), an interrogative sentence that has one Belnapian presupposition has infinitely many of them. Thus in such languages the premisses of an inference to an interrogative sentence cannot assert all its Belnapian presuppositions. They may however entail all of them. Since the falsehood of any such presupposition entails the falsehood of each direct answer (i.e. the unsoundness of the question), the truth of them all is a necessary condition for the soundness of the question. Hence the premisses of a valid inference to a question (including those supplied by the context) must entail the truth of all its Belanpian presuppositions. But, as pointed out in the previous section, they may include other information, such as a reason for thinking that a why-question needs to be investigated, that its obvious answer is false.

(2) Does it make sense to speak about arguing for a question? Some scholars argue on theoretical grounds that the conclusion of an argument must be of a certain type–a type that does not include questions (whether these are construed as illocutionary acts of asking or as their semantic contents). For example, the pragma-dialectical approach of van Eemeren and Grootendorst (1984; 1992; 2004) construes argumentation as a complex of assertives put forward in an attempt to justify or refute a proposition, in the context of a critical discussion whose function is to resolve an expressed difference of opinion about the proposition. The epistemological approach of Christoph Lumer (1990; 1991) holds that the conclusion of an argument must be a judgment that a definite proposition is true or acceptable, on the ground that an argument is an instrument whose standard function is to produce knowledge in an addressee who knows the premisses but not the conclusion. Such theorists have at least two ways of dealing with apparent arguments to questions like those in examples 1 through 17. One way is to construe them as preliminary to argumentation as they understand it. For example, the pragma-dialectical model of a critical discussion could be expanded to include a stage prior to the confrontation stage at which a question is shown to be sound; the confrontation stage would then consist of an expressed difference of opinion about a proposed direct answer to this question. A second way is to reconstruct them as being really arguments for something else. For example, what looks like an argument for a question could be construed as an argument that the question is worth investigating, since it has a correct answer that is not yet known. In the pragma-dialectical approach, the proposition that a given

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[12] In the logical theory of questions developed by Kubiński (1980), questions of many forms have a single syntactically constructed presupposition, and the truth of that presupposition entails the soundness of the question. Space limitations prevent discussion of this alternative conception of a question's presupposition. It does not extend to formal representations of the open-ended why-questions and how-questions that occur most often in examples 1 through 17.

question is worth investigating could then function as the locus of initial disagreement. In Lumer's epistemological approach, an apparent argument for a question could be construed as an attempt to produce knowledge in the addressee that the question is worth investigating. Lumer (2014) has already produced a nuanced parallel example of such a reconstruction, in which he uses his epistemological approach to develop criteria for a good argument that an action is prudentially justified. The conclusion of such an argument is not a decision to perform the action, but a judgment that, prudentially speaking, the agent ought to perform the action. Nevertheless, such an argument serves to justify and motivate performance of the action.

(3) Does it make sense to speak of justifying a question? To argue for something is to try to justify it, i.e. to show that it is correct. (To argue against something is to try to refute it, to show that it is incorrect.) Thus, if there are arguments for asking questions, then there are attempts to justify such acts. And, on the approach taken in this essay, such attempts can succeed. Hence, if the approach of this essay is correct, people sometimes justify acts of asking a question. That is, they show that it is correct to ask the question. The reader may doubt that it makes sense to say that asking a question is correct. To allay such doubt, one can point out that correctness here does not mean truth or warranted acceptability or any such truth-like status. It means soundness, the existence of a correct direct answer to the question asked, combined with ignorance of what that answer is. Thus to call asking a question "correct" may involve some stretching of the concept of correctness, but the stretching is to something closely analogous to the correctness of asserting a proposition. If this stretching is accepted, then it does make sense to speak of justifying a question.

7. EVALUATION OF THE TITLE

The interrogative component of my title expresses a genuine question: How does our justification of questions work? It is a how-question, a question about the process by which a question is justified. The word 'so' is genuinely inferential, indicating a basis for posing the question in the statement that precedes it, "We justify questions", whose meaning is that people sometimes try to justify a question. My 17 examples were directed at establishing the truth of this premiss. The question-conclusion is a normative one: a request for criteria for justifying an interrogative act.

Let us then apply to my title the proposed criteria for a valid inference from a set of declarative premisses to a how-question. I repeat each criterion in italics, then apply it:

1. *The premisses or the context entail that the "thing" for which a how-explanation is requested is a reality.* The premiss directly asserts the reality of the thing for which a how-explanation is requested.
2. *The "thing" for which a how-explanation is requested is the outcome of, or is constituted by, a process, whose components and sequencing can be described.* Justifying anything is a process, whose components and sequencing can be described.
3. *The premisses and context do not entail any particular how-explanation of the "thing" for which an explanation is requested.* My premiss, which lacks a context, does not entail any particular explanation of how one can justify a question.
4. *The context of the inference provides a good reason for posing the how-question, such as lack of knowledge of the correct answer on the part of the questioner or of the addressee(s).* I assumed in composing my title that my

prospective audience generally would not have a ready explanation at their disposal of how justification of questions works, given that the most influential contemporary normative theories of argumentation, which construe it as an attempt to justify a claim or a standpoint, do not include questions among the sorts of things that argumentation tries to justify. I hoped that, given the interest of my audience in understanding argumentation, its members would be interested in finding out how a set of declarative sentences can justify a question. In fact, when I composed my title, I did not know the answer myself.

Thus, as far as I can see, my title meets the conditions for a valid inference to a how-question. These conditions are ontic conditions, which may hold even if those invited to draw the inference are unaware of whether the conditions are met. In this case, however, I am confident that my audience realized that these conditions are met. Hence the inference of my title is not only optically valid, but is also epistemically valid for my initial audience.

8. SUMMARY

People sometimes justify questions. They do so by advancing arguments whose conclusion is a question. The inference in such an argument is valid if the context and the premises entail that the question has a correct answer but do not say what that answer is. There must be a point of asking the question, such as ignorance of the author or addressees of the correct answer. This requirement may be a pragmatic constraint rather than a requirement for the validity of the inference. The title of this paper meets these criteria, and thus has a valid inference.

APPENDIX

This appendix quotes and analyses briefly 16 arguments for questions found in the Google search mentioned in the text. As in example 1, I italicize the conclusion indicator and interrogative particle that introduce the conclusion.

In 10 of these arguments, the reason for arguing for a question was to provoke interest in the subsequent revelation of the correct answer.

> (2) *Smart phone* (2018)
> Your smart phone is making you stupid, antisocial and unhealthy. *So why* can't you put it down? (Eric Andrew-Gee, *The Globe & Mail*, 2018 01 06; available at https://www.theglobeandmail.com/technology/your-smartphone-is-making-you-stupid/article37511900/; accessed 2018 01 31)

The argument in this headline is arousing interest in the columnist's explanation of the addictive properties of the smart-phone experience.

> (3) *Eating Tide Pods online* (2018)
> Only 86 teens ate Tide Pods, *so why* did the world erupt in moral panic? (Amelia Tait, *New Statesman America*, 2018 01 30; available at https://www.newstatesman.com/science-tech/internet/2018/01/only-86-teens-ate-tide-pods-so-why-did-world-erupt-moral-panic; accessed 2018 01 31)

The argument in the headline is stimulating interest in the author's explanation of the allegedly disproportionate moral panic at online videos of teenagers swallowing Tide Pods.

(4) *The benefit of each form of consciousness* (posted 2012 09 20)
There are a lot of different definitions of the word "consciousness." There are three that I find useful. One is basic consciousness that all animals probably experience some version of: awakeness, alertness, a coherent sense of one's body state and one's placement in the world. Then there's the additional thing that humans have: social consciousness, the awareness of minds in the world with their own intentionality, from which comes the awareness of our own minds. It's likely that all of the other big, social mammals have their version of this, and maybe birds do too. Finally, there's yet another layer of recursive abstraction: awareness of one's self-awareness (and awareness of that awareness, and so on.) This ability requires a lot of processor power, a large memory, a vocabulary of semantic symbols to efficiently store things in that memory, and so on. I'm pretty sure that humans are the only animals to have this ability, though maybe some of the other apes do too; it's hard to know. *So what* is the benefit of each of these forms of consciousness? (Ethan Hein, self-described "enthusiastic amateur evolutionary biologist", answer posted 2012 09 20 on *Quora*,[13] in response to the question raised in passage (17) below; available at https://www.quora.com/What-value-does-conciousness-add-and-therefore-why-did-it-ever-come-into-existence; accessed 2018 01 31)

The author of this online post is setting the stage for a description of the benefit of each form of consciousness that he distinguishes.

(5) *How to make choices in life* (2009)
We recognize that life is filled with decisions for which we are both free and responsible. Thus, we find ourselves asking, "*How, then*, should we choose?" ("Preface", in Douglas S. Huffman (Ed.), *How then should we choose?: Three views on God's will and decision making* (Grand Rapids, MI: Kregel Publications, 2009), p. 7)

The writer of the preface is motivating the reader to read essays in this collection on how human beings should make choices.

(6) *Cooking oil* (2015)
There's been a lot of controversy lately over whether you should or should not be cooking with olive oil. *So*, *what*'s the story? *What* should we cook with and *why*? (Mark Hyman, "What's the verdict on olive oil: Is it good or bad for you?", *Ecowatch*, 2015 06 02; available at https://www.ecowatch.com/whats-the-verdict-on-olive-oil-is-it-good-or-bad-for-you-1882045884.html; accessed 2018 02 05)

The food columnist is motivating his readers to read on to find out what kind of oil they should cook with and why.

(7) *Cannibalistic tomatoes* (2017)
So Are The Vegetables In "VeggieTales" Cannibals Or What? In episode one of "VeggieTales in the City" the veggies grab some sandwiches, loaded up with delicious

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[13] *Quora* is a website on which anyone can submit a question, which self-appointed volunteers then answer.

tomato and lettuce. This is problematic because one of the characters is literally a tomato. (Brad Esposito, "So Are The Vegetables In "VeggieTales" Cannibals Or What?", *BuzzFeed News*, 2017 03 09; available at https://www.buzzfeed.com/bradesposito/veggiecannibals?utm_term=.uh9Ma7666#.ibErj8qqq; accessed 2018 02 05)

The online news feed columnist is motivating readers to join him in a light-hearted inquiry into the ethical status of a tomato depicted as eating a tomato and lettuce sandwich.

> (8) *Eating vegetables* (undated)
> Now we have a dilemma. Vegetables are good, and healthy, and important. Everyone's taste preferences are different. Some people may be genetically more likely to dislike vegetables. How do we get the benefits of vegetables if we don't want to eat them? *So*, in this article, we'll explain:
> *Why* some people don't like vegetables.
> *Why* they're not bad or wrong for disliking vegetables.
> *What* to do about this. (James Heathers and Jennifer Nickle, "What to do when you don't like your vegetables", *Precision Nutrition*; available at https://www.precisionnutrition.com/dont-like-vegetables; accessed 2018 02 05)

The authors of this article start out by providing reasons to read what they have to say about some people's dislike of vegetables and what to do about it.

> (9) *Drunks* (2017)
> Scientists say there are four types of drunks – *so which* are you? (title of an article by Jasper Hamill, *Metro*, 23 Nov 2017; available online at http://metro.co.uk/2017/11/23/scientists-say-there-are-four-types-of-drunks-so-which-are-you-7103363/; accessed 2018 02 06)

The title is a hook to entice the potential reader to read the article about types of drunks. It is left to the readers to answer the question for themselves.

> (10) *Singapore residential development company stocks* (2018)
> Singapore property prices expected to rebound 3%-7% *so which* stocks should do well? (title of a column in the Singapore newspaper *The Edge*, Jan. 12, 2018; available at https://www.theedgesingapore.com/property-prices-expected-rebound-3-7-so-which-stocks-should-do-well; accessed 2018 06 05)

The column explains which publicly traded property development companies are likely to do well financially if property prices in Singapore increase as expected. The title entices prospective investors to read what the column has to say about this question.

> (11) *Roseanne* (2018)
> 'Roseanne' show's Lanford is based loosely on Elgin. *So how* do they compare? (title of an article by Mike Danahey in the *Elgin Courier-News*, May 21, 2018, available at http://www.chicagotribune.com/suburbs/elgin-courier-news/news/ct-ecn-elgin-roseanne-st-0520-story.html; accessed 2018 05 21)

The article appeared in the newspaper of a Chicago suburb (Elgin) on which the small town (Lanford) of the (subsequently cancelled) television show 'Roseanne' is based. The title's

question entices the reader to read about how the fictional town is similar to its model and how it is different.

The argument in this paper's title ("We justify questions, so how does that work?") also had the function of stimulating interest in finding out the answer to its question-conclusion; its premiss draws attention to a fact of which its readers may have been dimly aware, as a basis for raising the question of how to explain this fact, an explanation which (I believed) my audience did not yet have.

Not surprisingly, all these arguments whose function is to stimulate interest in their question-conclusion appear at the beginning of the text in which they appear: in the title, in a preface, or in an opening paragraph. They have an introductory function.

The second most common reason in the sample for arguing for a question is to put one or more addressees, or a third party, on the spot–to challenge them to explain or justify their behaviour. This purpose can be detected in example 1 (*Bus drivers*). Gina from Toronto is putting the bus drivers' union on the spot to explain their acceptance of the Board of Health's statement that Toronto bus drivers do not need to wear masks to protect themselves from infection by the SARS virus. It is also the purpose of the following five arguments.

> (12) *Paul to the Galatians* (written in the first century CE)
> .. you received me as a messenger of God, as Christ Jesus. *Where then* is your blessing? For I bear witness to you that if possible you would have gouged out your eyes and given them to me. *So have* I become your enemy by telling you the truth? (Galatians 4:14-16, my translation)[14]

Paul is reproaching the Galatian Christian communities for their failure to give him their blessing as they did on a previous visit; his question whether he has become their enemy by speaking the truth is a provocative suggestion of a possible explanation. This passage was originally written in *koinê* Greek in the first century of the Common Era. It thus shows that arguing for questions is not peculiar to contemporary argumentative discourse in English.

> (13) *The Cranberries* (album released 01 March 1993)
> Everybody else is doing it, *so why* can't we? (title of Irish rock band The Cranberries' debut studio album; available at https://www.allmusic.com/album/everybody-else-is-doing-it-so-why-cant-we-mw0000097782; accessed 2018 06 09)

The Cranberries, a rock band, chose for their debut album what the *Entertainment Weekly* review called a "self-effacing" title calling attention "to the glut of bands currently playing dream pop" (http://ew.com/article/1993/06/04/everybody-else-doing-it-so-why-cant-we/; accessed 2018 06 05). The title thus puts prospective listeners, especially music critics, who might complain about yet another album of this type of music on the spot to justify their complaint.

> (14) *Bigoted harassment at New Zealand sports events* (2018)
> There's no room for bigotry in sport, *so why* is harassment still rife? (headline of an article by Megan Gattey in *Stuff*, 2018 01 31; available at https://www.stuff.co.nz/sport/100901694/theres-no-room-for-bigotry-in-sport-so-why-is-harassment-still-rife; accessed 2018 01 31)

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[14] ... ὡς ἄγγελον θεο¬ ἐδέξασθέ με, ὡς Χριστὸν Ἰησο¬ν. πο¬ ο⇒ν ὁ μακαρισμὸς ὑμ™ν; μαρτυρ™ γὰρ ὑμ℘ν ὅτι εἰ δυνατὸν τοὺς ὀφθαλμοὺς ὑμ™ν ἐξορύξαντες ἐδωκατέ μοι. ὥστε ἐχθρὸς ὑμ™ν γέγονα ἀληθεύων ὑμ℘ν; (... *hôs angelon theou edexasthe me, hôs Christon Iêsoun. pou oun ho makarismos humón? marturô gar humin hoti ei dunaton tous ophthalmous humón exoruxantes edókate moi. hôste echthros humón gegona alêtheuôn humin?*)

The question in the headline challenges New Zealanders to put an end to the homophobic, racist and sexist harassment that is still prevalent at sports matches in that country. The article describes in detail verbal harassment of spectators at professional sports matches in New Zealand, and explores possible reasons why this harassment is occurring. The argument in the headline thus serves a dual function, of challenging harassers and of enticing the reader to learn about the nature and frequency of the harassment and about proposed explanations of it.

> (15) *The mayor's plans* (2017)
> Mayor John Tory has got plans *so when* is the time for action? Proposals that council has approved but left out of the city budget are a shorthand summary of progress under Mayor Tory, Edward Keenan writes. (headline in *The Star*, 2017 12 19; available at https://www.thestar.com/opinion/star-columnists/2017/12/19/mayor-john-tory-has-got-plans-so-when-is-the-time-for-action.html; accessed 2018 01 31)

The column contrasts Toronto's mayor favourably to his predecessor in having plans for improving the city, but casts doubt on whether he will ever implement them, given his commitment not to raise property taxes. The question raised in the headline puts the mayor on the spot to give a timetable for implementing the approved projects.

> (16) *The holy coat at Trèves* (delivered as an address in 1851)
> Is the Tower of London shut against sightseers, because the coats of mail or pikes there may have half legendary tales connected with them? *Why then* may not the country people come up in joyous companies, singing and piping, to see the Holy Coat at Trèves? (John Henry Cardinal Newman, *Lectures on the present position of Catholics in England addressed to the Brothers of the Oratory in the summer of 1851* (London: Longmans, Green, 1908), pp. 309-310; available at http://www.newmanreader.org/works/england/lecture7.html; accessed 2018 02 04)[15]

Cardinal Newman is using the analogy of visits to the Tower of London to put critics of pilgrimages to the Holy Coat at Trèves on the spot to justify their opposition.
 The third reason in our sample for arguing for a question is to solicit answers to it.

> (17) *The value of consciousness* (posted September 2012)
> What value does conciousness [*sic*] add, and *therefore why* did it ever come into existence? (question on *Quora*; available at https://www.quora.com/What-value-does-conciousness-add-and-therefore-why-did-it-ever-come-into-existence; accessed 2018 01 31)

The poser of the question why consciousness came into existence is looking for someone who will answer the question. Not coincidentally, this passage is the only one in our sample where the premiss is a question rather than a statement. It is what Wiśniewski calls an "erotetic

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[15] Charles Kingsley, in *"What, then, does Dr. Newman mean?" A reply to a pamphlet lately published by Dr. Newman* (available at http://www.newmanreader.org/works/apologia/kingsley.html; accessed 2018 02 04), calls this discourse a sophism: "In his "Lectures on the present position of Catholics in England, addressed to the brothers of the Oratory," in 1851, he has again used the same line of sophism. Argument I cannot call it, while such a sentence as this is to be found: ... To see, forsooth! To worship, Dr. Newman would have said, had he known (as I take for granted he does not) the facts of that imposture." The sophism charged against Newman is apparently faulty analogy, not the form of using a question as a conclusion.

inference of the second kind", an inference from a question (possibly supplemented by one or more declarative sentences) to a question.

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Dialecticality and deep disagreement

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ABSTRACT: In this paper, I will argue for a complex of three theses. First, that the problem of deep disagreement is an instance of the regress problem of justification. Second, that the problem of deep disagreement, as a regress problem, depends on a dialecticality requirement for arguments. Third, that the dialecticality requirement is plausible and defensible.

KEYWORDS: deep disagreement, dialecticality requirement, epistemology, regress problem

1. REGRESSES AND DEEP DISAGREEMENTS

Regress problems are familiar to anyone who's interacted with a small child. The question of '*why?*' can be asked again, and again, and again. This interaction yields series of reasons that not only test our patience, but test our understanding of what is at issue. For regresses to get started, with the '*why?*' questions, four requirements for reasons must be in place. Call this *the recipe for justification regresses:*

> **#1: Iterated Backing Requirement**
>> Only Justified Reasons can Justify
> **#2: Non-Circularity Requirement**
>> Only non-circular justifications can justify
> **#3: The Fact of Cases**
>> There are Justified Commitments
> **#4: Finitism**
>> Justifying reasons are finite

Once nice thing about the recipe, as stated, is that it gives us a handy roadmap for solutions to the regress problem for justification, since it is an *apory set* – a collection of independently plausible, yet inconsistent, propositions, and the solution to the problem (stated in this case as the inconsistency of the set) is to identify which proposition one eliminates or revises to mitigate the tension between the members of the set.[1] So Foundationalists and Externalists modify #1, Coherentists modify #2, Skeptics reject #3, and Epistemic Infinitists reject #4.

Deep disagreements are argumentative circumstances wherein there is insufficient overlap of agreed commitments and epistemic resources to resolve an issue between disputants. So, in normal disagreements, we can appeal to some fact we both believe that bears on the question, or we have some decision procedure to determine the right answer. So we may appeal to a mutually recognized authority or consult a source we both take as reliable. With deep disagreements, however, we do not share enough in common ot provide enough information to cut the argumentative ice. As Robert Fogelin puts it:

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[1] See Nicolas Rescher 1985, 2006, and 2008 and Aikin and Talisse 2017 for developments of the aporetic method.

> The possibility of arguments, the possibility of a genuine argumentative exchange, depends … on the fact that together *we* accept many things. (1985: 4)

> We get a deep disagreement when the argument is generated by a clash of framework propositions (1985: 5)

The takeaway from Fogelin's invocation of Wittgensteinian hinge propositions is that we have commitments that ground much of our system of belief, but for which we do not have further reasons. As Wittgenstein describes these framework propositions:

> [T]he *questions* that we raise and our *doubts* depend on the fact that some propositions are exempt from doubt, as if it were like hinges on which those turn. (*On Certainty* 341)

The key, though, is that these propositions are not shared by all, and so those for whom some proposition is dubitable seem to be unintelligible to those who cannot doubt them. Because these hinges "form the foundation of all operating with thoughts (with language" (*On Certainty* 401), those who consider doing without them are not, from the perspective of those convinced, making sense at all. And so, given this hypothesis of *hinge commitments*, deep disagreements are instances where arguments are impossible, because these sides cannot see each others' reasons as reasons at all. This is why Fogelin holds, "deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing" (1985: 8).[2]

It is not difficult, given this description of deep disagreements, to see how the problem of deep disagreements is an instance of the problem of the regress of justification. Here is how the argument for the view should go:

1. Framework Propositions are (supposed) reason regress-enders only for those who believe them
2. If framework propositions are not believed, then they do not end a reasons regress
3. Deep disagreements are defined by non-shared framework propositions
4. *Therefore:* Deep disagreements have no regress-ending reasons

What's needed, then, is a way to see that what I'd called the *recipe for the justification regress problem* to have a special instance for the problem of deep disagreements.[3] Here's what I see as the *recipe for deep disagreements:*

Backing
> Only reasons acknowledged as good reasons can play proper role of backing

Non-Circularity
> No reason can be in its own backing ancestry

Fact of Cases
> *Normal* arguments: Yes – shared reasons
> *Deep* disagreements: No shared backing reasons

Finitism
> Arguments are finite endeavors

The key is that, given that backing in the case of deep disagreements, is driven by the fact of controversy – if your audience doesn't accept a premise or support relation essential to your argument, that is a problem with your argument. This thought about the deep disagreement instance of the backing requirement must be expanded.

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[2] For the current representation of what 'hinge epistemology', see Pritchard (2015) and Schönbaumsfeld (2017). Further, see Siegel (forthcoming) for a critique of not only the hinge commitments in question. Additionally, a critique of the notion of 'depth' in deep disagreement, namely that it can be *gradable*, can be found in Duran (2016) and Aikin (forthcoming b).

[3] Elsewhere (Aikin, forthcoming a), I have argued that the problem of deep disagreement is a special instance of the problem of the criterion, which I argue is a regress problem.

The backing requirement, given this description of invoking not only a further supporting reason, but one that is acceptable to an audience, brings the *dialecticality* of the backing element into sharp focus. This should be contrasted with the demand of epistemic backing, which is only that a proposition can justify only if it itself is justified. In the case of dialecticality, not only must the justification be transmitted for a good argument, but that support must be *mutually recognized*. So, the contrast can be captured as follows:

> **Epistemic Backing:**
> P may justify Q only if P is *justified*
>
> **Dialectical Backing:**
> P may serve as a premise supporting Q only if P's acceptability is *shared*

Take 'shared' in these cases to be roughly that the claim's status is recognized as having a positive status, endorsed as at least a *prima facie* reason without a clear defeater, and one that has achieved either explicit or tacit approval in the exchange. This yields the following complex norm for argument:

> **Dialecticality Requirement:**
> An argument is good only if it is *dialectically adequate* to its audience
> An argument is dialectically adequate to its audience only if its illative core (the premises and their support for the conclusion) is *accepted* or *acceptable* to its audience

The core thought behind the dialecticality requirement is the idea that arguments are occasions wherein we are exchanging reasons, our objective is to come to a mutual accord, one reached not only by the best reasons, but on our shared regard for those reasons as best.

The dialecticality requirement is a pretty demanding norm, one that takes on not only a commitment to being an exercise of our shared rationality, but an exercise of our *recognizing* that shared rationality as such. It is an exercise of what Ralph Johnson calls *manifest rationality:*

> What is distinctive of argumentation is that it is an exercise in *manifest rationality*, by which I mean not only that a good argument is itself a rational product […] but that it is part of the nature of the enterprise that *this product appear as rational* as well. (2000: 144)

The point of manifest rationality is that we be committed no not only ways that are *good* for resolving our differences, but to ways that we *actually see as good*. It is ruinous, on analogy, for a just decision to nevertheless *appear unjust* to those affected, or for a fair decision to have the *air of improper partiality*. Arguments, like these other shared social goods and ends, have their purchase only if, in our living up to their norms, not only live up to the norms, but also *appear as doing so, too*.

Manifestness is a norm undergirded by two appealing thoughts. The first is a norm of rational respect, one of recognition. Here is a way to capture it:

Following the Dialecticality Norm … is a norm of *rational respect*.

> With argument, we are trying to engage someone's reason, so that they see the world in a way we can share. Rational resolution requires that the rationality of the reasons be manifest.

Not caring what others, with whom one disputes, sees as decisive reason is a failure to see them as having the moral and cognitive standing of regard. We must live our lives from the inside, and not being moved by this thought when taking up with what others see from their instances of 'inside' is to refuse to appreciate and respect those with whom one disagrees and argues. If one doesn't have that respect, then why *argue* in the first place?

A second reason supporting the manifestness commitment behind the dialecticality requirement is simply that it is good pragmatic policy. Arguments are more effective and durable if we live by the dialecticality norm. Here is how to capture the thought:

> With argument, we are trying to resolve an issue in a way that is quick and durable. Were we not to respect the dialecticality norm, we'd make the argument drag out longer and have more easily rejected resolutions.

The lesson is, if we go for dialectical arguments, our conclusions are more likely to stick.

2. DIALECTICALITY AND ITS DISCONTENTS

So far, what I've done is argue for two theses – that the problem of deep disagreement is a particular form of the problem of the regress of justification, and that instances of the regress-generating backing requirement for arguments in the recipe for the deep disagreement problem is a norm roughly captured by the dialecticality requirement for arguments. The question, then, is whether, if the regress problem can be mitigated by rejecting a proposition in 'the recipe' (and the backing requirement, in particular), then the dialecticality requirement can and should be rejected to solve the problem of deep disagreement. The most prominent critic of the dialecticality requirement for arguments is Richard Feldman. He holds that the consequence of accepting dialecticality is a form of audience-relativism for argument-quality. In particular, f one requires dialecticality, "there is no such thing as the simple quality of an argument" (1994: 172). In support of this thought, Feldman proposes two cases:

> **Case 1: The Blackboard**
> [I]f I walk into a classroom and see an argument written on the blackboard, I can evaluate it without knowing for whom it was intended. I don't ask, 'Are there premises justified for the intended audience?' Instead, I consider the merits of the premises and their connection to the conclusion (Feldman, 1994: 172)

> **Case 2: The Newspaper**
> [Y]ou come across an argument […] in the local newspaper. You know most of the readers of the paper are not justified in accepting some of the premises, although you know that the premises are in fact true [….] You'd be forced to say, using the acceptability theory, that the argument is no good. It seems clear to me, however, that it would be a mistake simply to leave one's evaluation at that. If you know the premises are true and that they support the conclusion, then **there is surely something good about the argument**, even if its intended audience lacks knowledge (1994: 172-3; emphasis added)

The key to a reply to Feldman's cases is that with both, Feldman has inserted *himself* as the target audience for the arguments at issue. I believe this is easy to see when we consider the fact that arguments, as arguments, are both *processes* and *products* – that is, they are both diachronic exchanges between people, and they are structural relations between propositions. And just as we can evaluate the exchanges in terms of the structural relations between propositions, the structural relations can be evaluated in terms of how they are produced in the exchanges. Consider Feldman's Blackboard case. Let Feldman view the argument on the blackboard, from where he sits, as a *false dilemma*. Perhaps between A and B (with B eliminated). He may agree that B should be eliminated, but he holds that C is also a relevant option, but in the argument given, it's neglected. But imagine, further, that the argument as assessed (*A or B, not B; so A*) is itself the product of a longer process, one stage of which has the trilemma, with A, B, and C as options and C eliminated. For the participants in the longer dialogue, the argument that Feldman would see as a false dilemma is not – this is because the *tertium quid* has already been eliminated. Insofar as we think that the dialogical history of an

argument as a product is relevant to its quality, the audience-indexing for the dialecticality requirement must be a component of evaluation.

The relativism Feldman worries about needn't follow. One reason is that Feldman is right that we can still acknowledge, for example in the Newspaper case, that there are elements of arguments that can be successful, independent of audience and their assessment. In the newspaper case, Feldman still holds that "there is something good" about the argument that dialecticality doesn't capture, and this is correct. But the dialecticality requirement is only *one necessary condition among many*, and so cannot capture *all* the norms of argument. So, for example, a valid argument will still have something good about it, regardless of audience capacity to detect it, but for the argument yet to completely perform its function, the audience still must be able to assent to that validity. The same, the reasoning should go, for Feldman's Newspaper case where the argument, were the audience more scientifically literate they would see that it is scientifically well-founded.

The dialecticality requirement, as stated, is only a necessary condition for argumentative success. Being properly hooked up with the argumentative process, that the argument is a relevant contribution to the discussion, and is one that adds to the progress toward resolution or clarification of an issue, is what this requirement identifies. And it, alongside other structural and purely epistemic matters, identifies the aim of argument improving our cognitive position on a matter in question.

3. CONCLUSION

I've argued here for a complex of theses. The primary is that the problem of deep disagreement is an instance of the regress problem of justification, but it is one with a particular version of the backing requirement – what I've called the *dialecticality requirement.* In particular, given the notion of a deep disagreement on offer, the problem is best captured by the thought that arguments about hinge propositions can never be dialectically successful. One way to resolve the theoretical problem of deep disagreements is to reject the dialecticality requirement, but I've argued here that the norm is very appealing on both recognitional and pragmatic grounds. And further, I've argued that the case for rejecting the dialecticality requirement, as we see with Feldman's two cases, is not well-founded.

The lesson, as I take it, is that if we are to have a solution to the problem of deep disagreement, given that it is a dialectical form of the regress problem for justification, it must be (a) consistent with the dialecticality requirement, and (b) be a recognizable solution to the regress problem for justification. Classically, the prospects for a program of reply to the problem have been very dim. Sextus Empiricus's Five Modes is founded on the notion of dialectical regresses, and his solution is skepticism (see PH 1:175). That said, everything about the problem of deep disagreement depends on its description of being a clash between hinge propositions, and perhaps there is reason to be skeptical about the prospects of hinge epistemology.

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Analysing moderators' narratives on debates behind Wikipedia articles

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ABSTRACT: Wikipedia is the most consulted source of information across the globe. We analyse first-person narratives of moderators who were asked to narrate the 'life cycle' of articles on controversial topics (the Turin Shroud, Freud), based on discussions between participant writers. Wikipedia articles are not only the sites of cognitive-textual elaboration and interpersonal attacks, but may also be seen as displaying forms of 'trench warfare' on the terrain of a globally distributed text.

KEYWORDS: online debates, debate moderation, Wikipedia, narrative

1. INTRODUCTION

Wikipedia is the seventh most consulted website and the most consulted source of information across the globe. Following rapidly growing participation (Kittur et al. 2007), recent years have seen the rise of 'editing wars' (repeated text deletions/'reverts'), partly controlled by Bots (robots), followed by their migration to discussion pages 'behind' the articles (Viégas et al. 2004). These are often characterised by personal attacks on the expertise of (anonymous) participants (Détienne, Baker, Fréard, Barcellini, Denis & Quignard, 2016), given the principle of participation open to all.

Whilst the analysis of these argumentative discussions is of import for the quality of Wikipedia articles, it is also of interest to argumentation research, given characteristics such as free global participation, specific online community rules (e.g. requiring neutral viewpoints) and debates extending over years. Argumentation research usually adopts the researcher-third-person perspective to the analysis of written or spoken argumentative discourse. Wikipedia provides an opportunity, no doubt unique, to study debates on a global scale on a large variety of issues, some of which are controversial, given that text pages on the web are accompanied by a "discussion" tab, that contains all discussions between writers of the articles, sometimes extending over years and over hundreds of participants. Here, in order to address such large amounts of data we analyse first-person *narratives* of moderators of debates occurring within discussion traces 'behind' articles (see Baker, Détienne & Barcellini, 2017, for further details), inspired by the work of Bruner (1991) who claimed that narrative and meaning-making are fundamental modes of human knowing. Seasoned "Wikipedians", who spontaneously took on the roles of "moderators" were asked to narrate the 'life cycle' of articles, from the beginning to the present day, focussing on the nature of verbal conflicts and the moderation strategies that they used.

We analyse how the strategy of requiring protagonists to cite specific sources is often not effective, given that disputes then migrate to the validity of the sources to the credentials of their authors and the sincerity of protagonists. A further issue concerns countering the "mass effect" (participants attempting to 'drown' opposed viewpoints with their own) by requiring contradictory views to coexist in the text. Thus, Wikipedia articles on controversial

issues are not only the sites of cognitive-textual elaboration and interpersonal attacks, but may also be seen as forms of 'trench warfare' on the terrain of a globally distributed text.

2. BACKGROUND: RULES GOVERNING WIKIPEDIA ONLINE COMMUNITIES

The processes of construction of articles in Wikipedia are framed by five main "pillars" that are described in the encyclopedia itself[1]. One of them, named "neutrality of points of view (NPOV)", is particularly important for our analysis. The NPOV rule states that:

> articles must be written in a way that does not take sides for certain points of view rather than others. To the contrary, it is a matter of presenting all relevant points of view, whilst attributing them to their authors, but without adopting any of them (…). Neutrality of point of view is not the only foundational principle. Relevance of content is also important. Therefore, neutrality of viewpoint does not mean that one must necessarily present all existing points of view on a subject. Only the relevant ones need to be taken into account, whilst giving them space that is proportional to their importance in studies on the subject.

Nevertheless, the principle of relevance that grounds neutrality of viewpoint may lead to a "*neutrality controversy*"[2], when some Wikipedia participants (e.g. editors) judge that the NPOV is not respected for a particular article. This may lead to debates, conflicts associated with debates, and/or "editing wars" in Wikipedia. Conflicts are initiated and/or waged by participants who express major disagreements on a particular point (e.g. the title of an article, a non-neutral part of the text) in discussion pages associated to articles (Viégas et al. 2004; Suh et al. 2009). They are characterized by cycles of deletions followed by "reverts" of texts ("editing wars"), aggressive comments in discussions page, personal attacks, and inconclusive debates.[3] Attempts to manage such conflicts often involve requiring parties to provide further references (sources) for their claims.

In previous research (Détienne et al., 2016), we analysed such a conflict[4], conjecturing that despite their having often high costs in terms of communication, time and effort, conflict management processes can nevertheless be productive, in terms of the collaborative elaboration of shared community knowledge, and ultimately, the quality of articles. To do so, we developed a qualitative approach based on analysis of the content, form and meaning of discussions, in relation to the texts being collectively edited. This approach was original in the body of research on Wikipedia, which mainly uses automatic techniques for 'mining' and automatically processing logfile data (edits, messages) to derive network structures, or questionnaires and interviews. The analysis of such extended and complex discussions requires careful choice of units and levels of analysis. Our choice was to focus on the analysis of roles emerging from interactions (i.e. interactive roles, as opposed to institutionalised statuses), as an appropriate meso-level unit of analysis. These roles refer to: dialogic roles related to informative, argumentative and regulative contributions), epistemic roles related to the task (problem domain or Wikipedia rules) and interpersonal contents (referring to the group, or specific participants' competences). We showed that online epistemic communities can be communities in the true sense of their involving cooperation, given that interactive

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[1] https://en.wikipedia.org/wiki/Wikipedia:Five_pillars

[2] https://fr.wikipedia.org/wiki/Wikip%C3%A9dia:Controverse_de_neutralit%C3%A9

[3] https://en.wikipedia.org/wiki/Wikipedia:Edit_warring

[4] The conflict produced by "the descent of Pluto", around the renaming of the article on the celestial body (significantly here, not the cartoon character) "Pluto". The discussion was made necessary by a decision of an international scientific body that required Pluto to 'descend' from its status of a planet to that of an asteroid (the 'descent' of Pluto).

roles are reciprocal and evolve over sequences of the discussion: when one participant changes role from one sequence to another, other participants 'fill in' for the vacant interactive role. In other terms, participants can cooperate in regulating debates. We see this as an emergent property of the interaction, eschewing considerations of intentionality or causality (i.e. we make no hypotheses as to participants' intentionality with respect to the evolution of the roles that they effectively adopt). Secondly, we showed that online communities, in the specific case of a Wikipedia discussion, do not function purely on a knowledge-level, but also, crucially, on that of the negotiation of images of participants' competences with respect to the knowledge domain. In that sense, such communities can be seen to be "socio-cognitive" communities. It transpires that, despite or because of Wikipedia rules of free participation and the possibility of anonymous participation at a distance, in certain cases participants become concerned by the identity and statuses of participants, in order to evaluate the 'weight' of their arguments (is what someone says based on genuine expertise?).

In building on this previous research we sought an approach to taking into account larger amounts of data (controversies in Wikipedia may span over several years) based on multiple points of view: that of the researcher-analyst and that of key participants in the controversies. This is the approach based on argumentative analysis of narratives, described below.

3. THE NARRATIVE STUDY

We identified and contacted major contributors in the French Wikipedia, asking them to identify controversial articles in which they had played a moderator role. It is important to note that such a "moderator" role is not necessarily institutionalised (i.e. in the form of an "administrator" status): as our analyses mentioned above showed, certain major contributors cooperate in regulating or moderating activity in Wikipedia, apparently motivated by genuine concern for quality 'work' to be achieved. Usually, these persons intervene across several articles. These Wikipedians were interviewed, face-to-face, with the articles and their discussion pages available on the computer. They were asked to produce a "narrative" of the evolution of the articles from their inception to the present day (the interviews took place in September 2012), with very little intervention (other than prompting to continue) from the researcher.

The task instructions read to the Wikipedians by the researcher were as follows:
"Imagine that I am a person who would like to contribute to this Wikipedia article. Could you tell me what I would need to know in order to be able to participate? To do so, you are free to look in the history of the article (edition and talks pages) and to refer to it in your narration. You have as much time as you feel necessary."

In this article, we focus on the analysis of two interviews, with two expert Wikipedians who narrate the evolution of the articles entitled "The Turin Shroud" (*Le Suaire de Turin*, in French) and "Sigmund Freud" with their underlying discussions. In what follows, we summarise the main conflicts that were narrated, together with the strategies that the Wikipedia moderators-narrators used try to manage or neutralise them. It is important to note that our analysis is not that of the debates themselves relating to the articles, but rather of the *narratives* of major contributors to those articles and their associated discussions.

4. FIRST CASE STUDY: THE TURIN SHROUD

The Turin Shroud is, according to the first lines of its attendant Wikipedia article in French (our translation from: https://fr.wikipedia.org/wiki/Suaire_de_Turin), "… a cloth of yellowed linen, 4.42 metres long and 1.13 metres wide, showing the very blurred image-imprint (from the face side and the back) of a man presenting traces corresponding to a crucifixion. The representation figuring certain details of the Crucifixion of Jesus of Nazareth described in the canonical gospels is the object of popular pietism and is considered as an icon by the Catholic Church. Some believers venerate it as a bodily relic, the "Holy Shroud". The shroud is conserved since 1578 in the Guarini Chapel of the Saint John the Baptist Church of Turin."

According to the Wikipedian narrator, the debates behind the article had two main groups of protagonists, whom he termed "the religious people" and "the scientists". The narration of the debate comprised four main phases:

Phase 1: the religious people put forward the plausible argument that the marks on the shroud *could have been* made by the body of a man, based on tests;

Phase 2: the religious people attempted to argue against the validity of carbon 14 dating of the shroud, according to which it was made of cloth produced in the Middle Ages, by claiming that the dating was done on the wrong piece of cloth, since the shroud was repaired in the Middle Ages. The "scientists" replied that they were not allowed to analyse other fragments, thus, in a sense, claiming that the religious people had made an unacceptable dialectical move (1st pragma-dialectical rule "Parties must not prevent each other from advancing standpoints or from casting doubt on standpoints").

Phase 3: this concerned the nature of scientific method, and error margins of carbon 14 dating. Each protagonist cited "scientific sources" in support of their claims and the scientists claimed that error margins of carbon 14 dating could not extend over eight centuries.

Phase 4: this concerned the reliability of sources (see below).

The Wikipedia moderator, according to his own narrative, used four different strategies in order to attempt to manage or neutralise the conflict between the religious people and the scientists.

Firstly, he proposed a compromise solution of the type "most scientists agree that …", but which was naturally immediately rejected.

Secondly, he proposed to go to a vote, a proposal that was also rejected.

Thirdly, he adopted a strategy that is well documented in Wikipedia research, which is to require participants to *cite precise sources* (functioning as arguments). In the case of the Turin Shroud article, this was not effective, however. The narrator stated that sources themselves became objects of debate, in that the scientists disputed the validity of sources proposed by the religious people, claiming that they had been written precisely so that they could support their view, that even some may have been written by "scientists", they were also religious people, and not experts in the relevant domain.

Finally, the verbal conflict was neutralised by the technique of 'splitting', i.e. not attempting a genuine resolution of the conflict (how could it be resolved, in reality?), but by separating out conflicting parties into separate sections of the article, entitled "the scientific view" and "Position of the Catholic Church".

In sum, the debates produced behind the French Wikipedia article entitled "Le Suaire de Turin" was underlain — predictably — in the first instance by a "science versus religion" debate, with the scientists citing carbon 14 dating and the religious people claiming that the wrong piece of cloth could be analysed (yet no other analyses are allowed) and that such dating has error margins. But the most important aspect was that the conflict resolution strategy of requiring participants to cite their sources led to a stalemate. Separating out conflicting parties into separate parts of the text proved the only workable solution.

5. SECOND CASE STUDY: FREUD

The article entitled "Sigmund Freud" in French Wikipedia (https://fr.wikipedia.org/wiki/Sigmund_Freud) is currently (in September 2018: such denominations change over time) marked as an "article of quality". Within Wikipedia community rules, this means that it is well written, complete, argued (well sourced), neutral, and that it conforms to Wikipedia stylistic rules. Furthermore, this means that the previously completely open participation is now partly restricted to contributors who have been active for at least the previous six months, a procedure which prevents 'vandalism' of the article — persons only identified by IP addresses, or else new contributors — in the text itself.

According to our moderator-narrator respondent, the discussion pages incorporated two main verbal conflicts, associated with an "editing war" (text of the opponent is repeatedly deleted then reinstated). The first conflict was stated to be between a "cognitivist hard scientist" and a "Freudian psychoanalyst", as follows:

"… err an editing war between two editors who came from two ideologies that were, I'd say, adversaries … Cerhab, from hard science cognitivism … but that remains to be proven someone who quite simply refused the postulate of the unconscious. And someone who was psychoanalytic, really oriented towards Freud, it was errr Léon66"

In this case, the moderator repeatedly asked the conflicting pair for sources which, after a while, led them to quit the 'terrain' of the Sigmund Freud page. In fact, the conflict between "Cerhab" and "Léon66" then migrated mostly towards their own pages, where they repeatedly insulted each other, and partly to related Wikipedia pages, concerned with more general epistemological issues in psychology.

The second conflict concerned the relative importance of two subtopics on which certain participants had written extensively in specific sections of the Wikipedia article: "Freud and cocaine" and "Freud and antisemitism". Here, the moderator invoked the NPOV (Neutrality of Point of View) rule according to which articles should remain on the main topic and be of appropriate length. Thus, the two sections on these subtopics remained, but were significantly reduced in length.

6. CONCLUDING REMARKS

A great deal is at stake in Wikipedia: it is produced and consulted on a genuinely global scale[5], and controversial articles represent the globally available presentation of real-life controversies. The principle of participation open to all, using generally available technologies, obviously creates an arena for debates that are supposed to be controlled 'rationally' by the Neutrality of Point of View (NPOV) principle, but which is itself a subject of debate … (https://en.wikipedia.org/wiki/Wikipedia:Neutral_point_of_view).

Since many controversies remain unresolved in the world, one should of course not expect them to be in Wikipedia articles. What, therefore, can be done to ensure encyclopædia articles that are acceptable across the whole world, given additionally that articles have no specific 'author' to whom a viewpoint can be ascribed?

In the two cases analysed here ("The Turin Shroud" and "Sigmund Freud") we saw debates between manifestly irreconcilable religious versus scientific viewpoints and an epistemological debate concerning what is to count as scientific. In these cases, the common procedure of requiring argumentative support in the form of citation of "sources" did not

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[5] Wikipedia statistics (31/05/2018) [https://stats.wikimedia.org/EN/Sitemap.htm]: in English: 4 696 703 views per hour; editors of pages (5+ edits per month): 32 532

provide a means for genuine dialectical resolution of debates (which is most probably not to be expected, although this is part of standard Wikipedia procedure). Instead, *debates were neutralised rather than resolved* by either creating parts of texts in which each point of view could be expressed, requiring changes to the 'terrain' occupied by particular topics, or else by pushing warring parties to take their dispute elsewhere. In these two cases, what we term *occupation of the terrain* constituted by the text was primordial. The mass effect, as seen in the first case, led to a neutralisation of the debate by splitting the 'terrain'. In the second case the conflicting pair, not supported by other (or a mass of) contributors, preferred to leave the terrain of the article to continue their fight at a more interpersonal level.

In our previous research on Wikipedia communities (Détienne et al., 2016) we showed that they involve not only socio-cognitive processes (based on cooperation and social interaction with respect to an epistemic and linguistic task) but also depend on socio-relational self- and other-images of expertise, sometimes leading to personal attacks. In the research presented in this paper, we are lead to extend this vision of Wikipedia debates, in considering them as also involving *power struggles* on the *terrain* of a globally co-created and consultable text.

In conclusion, we propose that combining third-person (researcher) and first-person (participant) perspectives on Wikipedia debates is a promising approach to analysing debates in Wikipedia that involve very large amounts of data, sometimes extending over years. Wikipedia represents a 'gold mine' for the exploration of global controversies.

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"Argumentexturing": Reflexions on a theory of learning from argumentation dialogue

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ABSTRACT: Classical Argumentation theories focus on structures and validity, minimising constructive meaning-making. By contrast, the negotiation of meaning and conceptual transformations are what matter most in a theory of Argumentation for Learning. We call this theory "argumentexturing" ("argumentissage", in French) to express the interweaving of arguing, thinking, affect and interpersonal relations interweave in arguing to learn (Schwarz & Baker, 2017). The theory of argumentexturing thus aims to bridge the gap between argumentation and learning theory.

KEYWORDS: argumentation theory, learning theory, knowledge elaboration, pedagogical debates, emotion

1. INTRODUCTION

When learning is evoked in argumentation studies, most commonly argumentation itself is what is referred to ("learning to argue"). Thus, learning to argue involves being able to generate arguments and counter-arguments for given theses, the developing ability to produce sound argumentation, avoiding fallacies, and engaging in reasonable argumentation dialogue, according to the rules. In this paper we consider how the activity of argumentation, practiced in groups, can result in learning with respect to some object beyond argumentation itself ("arguing to learn") — for example, concerning the knowledge domains within which argumentation occurs, or with respect to the ability to engage in argumentation with others whilst effectively regulating interpersonal relations and the emotions involved, in social interaction. In this context, however, there is a gap between argumentation theory and learning theory, neither of which corresponds to the other. This paper aims to work towards bridging that gap, in the form of a theory of "argumentexturing". The term "argumentexturing" is our attempt to translate the French term (that we invented: Schwarz & Baker, 2015) "argumentissage", coined as a combination of "argument-" and "-tissage" ("weaving"), with the term "argumentissage" being alzo redolent of "apprentissage" ("learning"). The aim is to capture in one word/concept the notions of *argumentation*, *learning* and *interweaving* of minds and discourses in argumentative social interaction.

There are a number of reasons that motivate the elaboration of a theory of argumentexturing. On the side of education (see Schwarz & Baker, 2017), with the erosion of authority structures, education systems today recognise that it is important for students to be able to argue and to collaborative effectively (these are so-called "21st Century Skills, according to EU directives), and this would bring school practices closer to professional practices of scientists (Osborne, 2010). As we shall discuss, argumentation can give rise to

many desirable outcomes, such as conceptual change, epistemological development and ability to participate in democratic practices (Schwarz & Baker, 2017). On the side of argumentation theory, the study of argumentation in (computer-supported) collaborative learning situations might enable it to move out of its traditional 'comfort zone', of law, politics and the media, thus extending the field of validity of models.

In the rest of this paper, we firstly discuss argumentation seen from learning theory, then the inverse. We then present two examples of innovating argumentative situations which illustrate the subtle interactive learning processes and outcomes that a theory of *argumentexturing* is designed to account for, most of which are not really accounted for by the dominant theories of learning. The concluding sections summarise the varied and innovating types of learning with which we are concerned, with future research directions.

2. A VIEW FROM LEARNING THEORY

The study of learning from engaging in argumentative interaction ("arguing to learn") originated within collaborative learning research, the aim of which, within the "interactions paradigm" (Dillenbourg, Baker, Blaye & O'Malley, 1996) is to identify the types of interactions produced by students working in small groups that are most conducive to learning. As an extension of the theory of socio-cognitive conflict (Doise, Mugny & Perret-Clermont, 1975), itself being an extension of Piaget's theory of development to the realm of social interaction, a number of researchers (e.g. Mevarech & Light, 1992; Baker, 1999) tried to understand how the cooperative resolution of verbal conflicts, in and by argumentative interactions, could lead to collective knowledge elaboration and individual cognitive progress. However, existing learning theories are arguably not sufficiently adapted to this task.

Let us begin by discussing the 'big' theories of learning, of each of Piaget, Vygotsky and H. Simon. As mentioned above, Piaget's original theory of cognitive development was essentially centred on the individual, with little explicit consideration of the role of social interaction. Although Piaget's last wave of students introduced a 'social' concept of interpersonal conflict between viewpoints, it took more recent developments to argue for the necessity of analysing argumentative interaction. Vygotsky's theory is of course, at first sight, the most directly relevant to learning in social interaction, as more elaborate schemas of reasoning are appropriated by a less competent person from a more competent one, within the former's "zone of proximal development". However, Vygotsky's theory (due to the early demise of the Russian psychologist) remained programmatic: social interaction is evoked, but the processes it involves are not. Finally, H. Simon's theory of human cognition as processing of symbolic information, akin to a computer, is centred on the individual. Attempts to extend this to social interaction fail to take into account the qualitative shift involved, and can be likened to considering dialogue as a juxtaposition of monologues.

There are, however, a number of more recent localised models and theories of interactive learning that are potentially useful in understanding arguing to learn, in addition to the theory of socio-cognitive conflict, mentioned above. They include theories of conceptual change (e.g. Driver, 1989), of social regulation (e.g. Isohätälä, Näykki, Järvelä & Baker, 2018) and post-Bakhtinian visions of dialogue as exploration of a space of alternative discourses/voices (Wegerif, 2007).

Argumentation dialogue, produced in situations where knowledge elaboration is at stake, involves subtle interactive processes whereby shared meanings are redefined and elaborated. Existing theory of argumentation-learning is not equipped to take this into account. Recent research in the Learning Sciences has, however, given rise to several proposals as to more macroscopic 'types' of dialogue that are considered more or less 'good'

from the point of view of learning. For example, Kuhn and colleagues (2011) refer to "dialogic argumentation", Mercer and colleagues (1999) to "exploratory", "cumulative" and "disputational" types of "talk"; Michaels, O'Connor and Resnick (2012) to "accountable talk" and Schwarz and Baker (2017) to "collaborative and deliberative argumentation dialogue". There is clearly a need for introducing conceptual order in such research, notwithstanding the fact that argumentation dialogue in collaborative learning situations is clearly a mixed genre, involving argumentation, knowledge exchange and co-construction, as well as negotiation of meaning.

3. A VIEW FROM ARGUMENTATION THEORY

When learning is referred to in argumentation studies, it most often refers to learning to engage in argumentation itself. And what that means of course depends on the argumentation theory in question (see Van Eemeren, Groodendorst & Snoeck Henkemans, 1996). But in general, we could say that learning to argue involves, for example, avoiding the classical fallacies, being able to produce (counter-)arguments for standpoints, being convincing or persuasive, playing the dialogue game according to the rules, etc. Nevertheless, within argumentation theory itself, it is possible to find aspects that create a link with the *constructive* function of dialogue, with meaning making, that both provide points on which a theory of *argumentexturing* could be anchored, and erode attempts to see human behaviour in argumentation dialogue as involving a clear dialogic logic (Barth & Krabbe, 1982), with attendant proof theory, given that the meanings of propositions evolve in interaction.

Argumentation dialogue can be seen not only as an exchange of argumentative moves designed to win the game, persuade, convince, but also as a process working on the plane of meanings, concepts and their interactive redefinitions. Thus Naess (1966) sees argumentation as a process of *prezisation*, of making statements more precise. Walton (1992) describes how argumentative interactions can lead to the conceptual operation of generalisation of the thesis being debated (e.g. "should obligatory tipping in American restaurants be maintained?" leading to "what should be the role of the state in regulating commercial transactions?"). Sitri (2003) has produced a detailed analysis of how the "object of debate" emerges and how its meaning is co-constructed in dialogue.

This research, perhaps marginal in argumentation studies, nevertheless allows us to come closer to the preoccupations of argumentexturing, in that argumentation dialogue is seen as a process of meaning-making, just as much as an interdiscursive logic. Some such new meanings may correspond to situational norms, and thus be considered as forms of learning.

4. TWO EXAMPLES

We briefly describe two innovating learning situations, as examples of phenomena that *argumentexturing* theory should be able to account for. Unlike most teaching-learning situations, learning outcomes in these cases are not predefined by the teacher — rather, they are defined by the participants and emergent from the interaction — which makes them difficult to evaluate. The first situation involves debates on current social issues (in Israel), the second involves structured debates in group creativity (at the Royal College of Art, London).

4.1 The first case: a course based on hot discussions on controversial issues

A course on news trends in educational research for undergraduate students has been organized by the second author (B. Schwarz) at the Hebrew University of Jerusalem. The aims of the course were twofold. First, to expose students to social controversies whose impact on education in Israel is deep; secondly, to acculturate students to practices of deliberative argumentation on hot issues. The structure of the course was as follows:

(1) Three sessions for learning the rules and stages of critical discussions. We listed criteria for good critical discussions. Students were arranged in 19 groups of 5-6 students. The cultural and ethnic background of the students reflected the multicultural character of the Israeli society.

(2) Nine sessions during which researchers in different domains lectured on a research issue that reflects a societal controversy. Each researcher provided one paper that expands on the research issue.

(3) After each of the sessions, the groups of students discussed (in a synchronous mode) the issue in a technological platform (at home)

The scores of the students were based on the quality of their discussions (hence, based on the compliance of the discussions to the criteria for the goodness of critical discussions at the beginning of the course).

We present here some excerpts of the 8th discussion, in which students were invited to think whether organizing a national program on civic education common to Arabs and Jews is possible and desirable. 5 students participated in the discussion, 3 Jews, and 2 Arabs:

> Roni: Hi, friends, we got an opportunity to change civic education in the country. In my opinion, the main problem is a lack of unity, lack of suitability to the reality, and the distance between the different societies in Israel. So, I think that the best would be to make students from different schools meet each other. We should be clear that the idea of democracy is an ideal, which is a bit utopian. We should stress the complexity and the tension between freedom and equity, between democracy and Jewish state…. […] What do you think?
> Rikiya: In my opinion, it will work in Jewish schools, but on the other hand, it won't work. Civic education in Israel doesn't encourage Arabs to elaborate a common identity for all citizens in the country. In my opinion, civic education should serve the whole population in the country
> Roni: When I wrote about clarifying the complexity and the tension, I intended precisely this issue in order that everybody would experience what it is to be Arab, secular Jew or religious Jew, as something real, and relevant. I would be happy to know what you meant by saying that civic education in Israel doesn't encourage a common identity, and how it would serve the whole country, as a Jewish and democratic state
> Rikiya: I learned in a school in East Jerusalem, and there I didn't learn about civic education in Israel, but in the north of Israel, Arabs learn about it. A Jewish and democratic state. Tell me: why do they learn about a Jewish identity and don't learn about a Palestinian identity?? I want to tell you that education in East Jerusalem is very different from education in Jewish schools or for Arabs in the north. There, they learn about a Palestinian identity and not an Israeli one […]

This excerpt shows uncompromising opinions. Somehow, although this except does not show anything constructive in the group, it exemplifies that the technological platform serves as a public space on which extremely different opinions are posted. This is important in a country in which people live in a conflictual context. But the discussion evolved in a surprising direction:

> Jihad: I learned in East Jerusalem, and I am very knowledgeable about it. There, they don't learn about the common identity Roni mentioned. I agree with Roni that it is important to stress the complexity and the tension that exist in the country, but it is not realistic to do that because, as Roni said, there are very different societies in Israel, and these societies will not reach an agreement with the other. For example, when I entered the university, I heard about global citizenship, and international citizenship for the first

time. And I agree also with Rikiya that in our schools we don't learn about citizenship like in the north, and we even don't learn about the other groups in the country.

Ronel: I agree that civic education should serve the whole population of the country. We live together, so that we should learn about it so that we could learn to live better in a more civilized way. I think that the program should begin from primary schools and kindergartens. And should be a basis fro the future […]

Rikiya: I think that the educational system should include information on all the populations in the society, that each group will learn about its own identity and about the identity of the other, and this will help a lot to solve problems between those groups. And we should organize meetings and acquaintances because it is impossible to a modus vivendi without knowing each other […]

We can see in this excerpt that the participants become more empathic and construct arguments together. Jews and Arabs differentiate between discussing the issue in the East Jerusalem context and in the North of Israel. To summarise, the following was what was learned in the course: (a) Students learned to follow the rules of critical discussions; (b) they gained broader, deeper understanding of contemporary controversial issues; (c) they kept being emotionally engaged, and learned to regulate their emotions.

4.2 The second case: Debate and group creativity training

Our second example of an educational argumentative and interactive situation involved students, working in groups of four participants, at the Royal College of Art (London), in the framework of a Masters course that aims to train creative designers (see Mougenot et al., 2017). Most groups are mixed in terms of background, either coming from arts schools or else from Imperial College (adjacent to RCA) engineering school. Within a research project involving researchers from CNRS (Paris), Tokyo Institute of Technology and RCA, we experimented new formats of workshops for creativity training, based on introducing "tensions" into groups. These included time constraints, interpersonal competition and, our focus here, interpersonal conflict, or debate, concerning the ongoing collaborative projects of groups. For this, we designed a workshop inspired by the "argument clinic" sketch of Monty Python [https://www.youtube.com/watch?v=XNkjDuSVXiE]. For creativity training, disagreement generally has a 'bad press': the general credo is "every idea is a good idea". However, work in the design field has shown that creative performance in teams is not achieved only by agreement but also by cognitive confrontation (Badke-Schaub, Goldschmidt & Meijer, 2010.). In the Argument Clinic workshop, we ascribed pro and contra dialectic roles to pairs of students, then required them, half way through the activity, to exchange roles. This approach has two advantages: (1) it counteracts the confirmation bias whereby students are much more able to generate arguments in favour rather than against their claims, thereby encouraging them to be self-critical and to 'think around' the idea; (2) exchange of roles reinforces the idea that this is a (nevertheless serious) dialogical game, within which criticisms should not be taken too personally, thus attenuating negative emotions and necessity for affective regulation (Baker, Andriessen & Järvelä, 2013) that could interfere with group harmony. After the workshop of one and a half hour duration, participants were shown a video of their group work and asked to identify "key moments". In a subsequent debriefing session, participants stated that they felt they were under positive challenge and very engaged ("*Once we started talking about we were so passionate we ignored everything else but the topic*"). They noticed un-inhibition effect ("*some members became more vocal*", "*free from prejudice*"), the absence of negative interpersonal feelings (e.g. "*I also felt no feeling were hurt*") and personal benefits ("*More critique from peers will help me get better*"). In one group, the ongoing project was defined initially by students as "social touch". On the basis of analysis of (self-identified key moments in their interaction, it was found that: (1) the argumentative interaction enabled elaboration of a more clear definition of "social touch" (it

was not only about touching others, literally, but about sensing the presence of others); (2) as a result, there was increased group mutual understanding and cohesion; (3) the 'eurkea' episode of mutual alignment of representations was associated with the interactive circulation of positive affect (laughter); and (4) once the dialogue 'got off the ground', students left behind, surpassed, the pro/contra framework and engaged in free argumentative discussion, sometimes arguing for or against their project definition, irrespective of assigned dialectical roles. In sum, 'learning', in this case, corresponded to better definition and mutual understanding of project objectives, as well as 'team building'.

5. CONCLUDING DISCUSSION

From the beginning of the 1990s, "argumentation" in education, as a method or tool for learning something outside itself, has become a commonplace idea, at least within "progressive" pedagogies and researchers working on collaborative learning. "Collaborative" argumentation (which does not equate to soft consensus) is beginning to emerge in schools, from challenging tasks, in which the role of the teacher is highly important: this has been shown experimentally to be most favourable to learning (see Schwarz & Baker, 2017, chapter 6, for a synthesis).

However, as we have discussed above, we currently lack the theoretical tools for carrying out a serious research programme on collaborative argumentation-based learning, or *argumentexturing*. Some indications as to the theoretical tools to be partially integrated, depending on the domain of study, have been mentioned. We have provided some indications as to what a theory of argumentexturing is a theory 'of'. It is, in terms of learning theory, a theory of:

1. different timescales: microgenetic (the *hic et nunc* of interaction); ontogenetic (a person's development through periods of life); phylogenetic (of Homo Sapiens);
2. collaboration in argumentation in knowledge elaboration (on shifting conceptual sands);
3. mutual regulation on an interpersonal level, including emotions;
4. the process of becoming of human beings, where their organisations and societies become deliberative.
5. becoming more dialogical, open to the circulation of diversity of discourses;
6. being better able to question, elaborate, render more subtle one's value systems; understanding what one's values are and that others may not share them;
7. functioning with the framework of an interpersonal ethics of debate, becoming a democratic citizen.

In educational contexts, one of the major problems is how to evaluate such subtle learning objectives. In terms of argumentation theory, the aim would be to achieve partial integration, according to the field of study to be modelled, of the following dimensions of argumentation dialogue, in relation to learning processes (Baker, 2015; Schwarz & Baker, 2017):

1. the dialectical (rule-based exchange of argumentative moves);
2. the rhetorical (extended to all changes in participants dialogical attitudes, beliefs, opinions, acceptances, …);
3. the discursive (interdiscursive conceptual elaborations, negotiation of meanings);
4. the ethical dimension (interpersonal ethics of dialogue);
5. the interpersonal (relationships, circulation and regulation of affect).

As we indicated above, such a theory of *argumentexturing* would extend both learning theory, towards more rich and socio-relational-emotional situations, and argumentation

theory, beyond adversarial public debate towards the possibility of taking into account knowledge-rich collective activities.

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Attenuating argument: The Meuse-Argonne American Cemetery visitors center

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ABSTRACT: Following World War I, the US government built eight permanent cemeteries in Europe and England to honor the approximately 30,000 Americans who died and whose bodies remained in Europe. These cemeteries and their memorial chapels advanced an argumentative brief advancing public diplomacy. This paper examines how the recently constructed visitors center at Meuse-Argonne American Cemetery, *attenuates* the arguments of that brief, reducing its force, effectiveness, and value to the very audiences it seeks to engage.

KEYWORDS: argument, attenuation, cemeteries, public diplomacy, United States, visitors center

1. INTRODUCTION

Following World War I (WWI), the US government, with its chosen teams of architects, landscape architects, and sculptors, designed and constructed eight permanent cemeteries in northern France, Belgium, and the UK. Administered by the American Battle Monuments Commission (ABMC), these sites honor the more than 30,000 Americans who died and whose families chose that their loved one's remains should be interred abroad. As we maintained in an earlier essay, the US sites composed a finely tuned commemorative rhetoric in the service of public diplomacy, with host-country and other European citizens as its intended primary audience (Balthrop & Blair 2018). The locations, aesthetics, and iconographic programs of the cemeteries advanced what amounts to an argumentative brief that does three things: It announces the arrival—culturally, economically, and militarily—of the once-insular US on the international scene; it declares the US to be a virtuous and powerful actor in that scene; and it culminates in an injunction for recognition, regard, and gratitude for the US among European citizens

Our earlier paper traced out the patterns of the argumentative brief forwarded by all of the cemeteries. Here, we bring forward from that paper three general observations about the public diplomacy brief's character. First, the demand of General John Pershing, the commander of the American Expeditionary Force, was that these sites be the most beautiful and best maintained of any nation's cemeteries along the Western Front. That aesthetic, the lushness of the grass and flowers, the presence and opulence of overtly Christian chapels, and the meticulous maintenance of the sites, would convince Europeans, he believed, not only that the US had come of age culturally, but also that the scrupulousness with which the US honored its dead, not to mention God, would indicate the great virtue of the nation.

Second, much of the iconography and inscribed text in the sites encouraged a view that many host nation citizens already held—however naïvely—that the US soldiers interred in the cemeteries were sacrifices made by the US solely to save the allied European nations.

Third, by suggesting that the primary purpose of the WWI cemeteries was (and is) public diplomacy and that Europeans were the primary audience, we do not mean to imply that honoring the dead and welcoming American visitors were considered unimportant. Quite the contrary. The commemorative rhetoric is not displaced or superseded or overwhelmed by the public diplomatic one; the strong commemorative rhetoric here is articulated in honoring the US dead—a message that is culturally legible to almost anyone. But in this geographic context, that articulate commemorative rhetoric speaks in a second register as well to the primary audience—Europeans—not just about the American dead but also about America. That the intent of those who worked to bring the cemeteries and monuments to fruition was precisely to speak in both registers is clear, based on archival records. That the second register remains legible—and persuasive—to many European visitors is apparent still, based on the thousands of reactions those visitors have expressed in guest registers over the past ninety years.[1]

Beginning in 2007, the ABMC began a gradual program of adding visitor centers (VCs) to its cemeteries and monuments. The Commission began with World War II sites, but in just the past two years has expanded that programming to two of its cemeteries and one of its monuments from WWI. In this paper we take up just one of the sites, the VC at the Meuse-Argonne American Cemetery (MAAC), which we believe suffers from overwhelming rhetorical problems. Along with the other US WWI cemeteries, MAAC has a leading role in forwarding the public diplomacy brief, with its prominent thematic of major sacrifice.

We will argue that this visitor center *attenuates* the arguments of the decades-old public diplomacy brief forwarded by MAAC and the other cemeteries, reducing its force, and potentially subverting its effectiveness for the very audiences it seeks to engage. We begin with a brief discussion of visitor centers. We address what we mean in adopting the metaphor of attenuation from the physical and engineering sciences to describe the effect on the argumentative force of the brief forwarded by the US cemeteries. Following that, we pay a visit to MAAC and its VC to analyze some of the VC's many problems and demonstrate why they are problems for this cemetery and its public diplomatic mission. We return at the end to the notion of the attenuated argument, particularly in relation to what should have been the goal *and* the outcome at MAAC's VC (or any other VC, for that matter)—to *amplify* the mission of the site rather than to attenuate it.

2. US VISITOR CENTERS AND THEIR INTERPRETIVE MISSIONS

There is a long tradition at both US culture and nature sites to provide some at least modest accommodations for visitors—guidebooks, maps, information, restrooms, etc. But the idea of visitor *centers*, as such, emerged in the 1950s with the US National Park Service's (NPS's) Mission 66 project that had two primary purposes: (1) to provide for the needs of and to manage/control a major (and growing) post-war influx of visitors, and (2) to offer a much-improved 'interpretive program' for visitors. As Sarah Allaback suggests: 'The use of the word 'center' indicated the planners (sic) desire to centralize park interpretive and museum displays, new types of interpretive presentations, park administrative offices, restrooms, and various other facilities' (2000, p. 24). Mission 66 would end in 1966 with new visitor centers at more than 100 of the US National Parks (Walser 2017). Most of them are still in existence, and each

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[1] Most of the cemeteries and a few of the monuments have guest registers reaching back to the 1920s, where thousands of visitors have provided responses to the cemeteries, the World Wars, the US dead, and the US more generally.

serves as the hub of the park it serves—usually the visitor's first stop to orient their visits to the park site. In recent years, the impulse to add VCs to preexisting sites has become a headlong rush in the United States. The impulse to append existing sites has intensified in other parts of the world as well, from Stonehenge in the UK to a former slave market and church complex in Stone Town, Zanzibar.

The ABMC is now among the most active proliferators of VCs. In addition to the three World War I VCs, it sponsors such centers at four World War II sites, with two more in the planning stages. The ABMC's VCs are *centers* in ways strikingly similar to those envisioned and executed by the NPS; they are very frequently the first stop for visitors, even if only to use restroom facilities or to ask a quick question. But they are perhaps more properly thought of as *interpretation* centers, because site interpretation is the primary work that they do—more or less well.

3. AMPLIFYING OR ATTENUATING ARGUMENTS: DIVERGENT POSSIBILITIES OF INTERPRETATION

In various branches of the physical and engineering sciences, especially in applications having to do with light and sound, two concepts are central: *amplification* and *attenuation*. Amplification occurs when a substance or device through which sound or light passes makes a signal stronger. So, amplifiers are devices that 'increase the strength in a signal without distorting it' (Crecraft and Gorham 2003, p. 168). Attenuation is, for physics, the diminution or abatement of sound or light when sound or light waves encounter a device or substance that alters the path or wavelength in some way. For example, light is attenuated by encounters with fog or deep water.[2] The light's intensity is diminished by contact with the light or fog in what scientists refer to as 'incoherent scattering' (Gordon 1959).

We adopt the notion of amplification here as a metaphoric vehicle to describe the amplification of an argument or arguments when a secondary discourse—a commentary like exegesis or interpretation—intervenes to increase the argumentative force of a pre-existing argument. We use the idea of attenuation, by contrast, to describe a secondary discourse as diminishing the force of a pre-existing argument or arguments. Indeed, it is possible to consider a case like that of the VC at MAAC as having as its goal to amplify the force of the cemetery site's role in the argumentative brief, though its messages serve, in the end, to attenuate the intensity of those arguments. Either amplification or attenuation, in other words, may occur purposefully or not. The coherence or strength of an argument may be dissipated in a secondary discourse in any number of ways without refuting it; they simply obscure, weaken, or cast doubt on the argument. Although 'incoherent scattering' is not the only way that an electromagnetic wave might be attenuated, it is a useful extension of our metaphoric use of these terms, in the sense that the coherence or strength of an argument may be dissipated in a secondary discourse in any number of ways without refuting it; they simply obscure, weaken, or cast doubt on the argument.

Notions of amplification and attenuation are useful in thinking about all kinds of secondary discourses or commentaries.[3] These 'secondary' discourses appear as what Foucault

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[2] For relative clear explanations of amplification and attenuation in the sciences, see: Agarwal and Lang (2005); Ballou (2008); and Kane (2009).

[3] Pezzulo and de Onis (2018) address amplification in scholarship about activism, wherein field-based studies may 'amplify' the work of the activists. Although they turn to Farrell's 1998 exploration of Aritotle's concern with 'magnification' to describe their interest in amplification, their exploration of various cases of such amplification suggest that it is similar to what we have in mind. Similarly, De Cleen's (2015) discussion of Flemish nationalists'

called events of 'reappearance'; an apparently inexhaustible primary text (or object) is taken up to be explained, elaborated, brought up to date, etc. in a secondary text. Commentary, he argued, paradoxically 'gives us the opportunity to say something other than the text itself, but on condition that it is the text itself which is uttered and, in some ways, finalised' (1971, p. 221).

In the case of interpretation, particularly of site interpretation, the primary 'text' isn't really a text but the focal *place*, what many interpretation scholars, consultants, and practitioners refer to as 'the resource.' Their writings and 'best practices' declarations, which we incorporate in the analysis that follows, emphasize consistently the role of interpretation as mediation between the resource and the visitor. Hence, the mission of the *resource* is definitive in planning interpretive talks, materials, or exhibits, but the likely needs, desires, and interests of the visitor are also central in that planning.

4. CONFOUNDING DESIGN AND ARRANGEMENT

MAAC's VC is installed in what was originally the reception area for next-of-kin and others to find out information about where a loved one or friend is buried, ask questions about the nature of US involvement in the First World War, or even just learn that the site they are visiting is a US WWI cemetery. Now, on either side of the old reception area, two galleries compose the primary exhibits of the VC, one representing the military campaign and marked at its entrance in bold signage: Courage. On the other side is the Commemoration Gallery, with another prominent entry marker: Remembering Sacrifice. Visitors may choose to visit either or both, and no order is prescribed. The open choice of which gallery one visits first is not unusual for a VC, and accommodating visitor choice is usually lauded by most interpretation experts. What we did not realize, though, until late in our first visit was that the VC has an orientation video, entitled 'Never to Be Forgotten: Soldiers of the Meuse-Argonne.' Oddly and unfortunately, it is not located in the central entrance area, but instead is uncomfortably inserted into a cramped space inside the Commemoration Gallery.[4] The video itself, while flawed in some ways, covers topics related to both galleries and it contains the lion's share of the general orienting content— most of the important material about the cemetery—available anywhere in the VC. Moreover, the orientation it provides would have been far more coherently located centrally so that a visitor could view it prior to choosing which gallery to enter first, or possibly at all.

Unlike the carefully planned aesthetic and meticulous maintenance of the cemetery, the VC seems anything but that. Each of the galleries is overwhelmed with exhibits, some of which encroach upon one another, and others of which seem simply gratuitous. Encroachment is at its worst in the Campaign Gallery, where three large display cases of WWI-era weapons and field equipment are placed immediately in front of a massive LCD screen that plays a loop of three vignettes of quotations and rather generic, reenacted scenes of a battlefield. The entire production, entitled 'Battlefield Experience: The Meuse-Argonne Offensive,' includes silent transitions among the vignettes which show a bleak battlefield scene with haze or perhaps gas wafting across it; at times a hazy photograph or quotation will emerge from the vapor. The displays and looped vignettes obviously distract from one another, particularly since the lights

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efforts to 'attentuate' the force of claims by a radical right party in Belgium seems to parallel our understanding of attenuation, although De Cleen does not describe what he means by the term.

[4] The tiny seating area for the video is placed at an awkward 90-degree angle to the screen. If visitors prefer to stand to watch it from a better vantage point, they are almost certain to block the paths of visitors through the gallery.

dim every few minutes for a battle sequence, making it almost impossible to read exhibit labels in the cases.

Each of these design errors detracts from the mission of the VC, and in turn, does nothing to support, much less amplify, the mission of the Cemetery. Many of the design problems betray a confusion about what a VC should be. A VC is not a museum. The differences between them may blur at times, but it seems rather obvious that a VC is not a destination in its own right but an installation that takes as its primary mission interpretation of a site. Since that is the case, it should be designed to the specifications of Gross and Zimmerman's advice to 'stick to components that reflect the overall vision, mission, and themes of the site' (2002, p. 115). Exhibit consultants advise, as Ripp does, that for the visitor to 'gain an overview and to assimilate some important points of content, it is essential to reduce the number of facts to a good representative few. . . . [A] visitor center can claim neither to be comprehensive nor fully representative.' (2018). He also notes somewhat wryly that 'courage is required to leave this gap open.' Perhaps so. But to appreciate this or any other military cemetery, or to understand its arguments, a visitor need not (and certainly cannot in this way) assimilate a well-developed knowledge of even one nation's (relatively short-lived) role in WWI or even the battle that took the lives of most of those interred here.

The VC at MAAC, though, attempts not only those things but more, with displays about life on the front, military support units, then-new technologies of war, and the impacts of the war. And that is just in one of its two galleries. In the Commemoration Gallery, it attempts to cover forerunner practices of US commemoration, changes in those practices in the case of WWI, origins of the ABMC, the WWI US policy on repatriation of the dead, Gold Star mothers' pilgrimages to visit the graves of their loved ones in the interwar period, walls of the missing, commemoration on the US homefront, as well as a few highly selective (and decidedly unrepresentative) stories of those who died, interspersed among wall quotations apparently intended to break up the onslaught of information with something a little more affective in character. It also adds in the midsection of the gallery a digitized registry of all US military personnel buried or named on a wall of the missing in all the US cemeteries abroad, another interruption of the narrative. Such design and conceptualization problems already amount to an incoherent scattering effect. But there are far worse instances of attenuation.

5. DISRESPECT FOR THE PRIMARY AUDIENCE

The VC at MAAC, more egregiously, disrespects its audience, especially the intended primary audience of the cemetery. Here we return to the Campaign Gallery and the video 'Battlefield Experience: The Meuse-Argonne Offensive.' Its occasional vignettes of battle (when the lights go down every few minutes) are unnarrated, and the sounds are almost exclusively weapons fire. According to the director, the production was 'designed without dialogue to make the experience available to all languages while helping visitors feel what it must have been like to be an American' (Throckmorton 2018). But those vignettes as well as the transitional moments between them incorporate quotations from soldiers that emerge and then quickly disappear in the visual panorama. These quotations appear only in English. So, that experience is surely not 'available to all languages.' According to on-site ABMC personnel with whom we spoke last summer, there had been some complaints and pointed observations about the lack of translation, unsurprisingly. The oversight itself, though, is rather surprising, since the quotations are all brief and could easily have appeared in both French and English.

The disrespect of host country nationals reaches even further, however. Displays of weapons and other items of military life in the Campaign Gallery include some materiel that call attention to the fact that much of the armament used by US forces upon the nation's 1917

entry into an already-long war was provided by allies France and the British Empire. And it is worth noting that this display *does* include French translations of the exhibit labels for all of the items displayed, perhaps unfortunately. One of the display cases contains three weapons or weapon components. Among them is a replica of a Chauchat magazine, accompanied by this exhibit label in English and French: 'When the United States entered the war, American soldiers relied heavily on Allied materiel, including the French-produced Chauchat light machine gun. The innovative but poorly designed Chauchat was often unable to fire 240 rounds per minute using 20-round magazines as intended.' The same case includes a replica of a US Army Mark I hand grenade, with this label: 'Introduced in 1917, the MK1 grenade was modeled after standard French fragmentation grenades. However, it proved difficult to use in the field and often failed to explode, so it was replaced by the improved MK2 in mid-1918.'

The exhibit labeling here seemed to have begun with the good idea of demonstrating US and French cooperation, with its language of 'reliance' and 'French-produced.' The second label, similarly suggests that even US-made weapons were 'modeled' after French materiel. But both labels then turn to scorn the host benefactor with declarations that the weapons were 'unable' or 'failed' to function as intended. This display, in principle seems to have had the potential to illustrate the cooperation of the US and its partners in the war, as well as to indicate one specific vector of dependence. But with the labeling about the stated or implied mediocrity of the materiel, the potential identification of American-French amity is attenuated by gratuitous and unwarranted arrogance. If not arrogant, it is at least discourteous that the caption of a period photograph on a wall display unit nearby, depicting wartime damage in Exermont, misspells the name of the village as 'Exerment.' Exermont, an agrarian village with a 2008 population of 34, is a neighbor of MAAC, only about 6 miles (10 km) away.

Of course, it is completely conceivable that, in this exhibit-congested gallery, visitors might not notice the specifics of the exhibit labels or a failed spelling of a local village. But what if they do? French visitors certainly seem to have noticed when translations are missing. That is already a signal that their interests/needs are not being served by some of the exhibits. The haughty exhibit labels defy the attitudes historically held by the planners of the cemeteries and monuments who realized that America's intervention in WWI, and thus that its loss of life, was far less significant than those of other combatant nations. So, while there was a demand that the US memory sites be beautiful and well-manicured and that their chapels and other structures be of extraordinary quality, there was a concerted effort to display *deference* toward allied nations, their losses, and the sites that represented those losses (Balthrop & Blair). The worst possible outcome would have been for the US cemeteries and monuments to be an affront to those who had lost so much more in blood and treasure. The mistakes in this VC gallery do represent affronts, and if they are noticed, they have potential not just to scatter but to dissipate the mission.

6. BURDENING THE RESOURCE WITH POSSIBLE PROVOCATIONS

Attenuation of the resource, in this case MAAC and the public diplomacy brief it articulates, can occur inadvertently by burdening interpretation. Such burdening may occur if interpretation introduces into the attention of visitors exhibits or materials that some might take to be inappropriate to the character of the resource.

One case of such 'burdening' at work in the VC is the inclusion of displays that are unnecessary and that could easily invite charges of inappropriateness or tastelessness when introduced into a cemeterial setting. We have already mentioned the display of weaponry that resides in the Campaign Gallery, This exhibit also harbors the potential for being thought of as wholly inappropriate in context. To say that a display of battle accoutrements at a cemetery is

unnecessary seems to us both accurate and obvious on its face. Potentially worse than unnecessary, though, it also may also seem to some visitors that a display of mechanisms of killing simply does not belong in a cemetery. Of course, weapons are almost always on display at museums related to battles or wars. Even in that kind of venue, exhibition of weapons has been deplored by many as a veneration of technologies of warfare and as a cultural means of idealizing war (Blair, Balthrop, & Michel 2013). But in this space that seeks to honor those killed in war, a weapons display seems at least out of place if not ethically inept.

7. SPURNING THE RESOURCE

Attenuation of the resource, in this case the public diplomacy brief it articulates, can occur inadvertently by snubbing the character or attributes of the resource itself. The most obvious and painful spurning of the resource is that the VC speaks not a word about the chapel that presides visually over the cemetery and that bears so much of the task of conveying the cemetery's diplomatic message. Even with an interpretive board in the VC that focuses on the walls of the missing, which are located in the loggia of the chapel, the text in the interpretive wall unit does not mention their location in the cemetery. As with all of the US cemeteries abroad, MAAC's chapel is among the symbolic signatures that sets the site apart from other nation's military burial grounds—that makes it unmistakably legible as American. More important, the chapels in the US cemeteries are tasked with much of the important iconography that composes the diplomatic brief. The omission of even a mention of the chapel in the VC certainly seems to diminish its importance; its omission can hardly be considered encouragement for visitors to inspect it. Even a brief discussion of the chapel would have offered the opportunity to emphasize the prominence of the architects and sculptors who were involved in its design, reinforcing the 'cultural arrival' theme in the public diplomacy brief.[5]

There are multiple missed opportunities in the VC and ones that would be even simpler to have addressed. One obvious example is related to the Commemoration Gallery's treatment of 'Remembrance at Home.' In the primary text and a captioned period photograph, visitors read about and see the US Tomb of the Unknown Soldier (TOU), which was established in Arlington National Cemetery in 1921. The connections between that important US site and MAAC are significant. When the US decided in 1921 to follow France's and Britain's leads in establishing a national TOU, four unknowns were disinterred, one each from four different US overseas cemeteries, including MAAC. The soldier whose remains were chosen in a special ceremony was transported to the US amidst much tribute on both sides of the Atlantic. What happened to the other three? They were reinterred together at MAAC. Their graves are not specially marked in the Cemetery, in keeping with the *ethos* of honoring all burials equally, but their location is certainly not secret. Offering that information would provide visitors with an overt link to the cemetery outside.

'Spurning,' though, is not just about such absurdly missed opportunities offered by 'the resource.' It can also be about a complete loss of attention to what must be presumed to be the mission of this VC—to be a visitor center *for the Cemetery*. In the space where visitors first enter the VC are framed images of two prominent Americans from WWI. One of them clearly belongs here, a photograph of John J. Pershing, Commander of the American Expeditionary Force. Pershing was also named the first Chairman of the ABMC and was instrumental in the

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[5] The architectural design of the chapel at MAAC is attributed to the New York firm, York and Sawyer, an important contributor to university campuses and cityscapes in the eastern US and best known for its many banks and hospitals. York and Sawyer's lead architect of the MAAC chapel, Louuis Ayers, designed the giant Department of Commerce building and was instrumental in helping to plan the Federal Triangle complex, both in Washington, DC as well as having other major commissions.

cemetery and monument projects after the war. The other is a photograph of Sergeant Alvin York, one of the most decorated *and* famed US soldiers of WWI. He was in action at the *Battle* of Meuse-Argonne. He also outlived the war. His life and deeds were the subject of a 1941 Hollywood film, *Sergeant York*, with Gary Cooper playing the title role. York was an impressive soldier, but he does not belong in a VC for MAAC. These are worse than poor choices; they undermine the value of those who are honored in *this* cemetery, and they shatter the mission of the VC, to be an interpretive site for *this* cemetery. This VC is not, after all, a museum, and it is not about the *Battle* of Meuse-Argonne but about the cemetery site that shares its name.

A similar problem of reaching beyond MAAC is found in one of a number of brief biographies scattered throughout the VC, often accompanied by photographs of soldiers who lost their lives in WWI and who are buried in MAAC. The most prominent biographies are located in the Commemoration Gallery's four large stand-along biography panels, placed in the walkway of that gallery, with the clear expectation that visitors will walk among them, taking special interest in those that have been singled out in this fashion. Almost, but bizarrely not all, of these people are buried in MAAC. One of the biographies is about Private Henry Johnson, who is buried not in MAAC but at Arlington National Cemetery. He was not even a casualty of the war, but died in 1929. His story, including the fact that he was a Congressional Medal of Honor recipient, is compelling, to be sure. But why he is commemorated here in a VC for MAAC is unexplained and inexplicable. Johnson's biography, like the photograph of York, deflects attention from the Cemetery, thus attenuating characteristics of the argumentative brief, particularly those that call attention to French-American amity.

8. CONCLUSION

Articulated responses that weaken argumentative cases need not always be refutations or counter-arguments, and they need not always be purposeful. Refutations are deliberate objections or negations by an opponent of the *substance* of the proponent's argument. An opponent may also attenuate the *force* of a proponent's argument, whether deliberately or unintentionally, in ways other than direct refutation. Crucially, though, attenuation may occur at the hands even of someone who supports the proponent argument.

That is precisely what has occurred with the VC that now appends MAAC. A seemingly supportive commentary, as one would expect in a VC, here subverts the primary brief of the cemetery with an incoherent presentation of information, risking insult of the primary audience, not attending even to primary features of the cemetery and its brief, and diverting attention to matters far outside the domain of the Cemetery.

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Understanding the role of argumentation in chronic care encounters: A comparative analysis of a multicultural corpus

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ABSTRACT: Medical consultations in chronic care can be described as advice-seeking activity types, in which advice-giving is the main discursive activity that entails an argumentative component. This component appears during deliberative and evaluative sequences. In the first case, participants need to find agreement on a solution to a problem. In the second case, participants need to find agreement on how to assess facts in order to make decisions based on those assessments. We are particularly interested in understanding clinicians' use of argumentation 1. when deciding for a certain treatment; 2. when patients disagree with them. In order to do this, we propose the analysis of a corpus composed of interviews with chronic care doctors, collected in Italy and in the Chinese region of Inner Mongolia.

KEYWORDS: activity type, advice giving, deliberation, institutional preconditions, medical argumentation, pragmatic argumentation, shared decision making, traditional Mongolian medicine

1. INTRODUCTION

In an increasing trend towards contextualization of argumentation studies, specific contexts of interaction are being examined closely to identify the constraints that bear on participants' argumentative choices. The exploration of different contexts of interaction has developed following considerations regarding the influence contextual features might have on the production and interpretation of argumentation: "The need for argumentation, the requirements of argumentation, and the structure of argumentation are all adapted to a context in which doubts, opposition, objections, and counterclaims arise" (van Eemeren, 2011, p. 142). In van Eemeren (2011) the notion itself of *context* is specified as a way of giving the analyst appropriate tools for the analysis of argumentation in context: the first level is the *text* of the discourse; then there is the *context*, which can be described as *micro-context* (the text immediately preceding or following the analysed extract), *meso-context* (the situation in which the discourse occurs) and *macro-context* (the speech event, or communicative activity type (van Eemeren, 2011, p. 144).

In analyzing a piece of argumentative discourse, the analyst can rely on information deducted from the text, from the context, on his own inferences and on *background information*, which includes knowledge of certain general rules and regulations that are instrumental for the

interpretation of argumentation produced in a certain interaction (van Eemeren, 201, pp. 144-145).

The medical context is one of the most recent contexts to be explored from this perspective and a very interesting one. It is perhaps redundant to mention the practical and ethical implications that studies on the communicative component of these encounters can and should have; indeed, these implications have been described in a large corpus of studies that spans by now 40 years (Bigi, 2016). However, the domain of medical argumentation is relatively recent and still developing. The main research questions in this domain are the following: What kind of arguments do participants use in medical encounters?; Is argumentation coherent with a patient-centered approach to care?; What are the functions of argumentation in medical encounters?; Can argumentation patterns be identified in the medical context?[1]

In particular, in the search for argumentation patterns that might help determine the functions of argumentation in medical encounters, in this paper we present a small empirical data collection aimed at understanding if and how clinicians' use of argumentative strategies varies in different cultural contexts. More specifically, our research has focused on a comparison between Western medicine and traditional Mongolian medicine: the former is represented by a sample of Italian clinicians and the latter by a sample of Inner Mongolian clinicians, who practice both traditional Mongolian medicine and Western medicine.

So far, the studies on medical argumentation have been centered on corpora collected in Western countries (mainly Europe and the United States) (Pan et al., 2017). However, it is interesting to broaden the scope of our research to include also areas where other kinds of medicine are practiced, in order to identify similarities and differences in the use of argumentation. Traditional Mongolian medicine is particularly interesting in this respect because it rests on radically different methodologies and epistemological tenets if compared to Western medicine. The main difference between Mongolian medicine and Western medicine is the conception of the human body at the heart of the former. Mongolian medicine rests on the 'Three Roots theory', which conceives of the human body as an organic whole. The structure of the human body is such that all its parts are in contact with each other, and the various functions of the body are coordinated with one another. Also in the event of a disease, the various parts of the body interact with each other. At the same time, Mongolian medical practitioners recognize that there is a close relationship between the human body and the environment, and changes in the environment directly affect the body's health (Gula, 2010).

2. ARGUMENTATION IN THE CHRONIC CARE ENCOUNTER

Our working hypothesis regarding the dialogic nature of medical encounters is that they can be described as instances of an *advice-seeking activity type* (Levinson, 1992, p. 69; Sarangi, 1988, 2000, 2013; Bigi, 2018a): the medical consultation is originated by an individual who seeks the advice of an expert in relation to a specific health problem. In order for this intention to be fulfilled, the core speech activity within the interaction is that of *advice giving*. Within this activity type, 'advice giving' is intended as a *discourse type*, i.e. as a form of talk (other examples are, medical history taking, promotional talk, interrogation, etc.) (Sarangi, 2000). It is the typical and most relevant form of talk within the medical consultation, because it is the one that is indispensable for the realization of the activity type's implicit institutional goal.

As argued elsewhere (Bigi, 2018b), argumentation sequences may appear in advice-giving activities with two main functions: as the pivotal component of pragmatic argumentation

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[1] A helpful review of the studies on argumentation in the medical context has been presented in Labrie & Schulz (2014).

(i.e., providing reasons for supporting or refusing a certain proposal for action); and as the dialogic tool for the alignment of criteria for the interpretation of facts (symptoms).

Pragmatic argumentation happens when the parties need to agree on the solution to a problem, and discuss the validity of a course of action based primarily on its consequences (Perelman, 1959). In this perspective, arguments may be put forward to support or object a proposed course of action, typically pointing out the positive or negative consequences deriving from one solution or the other. However, when making a shared decision it is also important to agree on the criteria that are used to determine the acceptability of the consequences of the actions taken. Usually, interlocutors do not make these criteria explicit, assuming that they are shared or at least intuitive. It is often the case that precisely the lack of shared criteria causes troubles and misunderstandings, such that a shared decision cannot be made. If the interlocutors realize this and are actually able to turn the presupposed criteria into topics of discussion, argumentation can be a useful instrument to scrutinize such criteria, decide which are really relevant for the decision to make and align them.

On the backdrop of this hypothesis, the research question we have tried to answer is the following: given the functions of argumentation hypothesized within medical encounters understood as instances of advice-seeking activity types, will such functions change if the approach to medicine and the cultural background change?

3. THE STUDY

In order to answer the research question described in the previous section, we decided to collect data in two contexts that would differ culturally and also with respect to the kind of medicine practiced. We chose to compare Western medicine, represented by a sample of Italian chronic care clinicians, and traditional Mongolian medicine, represented by a sample of chronic care clinicians from Inner Mongolia (China) who practice regularly traditional Mongolian medicine, but also know about Western medicine.

We limited our study to the area of chronic care, given the specific clinical aims of this field of medicine, which include patient education, empowerment and self-awareness. These goals presuppose that patients are included in the decision-making processes leading to the definition of therapeutic and behavioral recommendations; this makes argumentative practices particularly relevant for the achievement of such goals.

Given difficulties related to recording medical encounters, we conducted interviews with the clinicians aimed at collecting their perceptions of communication and argumentation within the consultations, and their descriptions of the structure and aims of the encounters.

The specification of our research question was: do traditional Mongolian doctors have a different dialogical and argumentative behavior from their Western counterparts?

3.1 Materials and method

We prepared an interview with questions about the communicative component in chronic care medical encounters. We selected a sample of 12 chronic care doctors in total, according to the following categories:
subgroup 1: 1 male + 1 female; just finished university;
subgroup 2: 1 male + 1 female; 15 years of experience;
subgroup 3: 1 male + 1 female; more than 30 years of experience.

The same sample was selected in the Italian region of Lombardia (6 doctors) and in the Chinese region of Inner Mongolia (6 doctors). Each doctor was interviewed and their answers were transcribed verbatim.

The interview topics were the following: communicative behavior; typical structure of the consultation; use of argumentation (agreement or consensus); management of disagreement; style of advice giving for therapeutic prescription; the role of the clinician in the encounter. The interviews were analyzed using a directed approach to content analysis (Hsieh & Shannon, 2005). As initial coding categories, we identified the following:

1 – uses argument from consequences (Bigi, 2014)
2 – uses examples (Williams & Ogden, 2004; Bigi, 2016)
3 – uses simpler terms (Williams & Ogden, 2004; Bigi, 2016)
4 – argues to find agreement (Asterhan & Schwartz, 2009; Bigi, 2018b)
5 – argues to reach consensus (Asterhan & Schwartz, 2009; Bigi, 2018b)
6 – consults patient when making decisions (Elwyn et al., 2012)
7 – does not consult patient when making decisions

The interviews were coded according to these categories and further analyzed qualitatively to determine any additional variables that could be relevant to answer the research question.

The interviews with Inner Mongolian clinicians were conducted in Chinese by ST and translated into Italian by CP, who is an expert in Chinese language and a native Italian speaker. The interviews with Italian clinicians were conducted in Italian and translated into English by SB. This allowed all the researchers to access the data.

The coding was conducted by SB and then discussed with ST to check for incorrect interpretations or misunderstandings. In this process, the contribution of CP as a linguistic and cultural mediator was crucial as it guaranteed that the content of all the interviews was correctly understood by the other researchers, both in terms of exact wording and cultural implications[2].

3.2 Results

In this section, results for each coding category will be reported, followed by a more general discussion of the results.

Category 1: use of the argument from consequences
Only in 2 cases Italian doctors explicitly declare to mention consequences when arguing in favor of a certain treatment or behavior; in other cases, they say that they give their 'reasons'. We don't know what the word 'reasons' implies, whether the causes or the consequences. The majority of Mongolian doctors declares to use the argument from consequences.

Category 2: use of examples
Mongolian doctors never explicitly mention using examples to rephrase explanations.

Category 3: use of simpler terms
Italian doctors declare to use simpler terms only in 2 cases, whereas Mongolian doctors do so in 4 cases.
Observing categories 2 and 3 together, the younger doctors tend to use examples, while the older doctors tend to use simpler terms.

Category 4: argumentation used to find agreement
Italian and Mongolian doctors score similarly in this category, with about half the sample declaring to seek agreement.

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[2] Given the very small number of interviews collected, we did not think it would be significant to calculate the usual statistical coefficients for coders' agreement.

Category 5: argumentation used to reach consensus
Italian doctors declare to have this goal in 5 cases, whereas Mongolian doctors only in 2 cases. There are cases in which 4 and 5 appear in the same interview: these are the cases in which doctors make a distinction between life-threatening conditions and less serious ones. In the former cases, they do not try to find agreement but definitely try to convince patients to follow a certain therapeutic suggestion; in the latter, since the condition is not putting at risk the patient's life, there is the possibility to allow patients time to try alternative ways.

Category 6: the doctor consults patients when making decisions
The majority of both Italian and Mongolian doctors declared to consult patients when making decisions.

Category 7: the doctor does not consult patients when making decisions
In all cases except one doctors declare to consult their patients when making decisions. In 5 of the same cases, they also declare they do not consult patients when making decisions. By reading the interviews carefully, it appears that the concept of 'consulting' needs to be better specified.

Both groups of clinicians report a similar structure of the consultation, differing only in the use of diagnostic 'techniques':
- Italian doctors: question-asking, physical examination and diagnostic tests
- Mongolian doctors: 'three diagnosis' (observe, enquire, touch) and diagnostic tests

Patients are reported as not expressing disagreement very often, but when they do the reasons for this are different in the two contexts:
- Italian context: proposals that imply a change for patients, e.g. changing therapies (different pills), switching from one kind of therapy to another (from pills to injections); for a minority: undergoing additional exams, especially if they are invasive or perceived as useless;
- Mongolian context: the taste of the Mongolian medicine proposed; fear of the consequences (pain or bleeding); costs of care; effectiveness of medicines.

3.3 Discussion

Clearly, our study has limitations, the most relevant probably being the size of the sample and the formulation of the interview questions, which could be improved to allow for more nuanced information to be obtained. Therefore, we consider our results relevant only as indicators of phenomena that should be further explored, also by employing different methodologies.

In general, Italian clinicians seem to argue more to reach consensus; Mongolian doctors often say that if patients do not agree with their suggestions, they refer them to other clinicians or suggest different therapies, either from traditional Mongolian medicine, from traditional Chinese medicine or from Western medicine. Therefore, having more alternatives available allows more easily the use of argumentation for finding agreement.

Regarding the puzzling result where doctors seem to be consulting and not consulting patients at the same time, the concept of 'consulting patients' probably needs to be specified. It seems that in most cases, 'consulting the patient' is understood as 'asking questions regarding relevant information for the decision at hand', so doctors are not actually involving patients in the selection of options, but only collecting information that will help them provide more appropriate suggestions.

In other cases, 'consulting the patient' means describing the options and asking the patient which one they prefer. In a few of these cases, however, doctors also acknowledge that

they present the options in such a way that patients are led to choose the one the doctor already thinks is the best. In more than one case, doctors specify that they do not involve patients when selecting the options, but only in the final phase of discussing their operationalization.

Finally, in a couple of these cases, the doctors (one Italian, male, and the other Chinese, female) make an interesting comment: they say that it is part of their professional responsibility to come up with the relevant options, and that it wouldn't be fair nor professional to involve the patients in the phase of selecting appropriate therapeutic suggestions, because they do not have the conceptual tools to interpret them. Although this statement was made only by two individuals, it points to a crucial issue for understanding the role argumentative practices should or might have in medical encounters. This issue can be formulated in the following research questions (not necessarily an exhaustive list), which might inform future research: within interactions occurring in institutional contexts characterized by a significant epistemic asymmetry, how should argumentation be used? To achieve which goals? What are inappropriate (invalid) uses of argumentation in these contexts? Does the epistemic asymmetry impact on the capacity of all the parties to play the role of protagonist and antagonist in the critical discussion?

In general, the analysis offers the picture of highly complex interactions, in which apparently contradictory dialogical activities take place.

The analysis of the interviews allowed us also to make some considerations at a more theoretical level. With regard to the working hypothesis underlying our study, i.e. the description of consultations in chronic care as 'advice'-seeking activity types, it can be retained but with a few specifications regarding in particular the activity of advice giving, which is the pivotal activity in the whole interaction.

Advice giving has been described as a sequential speech activity, and a combination of assessing, judging and directing, which regards a future action assumed to be positive for the advisee (Locher, 2006). It also has a weaker force than a request or a command, as the advice seeker is free to follow or not (Locher, 2006; Searle, 1969). The results from our interviews, confirm that it also implies a weaker normative obligation to provide supporting arguments, even if providing them is coherent with a patient-centered approach to care and seems to favor patient engagement. Indeed, from clinicians' answers it seemed that they would more frequently offer a preferential option to follow and then open the discussion about ways to implement it, rather than about reasons for accepting or refusing it.

Moreover, we can further develop the characterization of advice giving by adding that it involves (possibly shared) decision-making, which involves pragmatic argumentation. This implies that the model of the deliberation dialogue (Walton, Toniolo & Norman, 2014) can be retained but with a few adaptations to the context, namely: the context predefines the topics about which patients can put forward proposals (the majority of clinicians declared that they expect patients to participate in the discussion about how to put suggestions into practice, rather than about what to do); the felicity conditions for the act of 'proposal' (Walton, 2007) have to be redefined by considering also patients' possible contributions.

4. CONCLUSION

In conclusion, we think there are two main indications that can be drawn from our study and that may be developed in further analyses.

The first is that the model of shared decision making, at least for chronic care, probably needs to be reconsidered and redefined based on the information that can be collected from the field. An ideal model of deliberation, like for example the one described in Walton, Toniolo &

Norman (2014), can be used as a tool for the identification of certain problems in real-life deliberations (as has been done e.g. in Lamiani et al., 2017). However, it is contextual constraints deriving from social roles, professional commitments, deontic positions and the issue itself (e.g., the type of disease) that define the margins and modalities for the use of argumentation for deliberation; these need to be accounted for in a model that seeks to explain what happens in reality and possibly predict positive and negative effects. In a different perspective, ideal models could be used to advocate for a change of the institutional context within which deliberations take place.

The second conclusion we think can be drawn from our study is that it is the goals of interactions that define their structure and social/dialogical roles. Different cultural backgrounds, instead, impact on the way argumentation is understood as a tool to accomplish the general goal. So, further research should examine the phases of consultations in which argumentation is used; the argument schemes employed; and the argumentative behavior of all the participants (strategic maneuvering) in order to understand if and how the cultural variables are impacting on the realization of argumentation in practice.

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The questions that set up the *opening stage* in conflict mediation

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ABSTRACT: This study, in collaboration with the *ADR Instituut* in Amsterdam, is guided by the following question: *How do different questions help (re)establish material and procedural starting points in mediation sessions?* Questions with different *local functions* may have the *general effect* of (re)establishing common starting points. This notion is discussed by means of examples from a corpus of mediation simulations and a metacorpus as the result of a focus group with professional mediators.

KEYWORDS: common ground, dispute mediation, opening stage, questions starting points

1. INTRODUCTION

Alternative Dispute Resolution (ADR) style dispute mediation is used to resolve various types of disputes, from environmental to business disputes. ADR mediation is attractive because it is cost saving, confidential, and has relationship restorative effects (see e.g. Burrell and Vogl, 1990). In ADR dispute mediation, an external third party procedurally guides two (or more) parties who are in a highly escalated conflict to a sustainable win-win resolution. Because the solution should be mutually beneficial, this neutral procedural guide does not have the authority to determine the outcome.

In order to come to mutually beneficial and sustainable solutions, parties must engage in reasonable argumentative discussions on possible solutions. For reasonable argumentative discussions to take place, a certain amount of common ground is needed (van Eemeren 1993 et al., p. 172). However, in the initial situation the conflict is at deadlock, meaning that besides their inability to resolve the conflict without the procedural guidance of an external third party, the conflict parties are unable to recognize and/or acknowledge their common ground. In dispute mediation, it is therefore important for the mediator to make common ground more explicit. By making it explicit, the mediator can design a context in which a reasonable discussion can take place (e.g. van Bijnen forthcoming).

Questions, which are some of the mediator's main tools, are important to study if we are to understand how mediators, as designers of the mediation (see e.g. Aakhus, 2007; Greco, 2018; Vasilyeva, 2015) construct different interventions to (re)establish common ground in mediation. Although questions have been discussed in studies on argumentation in mediation before (see e.g. van Eemeren et al., 1993), to the best of our knowledge, questions have not

previously been put at the center of a study and analyzed for their ability to (re)establish common ground.

2. THEORETICAL FRAMEWORK

In the normative model of the *critical discussion* for the resolution of disagreements in a reasonable manner in the pragma-dialectic approach to argumentation, different stages are distinguished (e.g. van Eemeren et al., 1993; van Eemeren, 2015). Here, we focus on the *opening stage*. In this stage, the common starting points as "points of departure" are determined (van Eemeren & Grootendorst 1992, p. 12). These common starting points are divided into two groups; *material starting points* and *procedural starting points*. The *material* starting points concern the beliefs, facts, truths, values, and so on, shared by the parties. The *procedural starting points* concern the shared *norms of conduct*, including rules regarding turn taking, formality of the communication, scheduling, and so on. When a starting point is established it is added to the common ground.

As stated in the introduction to this paper, parties need to be able to recognize and acknowledge their common ground; to this end, it is important for mediators to make *material starting points* explicit, so parties know they share enough beliefs, and so on, for a resolution. Additionally, because of the formalized procedural nature of ADR dispute mediation, many mediation specific *procedural starting points* are addressed explicitly during the sessions. The importance of (re)establishing both types of starting points is related to the idea that it is "only through explicit agreement that the discussants can be a hundred percent certain about what may be regarded as belonging to the common starting points" (van Eemeren & Grootendorst 1992, p. 150). The parties' knowledge that they share common ground not only creates a strong point of departure for argumentation but also a willingness to commit to mediation (van Bijnen forthcoming).

Prior research on argumentation in dispute mediation already revealed that the intervention strategy of *questioning* may serve several functions, such as to "raise issues and open up possible standpoints" (van Eemeren et al., 1993), whilst maintaining mediators' neutrality (van Eemeren et al., 1993; Jacobs, 2002), which is an essential characteristic of dispute mediation. Additionally, Aakhus (2003) has shown that mediators may use questions to help disputants overcome an impasse. Most importantly, questions may help with "raising and shaping the materials for premises" (van Eemeren et al., 1993, P. 136). This study aims to fill a gap by showing how dispute mediators, as designers of argumentation and the mediation context (see e.g. Aakhus, 2007), ask questions concerning the material and procedural starting points with the effect of designing a context with enough common ground for an argumentative discussion on mutually beneficial solutions. For this reason, this preliminary study aims to answer the following research question: *How do different questions help (re)establish material and procedural starting points in mediation sessions?*

3. METHODOLOGY

For this study, the Institute of Argumentation, Linguistics and Semiotics (IALS) at Università della Svizzera italiana collaborated with the ADR Instituut[1] for data collection, which has resulted in a corpus of mediation simulations to be used for discourse and argumentation analyses, and a focus group that provides insight into the questions asked to (re)establish common starting points. Thus, this study has a two-step research design; the corpus of natural data is analyzed, after which the second corpus is used to get a better understanding of questions for common starting point (re)establishment. Whilst the first step helps us understand *what* mediators may design in terms of questions that may create more common ground, and *how* they may do so, whereby it is in line with previous studies on argumentation in mediation (see e.g. van Eemeren et al., 1993; Greco Morasso, 2011); the second step helps us understand *why* and *when* mediators may or may not use certain questions that may create more common ground, whereby more depth is given to the findings in step 1. The results of both steps are presented simultaneously by means of examples of a specific local function with the general effect of (re)establishing either a material or procedural starting point.

3.1 Data step 1: mediation simulations

The emphasis on confidentiality, as a key aspect in mediation (see e.g. Burr, 2002; Deason, 2001) poses a serious problem for the collection of fresh mediation data. To circumvent this issue, the corpus of examples used consists of role-play sessions as performed by professional certified ADR mediators. This method has previously been acknowledged as a good alternative to real mediation sessions for the analysis of discourse and argumentation in dispute mediation (see e.g. Putnam and Holmer 1992, p. 136; Susskind, 2010; Janier & Reed, 2017). Table 1 provides some general information for corpus 1.

General corpus information (corpus #1)	
Type of data:	Oral (mediation simulations)
Date:	21/3/2016, 22/3/2016, 4/4/2016, 5/4/2016
Location:	Amsterdam (NL)
Duration:	4 days (approximately 29'000 words)
Participant total:	8
Mediation specialization:	Labor dispute mediation
Language:	Dutch
Organized by:	ADR Instituut
	Table 1: *General corpus information (corpus #1)*

The simulations take place during ADR Instituut courses on labor dispute mediation. In the simulations, at least one of the certified mediators mediates between parties in conflict (played by other participant mediators). The mediators have different levels of experience. The cases

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[1] The ADR Instituut in Amsterdam, the Netherlands, is a vocational education institute that specializes in the training of certified and prospective ADR mediators (for more information visit https://adrinstituut.nl/. Last visited on June 6th, 2018).

are presented to them by the mediator instructor, or introduced by the other mediators, and are based on cases they have encountered in their professional life. The turns in the excerpts are numbered and relative to the mediation session. All names of participants, towns, companies/organizations, and so on, are pseudonymized for the sake of anonymity. In case of co-mediation[2], mediators are assigned a random letter of the alphabet to distinguish them. The data was recorded in Dutch and has been translated into English.

3.1.1 Data step 1: case contexts

Tables 2 and 3 provide the basic case contexts of the included extracts.
The first case concerns a *church board versus sexton* conflict, recorded in March 2016:

Participants:	A. New head of a church board of directors (Mr. C) B. Sexton of the church community (Ms. B)
Conflict:	The sexton (Ms. B) receives a meager salary. To complement her income she organizes events at the community center. Mr. C is the new chair of the church board tasked with countering the growing financial problems of the church. He wants to provide Ms. B with a fixed salary only and invest all the proceeds from event organization in the church. Mr. C has requested the receipts and notes on her earnings and spending from the last couple of years. Ms. B is enraged by the suggestion of receiving a fixed salary and access to her books. She claims that there is a lack of trust from the new 'big city' church board and that she cannot live from her meager salary alone.
Case extracts:	1 (section 4.1) and 3 (section 4.2)
	Table 2: *Church board versus sexton context*

The second case concerns a *school collective versus rector* conflict, recorded in April 2016:

Participants:	A. School board representative (Ms. A) B. New school rector (Ms. B)
Conflict:	The new rector was hired a few months prior to the mediation session. The school board wants to terminate the rector's contract because they think she is not functioning well and feel like they were promised something that the rector has not fulfilled. The rector says termination is unthinkable and claims she has not yet been given the chance to prove herself.
Further notes:	This session was co-mediated.
Case extract:	2 (section 4.1)

Table 3: *School collective versus rector context*

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[2] We refer to *co-mediation* in sessions in which more than one mediator is present as a procedural guide.

3.2 Data step 2: mediation focus group

The second corpus is the result of a focus group organized by van Bijnen and Bakker. Table 4 provides the general information of the corpus:

General corpus information (corpus #2)	
Type of data:	Oral (focus group)
Date:	23/5/2018
Location:	Amsterdam (NL)
Duration/length:	1:56:42
Participant total:	5
Mediation specialization:	3 labor dispute mediation / 2 business mediation
Language:	Dutch
Organized by:	van Bijnen and Bakker

Table 4: *General corpus information (corpus #2)*

During the focus groups, the participants were presented with questions on paper. In case of confusion or ambiguity, they could ask the researcher for clarification. The questions posed in the focus group were based on initial findings of the preliminary analysis of the questions that (re)establish a common starting point in the analysis of the corpus of mediation simulations. Therefore, the questions posed in the focus group are not naïve. The answers given by the mediators are not supposed to confirm or disconfirm the findings of the analyses of the questions found in corpus 1; instead, they provide us with extra insight into the questions that may be asked by mediators, and the reasoning behind the design of common starting point related interventions, and their functions.

3.3 Method for analysis

All excerpts in which questions are presented by the mediator that may establish or reestablish procedural or material starting point are tagged. Although all these interventions may help design common ground (*general effect*) we expect the questions to have a specific *local function.* Locally, the strategic function of the question in a specific moment in the mediation session can be expected to be different from 'reestablishing' or 'establishing' common starting points. Therefore, to understand when, how, and why mediators design questions that establish or re-establish material or procedural starting points, the local function of the question should be identified. To this end, the focus group helps elucidate the function and explicate the use of different questions that have common ground (re)establishing effects.

4. DATA PRESENTATION AND DATA ANALYSIS

Mediators, consciously or not, design common starting point (re)establishing interventions. As discussed in (3.3), we differentiate between the interventions' *general effect*, which is common ground design, and the *local function*, of which the functions can be different for each

	GENERAL EFFECT		
	General effect of (re)establishing procedural starting points		*General effect of (re)establishing material starting points*	
	Local functions of procedural starting point (re)establishing questions:	*Description of local functions of procedural starting point (re)establishing questions:*	*Local functions of material starting point (re)establishing questions:*	*Description of local functions of material starting point (re)establishing questions:*
LOCAL FUNCTIONS	Mediation code of conduct	Get agreement on the norms of conduct for the mediation session	Facts & case context	1) Get all the necessary case information 2) Get to the underlying interests and feelings 3) Create common ground
	External context → mediation context	1) Enable parties to have an informed discussion 2) Involve all (direct and indirect) advisors	Understanding	Get understanding of one party for the other party
	Mediation essence	1) Emphasize the idea of finding mutually beneficial solutions together 2) Emphasize dialogue guidance 3) Emphasize that it is the parties' conflict	Topics for discussion	Establish the important topics for the reasonable argumentative discussion that may result in mutually beneficial solutions
	Mediation commitment	Test and confirm the commitment of the parties	Intentions	Make the parties aware of the fact that there may be good intentions on both sides
			Mediation progression	Getting the conversation back towards something parties build together

Table 5: *The local functions of the two general effects*

intervention and specific to the context in which the intervention is used. Table 5 provides the different local functions and local function descriptions for each of the two general effects.

For this preliminary study, two local functions are selected for a closer look; one with the possible general effect of (re)establishing a *procedural starting point*, namely *mediation essence*; and one with the possible general effect of (re)establishing a *material starting point*, namely *facts and case contexts*.

4.1 Mediation essence (procedural starting points)

In *essence*, mediation is highly procedural. Therefore, most, if not all, questions related to the essence of mediation can be expected to have the general effect of (re)establishing *procedural starting points*, when the preferred response to such a question is provided by both parties. The procedural questions are related to the *norms of conduct*, or in other words, the way in which mediation is carried out to help procedurally guide the parties to and through a reasonable argumentative discussion on win-win solutions.

Questions concerning mediation essence may, at least, have the following different functions: (1) to emphasize the idea of finding mutually beneficial solutions together, (2) to emphasize dialogue guidance, and (3) to emphasize that it is the parties' conflict[3]. All three functions of mediation essence questions that were identified by the focus group are related to a key element of the mediation procedure and the procedural norms. Let us now take a look at excerpt 1. The extract is from the beginning of the first mediation session in a conflict between an employer (Mr. C), who is the new head of the church community's board of directors and employee (Ms. B), the sexton of the church who takes care of the church properties (italics added for emphasis):

48	Mediator	And the intention should e:h be that you are both also willing (.) to <u>re</u>solve it to<u>gether</u>. (4.0) *So yes the <u>question</u> is e:h (.) <u>if you indeed want to <u>revert</u> to that↑</u> because basically therefore therefore we have come together* (1.5) and then I would like to sign a me<u>dia</u>tion agreement (.) that I have send heh↑ so (.) I'm just assuming that you have re<u>ceived</u> it °heh°↑. (3.0) <u>Yes</u> I <u>now</u> see you nodding so that already looks somewhat more <u>pos</u>itive (hhh) (1.0) <u>yes</u>=
49	Ms. B	=Yes
50	Mediator	*°Yes° shall we give it a <u>go</u>↑*

Excerpt 1

Excerpt 1 shows two interventions (turns 48 and 50, italics added for emphasis) that should be taken together. The mediator designed the first part of the question (turn 48) with function (1) – emphasizing the idea of finding mutually beneficial solutions together – in mind. The fact that this is essential in mediation is emphasized by the intervention "basically therefore *we* have come together" (turn 48). However, by stating "therefore have *we* come together" (turn 48), the mediator goes against another important function identified by the focus group: (3) – to emphasize that it is the parties' conflict' – which is related to one of mediation's most important elements: *neutrality* (van Bijnen & Greco, forthcoming). By stating "we" instead of 'you', the mediator includes himself in the conflict instead of distancing himself from the disagreement. This action has the potential of causing a serious mediator *neutrality* issue if parties start

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[3] These functions were derived both from the analyses of the corpus of mediation dialogues and the focus group answers to the question: "when would you ask (similar or different) questions related to the essence of mediation?", which accompanied the presentation of excerpt 1 during the focus group.

expecting the mediator to be an active participant in the parties' argumentative discussion[4]. Essential to mediation are the notions that (1) parties need to find solutions *together* in order for the solutions to be durable and mutually beneficial, and (2) that the mediator is a *neutral and external third party*, who is neither protagonist nor antagonist in the argumentative discussions. In excerpt 1 (turn 48) the mediator designs the intervention with function (1) in mind, whilst undermining function (3) of the local functions of *mediation essence* with the general effect of (re)establishing *procedural starting points*.

The *general effect* of this question may be that it explicitly (re)establishes a *procedural starting point* and that both parties hear that the other party is willing to commit to mediation and conduct him- or herself in a manner that could lead to a reasonable resolution in the end. However, this is only possible if both parties agree to proceed together.[5]

The local function *mediation essence* is closely related to *mediation progression*, with 'getting the conversation back towards something parties build together' as its function. Yet, although they are related as local functions, as excerpt 2 will show, mediation *essence* and mediation *progression* may have different general effects. As a highly formalized procedural activity, a favorable *progression* of the mediation session is at the *essence* of mediation. Excerpt 2 includes a question concerning the progression of the mediation, and is taken from the case between the board of a school collective (Ms. A) and a recently hired rector of one of the schools (Ms. B). The conflict is at a point of impasse when the mediator decides to intervene (italics added for emphasis):

89 Mediator X	I hear very apo<u>dictic</u> positions right↑ th- this is how it is how I see it ehm and at the same time it is it is the idea of mediation of course to look for for a so<u>lut</u>ion that f- that is <u>fitting</u> for both, ac<u>cept</u>able for both. *Do you have the feeling that we (.) have worked towards something already↑*
	Excerpt 2

Interestingly, excerpt 2 shows a question that is clearly related to the *procedure*, namely the *progression* of the process. However, the *general effect* of this question is not the (re)establishment of *procedural* starting points, but the (re)establishment of a *material* starting point. In this case, the context is of interest; it is an intervention used by the mediator to change the direction of the mediation interaction because the current manner of conduct is not constructive. However, a possible agreement on a presumption, or a shared supposition may be the result, which means the establishment of a *material starting point* (see e.g. van Eemeren et al. 2014, p. 268), instead of a shared norm of conduct. The focus group explains that mediators may use such interventions as a possible strategy: because it "brings it back to the need to work towards something together", which is at the core, or *essence,* of mediation (function 1).

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[4] Additionally, the focus group emphasized that it is important for mediators to ask questions related to the *essence* of mediation when they notice that the parties assume that the mediator will resolve the conflict for them.

[5] It could be said that this is not really a question to which the mediator expects 'no' as a response, especially because the mediation is in principle *voluntary* (e.g. Hedeen, 2005), and ADR mediation generally includes an intake in which the procedure and goal of mediation were explained. It seems to be a specific question that, unlike rhetorical questions, requires an answer. Yet, a specific answer is expected and preferred. If the answer by either party is 'no', this concrete speech event of the genre of *communicative activity type* (see e.g. van Eemeren, 2010) is terminated as a whole.

4.2 Facts and case contexts (material starting points)

It makes sense that mediators, as outsiders to the conflict but procedural guides of the resolution process, need to have all the necessary information concerning the case, disagreement, and case context. For this reason, mediators may ask questions about the *facts and the context* of the case, especially in the first two phases of the mediation procedure: (1) the *intake* phase, when the procedure and the participants introduce themselves; and (2) the *exploration* phase, when the main issues of the disagreement are made explicit (see figure 1).
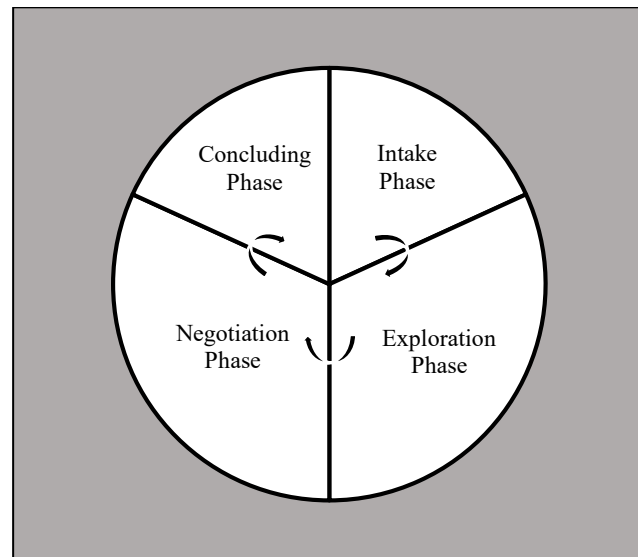
Figure 1. *Adapted mediation circle from ADR Instituut (van Bijnen, forthcoming)*

Trying to retrieve information can be risky, because parties may disagree on facts as well. Yet, questions about facts, or parties' 'truths', may be useful for, at least, three reasons: (1) to get all the necessary case information, in order to effectively guide the resolution process; (2) to get to the underlying interests and feelings; and (3) to create common ground.

Mediators may introduce the quest for information with questions such as 'who wants to start [narrating the conflict facts]?', and may ask the parties questions such as: 'when did the two of you meet?' or 'how long have you been working together?' to get the facts. This may have the *general effect* of (re)establishing material starting points. Additionally, asking questions to retrieve the facts may help parties implicitly collaborate when they 'go looking for the facts together'. When parties construct the narrative of their history together, they connect with each other (again) in a constructive manner.

Parties tell their *truths* in a way that is 'colored' or framed in a way that flatters them. However, even when asking a question leads to an inaccurate representation of the conflict, there is still another reason for asking questions related to the facts and context of the case. Namely, that doing so creates a gateway for mediators to access the interests and feelings hidden beneath the 'superficial' facts and truths. More specifically, questions on the *facts* of the case could lead to questions and elucidations of the case *context*, which opens the door to the *feelings* that need to be addressed and the *interests* that need to incorporated in the mutually beneficial resolution.

In short, although eliciting facts will most likely reveal facts that are strategically framed by the parties; although there is a chance that the interventions result in a disagreement on the facts itself, asking for case information may serve specific and valuable functions in mediation: mediators may use these questions to help reveal *interests* and *feelings* that are relevant for the solutions.

Since the focus of this paper is on questions that may (re)establish common starting points, we should also focus on function (3) of *facts and contexts*. In some cases the mediators in the focus group identified the reason for designing such interventions as *'creating common ground'*, which means that the (re)establishment of common starting points is not only the *general effect* of these specific questions, but the *local function* as well. However, although the second and third functions are mentioned separately, the functions can be seen as interrelated. The questions concerning a *fact* or *truth* can lead to answers connected to interests or feelings, and in some cases, they could have the *general effect* of (re)establishing *consensus* on truths and facts, whereby a new *material* starting point is added to the common ground. Excerpt (3) is taken from the same case as excerpt 1: the *church board versus sexton* case. In this example, the mediator asks a *truth* related question (italics added for emphasis):

62 Ms. B	=I have never had to save the receipts. Every month I do groceries at Aldi and I buy Snickers then and and and bottles Cola and and and the coffee [and never]
63 Mr. C	[That is very good.]
64 Ms. B	has anyone gotten it into their heads to to to to doubt my honesty or my
65 Mr. C	No
66 Ms. B	I have never had to SAVE these receipts so WHY all of a [sudden]
67 Mediator	*[You thi]nk [that that there ( )] honesty. Is it true↑ Do people doubt that↑*

Excerpt 3

The mediator refers to the new church board as "people" (turn 67), and asks a question (turn 67) that elicits a truth related to the experiences of people who are not participants in the mediation session. Thus, the question is related to the larger case *context*. The question is also directly related to the interest of Ms. B to be perceived as *truthful*: "has gotten it into their heads to doubt my honesty" (turn 64). If the question posed in turn 67 is answered with 'no', the answer has the *general effect* of creating a new *material* starting point. Whilst Ms. B's interest is (implicitly) at the center of this question on honesty, and thus arguably related to the function of 'getting to the underlying interests and feelings', the question seems to be an explicit elicitation of an agreement, and, thus, the *local function* and the *general effect* of the question are both to establish a *material* starting point.

5. CONCLUSION AND FINAL REMARKS

In this preliminary study, the questions that may help broaden the explicit common ground between parties in dispute mediation are presented by means of examples, in order to answer the research question: *How do different questions help (re-)establish material and procedural starting points in mediation sessions?*.[6]

This study shows that although a question may have a *general effect* of establishing or reestablishing a common starting point, the *local functions* of questions may differ. In this paper, a first exploration is presented of three different functions of questions with the general effect of (re)establishing either a procedural or a material starting point: *mediation essence, facts and context, mediation development.*

Questions with the *general effect* of (re)establishing a *procedural* starting point may be expected in every mediation session due to mediation's highly formalized procedural nature, and the necessity of having commitment from both parties to abide by the same (mediation specific) code of conduct. During the preliminary analyses, the questions related to *mediation essence* showed three different *local functions*: (1) to emphasize the idea of finding mutually beneficial solutions together, (2) to emphasize dialogue guidance, and (3) to emphasize that it is the parties' conflict. *Mediation essence* presented a link with another function: *mediation progression*, because a favorable progression of the mediation is at the essence of dispute mediation. However, in the case of *mediation progression* questions, it was revealed that even though the *local function* of a question may relate to the *procedure* of the mediation session, the *general effect* may be the (re)establishment of a *material* starting point.

For the questions with the general effect of (re)establishing *material* starting points, the questions related to *facts and case context*, revealed that they are mainly used as a tool to get to the underlying feelings and interests of the parties. The main *local function* of asking questions related to the *facts and truths* is that it may help the parties open up about the *contexts* of the conflict, which in turn opens the gate for mediators to further help parties reveal the conflict relevant *feelings* that need to be addressed and the *interest*s that need to be included in the win-win resolution, in order for the solutions to be sustainable. In some cases, a question may be *intended to explicitly elicit agreement* on a truth or a fact, in which case both the *general effect* and *local function* is *material* starting point establishment.

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[6] Van Bijnen's doctoral monograph (forthcoming) centers around the *establishment* and *reestablishment* of *procedural* and *material starting points* in formal, informal, external, and internal mediation forms. The findings presented in this paper, and the elaboration thereof are included in van Bijnen's doctoral dissertation.

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Using arguments to advocate and to inquire

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ABSTRACT: In earlier and also more recent work (Blair 2004, 2007, 2016), I had contended that the use of arguments in investigations or inquiries is worthy of attention. I had further claimed that the use of arguments to inquire is distinct from their use to advocate, and that approaches to argumentation that assume advocacy as the only use of arguments fail to account for this distinction. In this paper I consider four arguments against my thesis, which, I think, call for some revision in my position, though not for its abandonment. I suggest that my error was due to my adopting a widely shared false assumption about the concept of argument.

KEYWORDS: advocacy, advocate, argument argumentation, inquire, inquiry, investigate, uses of argument

1. INTRODUCTION

In some earlier papers (Blair 2004, 2007, 2016) I explored the idea that there is a difference between using arguments to *advocate* and using them to *inquire*. Advocacy seems to require commitment to a position on an issue—whether the commitment is heartfelt, or just conventionally assigned (as in legal representation). Advocacy seems typically to occur in adversarial contexts, where there are winners and losers: one party retains its initial commitment, the other gives up its initial commitment. Rhetorical maneuvering, designed to influence the outcome, is to be expected. Inquiry of the kind I have had in mind, on the other hand, is aimed at discovering what position on an issue is worthy of commitment, so to commit to a position before starting is at odds with the purpose of inquiry. Using arguments to inquire begins with hypotheses to be examined, not with a position to be defended. The context of inquiry is cooperative, not competitive. The parties involved, if there are more than one, are not adversaries, but collaborators. There is no role for rhetorical maneuvering in order to win victory for one's position, for the whole point of an inquiry is to discover what position deserves to be defended. And, putting several good minds to work in a collective inquiry would be likely to produce better results than would come from one person acting alone.

I first encountered the idea of using arguments to inquire in Jack Meiland's little book called *College Thinking*, which is full of good advice to undergraduates about how to get the best out of college (Meiland 1981). Among many other things, Meiland advised students assigned to write an "argumentative paper" not to follow the common suggestion that they choose a position on a controversial issue and argue for it, for unless one has already thought about it, how can one know what positions to argue for? Instead, he proposed that they select what seems like a plausible position on the issue and find and assess the best arguments both for and against it. On that basis, students could discover which side seems best supported. See also (Bailin and Battersby 2016) for an excellent contemporary pedagogical application of Meiland's idea.

It might appear that this use of arguments has already been fully discussed by Walton and Krabbe in *Commitment in Dialogue* (1995) where they also use the label "inquiry" to name

a dialogue type. What they have in mind, however, is a dialogue that seeks proof (Walton and Krabbe 1995, p. 75), whereas the kind of inquiry I am discussing in this paper seeks epistemic entitlement to advocate. Walton devotes an entire chapter of *The New Dialectic* (1978, pp. 69ff.) to "the inquiry", and there a further difference emerges. Walton writes, "The most important defining characteristic of the inquiry as a type of dialogue is the property of cumulativeness" (*ibid.*, p. 70). He goes on to add: "Cumulativeness in an inquiry means that the participants can't change their minds" (*ibid.*); and while the fact that "cumulativeness is a property of the goal of the inquiry as an ideal model of argumentation ... does not mean that retraction of commitments never happens in argumentation in an inquiry," nevertheless, "the goal of the inquiry as a type of dialogue is to minimize or, if possible, eliminate retractions" (*ibid.*). In the kind of inquiry I have in mind, in contrast, retractions based on the discovery of previously unnoticed sound objections and counter-arguments are to be encouraged and such grounds for retraction are to be sought. I am not here arguing that Walton, or Walton and Krabbe, are mistaken; my point is that we are using the same label for two different uses of arguments.

One significant implication of the use of arguments to inquire in the ways I propose is that the use of arguments to try to resolve a difference of opinion on the merits is not their only use. Furthermore, if argumentation includes communications involving the deployment of arguments to inquire into what position on a controversial issue deserves one's support, then 'argumentation' should be defined broadly enough to include this purpose, and not be restricted to the use of arguments to resolve differences of opinion.

2. OBJECTIONS

Before proceeding with the project in more detail, however, I am obliged to respond to some objections against claims I made in those papers. Here are four.

2.1 The model of inquiry is unrealistically idealistic.

The kind of argument-using inquiry involving more than one person that I had envisaged flies in the face of the psychology and the sociology of actual inquiries. Even a sympathetic characterization of such inquiries finds the harmonious co-operation that I had imagined taking place to be unrealistic. Michael Gilbert puts it this way:

> When involved in an inquiry the [dialogue] partners are completely unattached to the outcome, desiring only to reveal the truth, or, at worst, the best possible answer to a question or best solution to a problem. When you and a dispute partner commence such an inquiry, neither of you has a preconceived result to which you are committed, no ego investment in the result, no advantage to be gained by one answer being deemed correct. Even when you enter the inquiry with an idea as to the proper conclusion, you have no compunction in giving it up when it has been demonstrated to be incorrect, insufficient, inadequate. Inquiries like this involve careful listening, turn taking, avoidance of strong emotion, and ... willingness to help your partner to make a strong case. When it happens in this manner, I will call it "pure inquiry."
> *The difficulty is, pure inquiry almost never happens.* (My emphasis; Gilbert 2014, pp. 36-37.)

In other words, it is naïve to suppose possible a total absence of prior commitment and of adversarial relations: that contradicts human experience. People enter into inquiries with hunches, with fixed theoretical assumptions, with strong attachments to favoured hypotheses and often with deep hostility to alternatives.

2.2 The alternative—competitive advocacy—works for science.

Scientific advance thrives on competition. As Nicholas Rescher writes at the conclusion of his study of dialectics, it is ...

> ... a mark not of malignancy but of health that competing schools of thought should endeavor to argue for conflicting theories by the most powerful supportive reasonings they can marshal. Rivalry, competition and conflict must ... be seen not as unhappy aberrations, as deviant and regrettable manifestations of a human perversity that impede the smooth progress of science; rather they [are] ... a natural and requisite component of the ongoing process of scientific advance. (Rescher 1967, 123-124.)

Not only do scientists, the archetypical inquirers, tend not to inquire co-operatively and collaboratively, Rescher thinks it's a good thing that they don't.

2.3 Special pleading is unavoidable.

It follows from the first two criticisms that in advocating their favored views inquirers will be inclined to deploy as many persuasive devices as needed in order to give those views a positive spin and a sympathetic hearing, and to throw the difficulties facing their opponents' views into stark relief. Strategic maneuvering is to be expected.

These three objections strike me as eminently reasonable, so they call for a change in my thesis. I have to abandon any realistic hope that what Gilbert calls a "pure inquiry" is routinely attainable, and indeed to stop regarding it as essential. I have as well to distinguish the sort of rivalry and competition between advocates of differing scientific approaches and theories that Rescher commends from the differing hunches of investigators who are on the same team, working within a shared framework. And if inquiry is to be practicable, its execution has to be prepared to handle the perhaps unconscious rhetorical maneuverings of its practitioners. While these objections force me to reconceive how inquiries can function, what they do not do is force me to give up the distinction between using arguments to advocate and using them to inquire. That is the burden of a fourth objection.

2.4 The inquiry vs. advocacy distinction is a distinction without a difference.

This fourth objection is one I raised myself (Blair 2016). Even in using arguments to inquire, agents must play the role of advocates for and against the various hypotheses that are mooted as resolutions of the problem the inquiry is out to solve. I had granted this fact, but denied that it's an objection, on the ground that the kind of commitment required in inquiries is hypothetical, whereas in advocacy it is not, so the contrast remains.

However, my dismissal of this objection now strikes me as premature. For if the use of arguments to inquire or investigate entails even hypothetical advocacy, that seems to be because *any* use of arguments in itself entails advocacy. To argue for or against a position just is to advocate its acceptance or its rejection, whether in order to try to persuade someone who disagrees to accept or reject the position, or in order to test whether or not it deserves to be accepted. In trying to contrast using arguments to inquire with using arguments to advocate, I was making a category mistake. It was like trying to contrast using a gun for target practice with using a gun to fire a projectile. Target practice with a gun *just is* using a gun to fire a projectile, not something different. Similarly, the activity of arguing, of formulating and expressing arguments, whether to test an hypothesis or to justify a contention, simply *is* using arguments—reason-claim complexes—to advocate for or against.

3. MY MISTAKE

What led me to my mistake? I think I can explain it in the following way. We standardly distinguish between an argument *tout court* and an argument *event*. An argument *tout court* is a set of related reasons thought to support a clam. An argument event is an occasion on which arguments *tout court* are used. When someone reasons to herself that she had better wear her raincoat because rain is forecast, an argument event is occurring. When a friend gives her companion reasons why she should be allowed to pick up the dinner tab, and he replies with reasons why on the contrary it is his turn to pay for dinner, an argument event is occurring. *An argument* is a consideration or a set of considerations taken as support for something—the truth or falsehood, or the acceptability or unacceptability of a proposition; the advisability or inadvisability of an action or policy; the positive or negative evaluation of something; and so on. Argument *events* are occasions on which arguments are used. The property of containing the expression of considerations pro or con something is an essential property, a necessary condition, of an argument event.[1]

Arguments for or against are deployed in argument events, or arguings, of various kinds that can be distinguished by their purposes. One purpose of arguing is to persuade people to accept claims. To that end, you might offer me arguments for the denial of *p* in order to try to persuade me of *not-p*; or you might set before me arguments for *p* in order to try to persuade me of *p*. Another purpose of arguing is to try to get someone to keep an open mind about whether some claim *p* is true, and so you might offer arguments both for *p* and for *not-p* that you think are equally compelling. Yet another purpose of arguing is to recommend performing, or refraining from performing, some action. And still another purpose of arguing is to test the plausibility of a claim. In order to decide whether to endorse *p*, you might consider the ground-level arguments for *p* as well as those for *not-p*, and test their merits by reviewing meta-arguments for and against those ground-level arguments (see Finoocchiaro 2013 for the "ground-level" vs. "meta" argument distinction).

Thus, in one sense of 'advocacy', any argument advocates its conclusion. That is different from advocating a position as its champion—from using only arguments that support it, either directly, or indirectly by refuting or deflecting objections and other criticisms. My mistake lay in taking the purpose of persuading someone to adopt a point of view as constituting all there is to advocacy, and thus in thinking that using arguments for the different purpose of inquiring into whether a point of view merits consideration or support could not involve a kind of advocacy too. I overlooked the ambiguity of 'advocacy' in this context. In one sense, to assert an argument advocating a thesis is to be its champion and to urge its acceptance; in another sense, to assert an argument advocating a thesis is to report a pro-thesis consideration, without taking a final stand on the thesis.

Christian Kock points out, in a body of work collected in a recent book (Kock 2017), that it is possible to endorse arguments in favour of an action or a policy without thereby advocating the performance of that action or the adoption of that policy. This is because it is equally possible at the same time to endorse arguments against that selfsame action or policy. That is, there can be good reasons for *doing* something and also good reasons for *not doing* it. I think that there can also be situations in which there can be good reasons for and also against *accepting a proposition*, such as that the accused is guilty of the crime or that a particular explanation of an event is satisfactory. Thus presenting arguments *that support* a position is not equivalent to trying to persuade someone to accept that position.

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[1] The "argument/event" distinction is of course D. O'Keefe's old "argument₁/argument₂" distinction (O'Keefe 1982). I think it is useful to keep in mind that an argument₂ is an event.

I think it follows from these considerations that the pertinent contrast is not between using arguments to advocate and using them to inquire; it is, instead, between using arguments to try to persuade and using them to inquire.

4. INQUIRIES AND THE ROLES OF ARGUMENTS IN THEM

Is there nothing special or distinctive about using arguments to inquire? I think there are clear differences between inquiries as kinds of events and other kinds of events in which people use arguments, and also differences among kinds of inquiries; but I don't think there is any difference in the nature of the arguments so used.

Consider, for instance, the difference between a criminal investigation and a criminal prosecution. Such an *investigation* is aimed at *discovering whether* a crime has been committed, and if so, by whom; a *prosecution*, on the other hand, is aimed at *convincing* a judge or jury *that* a crime has been committed and that the accused is the perpetrator. Or consider the difference between what is involved in the investigation into the cause or causes of an accident, on the one hand, and the accident report in which the inquiry's findings are presented and backed up, on the other. The aim of the investigation is *to discover* the causal factors; the aim of the report is to present the findings and the evidence that *supports* them. The aim of one kind of activity is to discover what position merits acceptance, whereas the aim of the other kind of activity is to have an asserted position accepted by some audience. Whatever hunches police investigators might have, whatever hypotheses are strongly suggested by the initial evidence, a thorough inquiry must review and assess all the relevant evidence. The prosecutor, in contrast, has the task of framing a story in which the best explanation of the evidence unearthed by the investigation is the guilt of the accused (see Woods 2007). The prosecutor begins with the assertion of guilt and tries to show that the truth of that assertion is born out by the evidence. However, the arguments used by the prosecutor to convince the judge or jury of the accused's guilt can be, and maybe usually are, the very same arguments that led the criminal investigator to conclude that a crime was committed and that a particular person is the one who committed it.

5. HOW ARGUMENTS ARE USED TO INQUIRE

We inquire into different kinds of things. We might want to know the cause of a particular event, or a type of occurrence (investigative inquiries). We might want to decide what action it seems best to take in a particular situation or type or situation (decision-making inquiries). We might want to decide what attitude to take towards something. We might want to discover the best means to a particular objective (problem-solving inquiries). In general, we might want to decide what position to take on some matter about which there are as yet no opinions, or whether to agree or disagree with some opinion that has been asserted. In short, there is a question that we want to answer.

In order to conduct an argumentative inquiry, there must be candidate answers to the question. Working alone, or together with others in a group, the best place to start would seem to be the answers that first occur as plausible, since the inquirer(s) would want to investigate them at some point.

Each candidate is treated as an hypothesis and arguments for and against it are sought and formulated. These arguments are then tested by raising challenges to their premises and, assuming the premises are accepted, challenges to the adequacy of the support they offer to the

hypothesis or to its denial. Those challenges may be rebutted, or granted in whole or in part. If granted, they require rejecting the hypothesis, or else modifying it. If objections to the argument are rebutted (i.e., successfully defeated) the argument stands. An argument pro or con that stands after such critical examination may be decisive, at one extreme; merely suggestive, at the other; or have some intermediate weight. When all the arguments for and against an hypothesis that can be unearthed have thus been considered and the strength of their support for their conclusions assessed, the case for the hypothesis and the case against it can then be summed up and compared to each other, and so an all-things-considered judgment made as to the merit of the hypothesis.

The same review is carried out for all the competing hypotheses. In some cases, a positive or negative verdict might be indicated early on, and there is then no point to continuing to investigate them. Once the case for each live hypothesis has been made, the respective cases are compared to each other, and some way of ranking them (such as pairwise comparisons) carried out. When two or more incompatible hypotheses are judged equally maximally meritorious, or the differences are too close to call, then, ideally, belief or action should be suspended until some way of deciding between or among them has been contrived and a final judgment can be made.

The objective of such inquiries is to end up with judgments that are as close to being true or correct as it is practical to achieve. Obviously, limitations of information and ingenuity will result in judgments that fall short of that standard, and where these limitations aren't recognized by the inquirers, they can have too much confidence in their judgments. In any case, the judgments of such inquiries are always in principle contestable.

6. TO CONCLUDE—FURTHER QUESTIONS

A great many issues remain to be dealt with to complete this sketch of using arguments to inquire, and many more again need resolution to provide a complete account of using arguments for inquiry purposes. Here are just five.

(1) What are the conditions for the possibility of a group's fruitfully using arguments to inquire? Ideally, the participant(s) should be genuinely open-minded about what the findings will be. They should be prepared to abandon initial hypotheses that are not confirmed by the evidence. At the same time they should be disinclined to abandon plausible hypotheses until the evidence forces them to. The group psychology of an inquiring team should permit or encourage co-operation and discourage destructive competition. The question is how to deal with realities that fall well short of these ideals.

(2) Are there protocols that, if adopted, tend to foster success in "real-world" argument-using inquiries? Rules: prohibitions, obligations? What makes for successful inquiries is an empirical question.

(3) How are "on balance, all-things-considered" conclusions best reached? Christian Kock has argued (Kock 2017) that arguments about what to do have an inescapable subjective property, given that they rely on values, and how to determine which values apply in a given case and how to weigh and rank conflicting values are not things that can be decided apart from individual preferences. Is there room for argument about which values should apply in various decision-making situations?

(4) More generally are there significant differences between types of inquiry. I earlier distinguished between Walton's and my sense of 'inquiry', and also among problem-solving inquiries (seeking the best means to a given end), decision-making inquiries (seeking the best option when faced with choices), and investigative inquiries (seeking causal explanations of

given events or types of event). There are others, such as meaning-seeking inquiries (seeking to understand the nature and significance of actions, events, or choices). Has an inventory been made of inquiry types? (Would seeking such an inventory constitute yet another type— "discovery" inquiries?) Are there significant differences among them?

(5) What is the relationship between inquiry and persuasion? Are these points at opposite ends of a spectrum, as Scott Jacobs proposed during the discussion of this paper at the 2018 ISSA conference? Do scientists shift back and forth between inquiry and persuasion as their investigations proceed and they communicate with their respective communities, as Isabela Fairclough suggested during the same discussion? These are questions to which the literature may well hold the answers, if a proper investigation of it were to be carried out.

I would like to conclude by thanking Professors Jacobs and Fairclough, and also Professor Krabbe, for their comments during the discussion of the paper at the ISSA conference. I am also grateful for comments by Dr. Michael Baumtrog and by members of the Centre for Research in Reasoning, Argumentation and Rhetoric at the University of Windsor on earlier versions of the paper.

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Does cognitive research affect critical thinking understanding?

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ABSTRACT: The paper contributes to the debates on critical thinking and cognitive theories correlation. I argue that original critical thinking understanding can fruitfully work within cognitive approach *(framework)*. Critical thinking is treated as a normative ideal that is aimed at "careful thinking directed to a goal". This conception incorporates logical and philosophical ideas (Kant's intuitions about critical method). Critical thinking concept is scrutinized within Sperber and Mercier's argumentative theory of reasoning.

KEYWORDS: argumentative theory of reasoning, cognitive science, critical thinking, Enlightenment project, Kant, Sperber and Mercier

1. INTRODUCTION

Today critical thinking (CT) is a highly attractive but highly vague concept. There are many variations of how it could be defined. Its understanding "differs with respect to the scope of such thinking, the type of goal, the criteria and norms for thinking carefully, and the thinking components on which they focus" (Hitchcock, 2018). But generally critical thinking is understood as "careful thinking directed to a goal" (Hitchcock, 2018). It serves as a normative ideal (Maynes, 2017, p. 114) of how a good or well-grounded argument can be reached and stays in the same line with creative thinking, decision making, *etc*. Some scholars distinguish these types of reasoning whereas some of them insist on their identification. Anyway, all these uncertainties cause a problem that is accentuated by fast cognitive science development.

Cognitive science is an influential field of knowledge, and as a result its achievements have an impact on many related studies. CT is one of those. Cognitive researches deal with reasoning as well as CT does, and it seems that they modify CT perception. Do these modifications significantly affect the essence of CT? Can CT sustain itself in the face of cognitive investigations? What kind of CT and cognitive science collaboration would be the most productive? These questions have to be considered if we want to have an up-to-date version of CT conception. In my paper I will present how original understanding of CT or correlate with cognitive theories.

Taking into account the plurality of cognitive conceptions, I will focus on the argumentative theory of reasoning (ATR) being the most developed cognitive elaboration about reasoning at the moment (Sperber & Mercier, 2011, 2017). As for the CT conception, I will go back to the Enlightenment philosophy. Although the term 'critical thinking' is often associated with the name of the American philosopher John Dewey who used it to describe an educational goal, the utmost attention should be paid to the Enlightenment practical philosophy. I share Battersby's position that the Enlightenment tradition should be seen as a predecessor of the CT project:

> Enlightenment philosophers virtually changed the course of history by advocating for scientific reasoning and rationality to replace the old deference to church and king. What is sometimes known derisively as the *Enlightenment Project*, for all its over reach, had a

momentous and largely beneficial effect on the thinking and politics of western civilization. The critical thinking movement is the inheritor of this project and I suggest that we now think of the critical thinking movement as the *Critical Thinking Project* [Battersby, 2016, p. 100].

Contemporary diversity of CT definitions makes them more difficult to discuss in the context of cognitive field. We need to identify general characteristics or, as Johnson and Hamby (2015) would say, a meta-level peculiarities of this thinking. The Enlightenment tradition serves as a good foundation in that regard. It defines CT as a normative conception, which normativity is based on logic but not reduced to it. Logic grants a necessarily but not a sufficient condition for good reasoning construction and evaluation. It cannot offer a method enabling us to perfect our performance of various mental operations. It does not clarify the differences (if there are any) between, for instance, critical and creative thinking or critical and skeptical, or critical and polemic styles of reasoning. So, other than logical skeleton, CT needs a philosophical foundation (ethical, epistemological, *etc*.) that meets the above mentioned requirements.

These philosophical ideas are highly important if we want to compare critical and cognitive traditions. Roughly speaking, CT is differentiated from cognitive studies because of its normative basis. If CT project turns around the question "What should we do to be a good (critical) reasoner?", cognitive science addresses another problem, *i.e.* "What does a good reasoner do?" CT may pay attention to experimentally collected materials (this is an interest of cognitive approaches), but first of all, it is about rules. It is not dependent on concrete person's capacities.

My contribution consists of three sections. The first and the second sections briefly introduce logical and philosophical aspects of CT respectively while the third one clarifies how these features work within ATR.

2. LOGIC AS A FOUNDATION OF CRITICAL THINKING

It seems obvious that "being rational" means "being logical". If CT is treated as rational thinking, it has to be tied to logic (it does not matter whether we speak of symbolic or informal approaches). Nevertheless, logical postulates were revised several times during the 20th century. First of all, mathematical means separated logic from the reality; then Frege-Kuhn's paradigm limited its field to justifications (logic does not study discoveries); finally, psychologists came to the conclusion that human reasoning does not follow strict logical rules. Context and content peculiarities, intuitive backgrounds, and cognitive biases could turn even invalid reasoning into something rather sound. This attitude was illustrated by many experiments, for instance, Wason's[1] (1968) selection task or Byrne's[2] (1989) contextual modus ponens investigations.

The situation could not but alter a general vision of CT. The weight of traditional logical rationality within this concept started decreasing, and in the end of the 20th century, there was even an attempt to substitute it with neo-economical rational choice theory. The

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[1] The task concerns deductive reasoning that can be presented as follows: there are four cards placed on a table, each of which has a number on one side and a letter on the other side. The visible faces of the cards show 4, 7, E and K. Which cards must be turned over in order to test the truth of the proposition "if a card shows an even number on one face, then its opposite face is a vowel"? The correct answer is to turn over E and 7.

[2] "In certain contexts subjects reject instances of the valid modus ponens and modus tollens inference form in conditional arguments. For example, when a conditional premise, such as: If she meets her friend then she will go to a play, is accompanied by a conditional containing an additional requirement: If she has enough money then she will go to a play, subjects reject the inference from the categorical premise: She meets her friend, to the conclusion: She will go to a play. Other contexts suppress the conditional fallacies" (Byrne, 1989, p. 61).

core of the theory constituted the idea of *homo economicus* who behaved logically from economic point of view. *Homo economicus* was seen as a mathematical idealization of a person who maximized her utilities and minimized the costs. Although the theory was clear and convenient, it failed. People are rational or, at least, reasonable, but economic rationality is principally weak. As Battersby repeats after Kahneman and Tversky "Regret, frustration, and self-satisfaction can also" (Battersby, 2016, p. 111) affect reasoning.

Moreover, if we speak of CT, we expect that this conception will govern us through the pitfalls of natural reasoning. It means that neither intuitive backgrounds nor cognitive biases are able to provide a structure of CT as they are too subjective and vague. The core should be made up of logic because "being rational" means "being logical". This sort of vision can be observed if we go back to the applied logic of the 18th century (Darjes, 1742; Wolff, 1754). Couple centuries ago, logic was tightly inscribed into philosophy; it was aimed at building a skeleton (a propaedeutic function) that could be fulfilled with ethical and metaphysical representations. In spite of a modest technical means, logic studied real reasoning and was concerned with both justification and discovery problems. It could be concluded that the disturbances of the 20th century have played a doubtful role regarding CT acknowledgment.

It is interesting to observe that contemporary informal logic (the formal approach is intentionally left aside), which can be seen as a continuation of the applied logic tradition, is adopting a similar position now. This approach focuses on real arguments analysis (Blair & Johnson 2000; Blair 2011), and it has proposed original criteria for reasoning evaluation. Let me bring ARG conditions, i.e. premises acceptability, relevance of premises and good grounds for the conclusion (Govier, 2010, p. 87), as an example. Until recently, informal logic was saying almost nothing about context dependencies and reasoning construction, but the situation is changing. At the moment, there are papers, in which the problem of reasoning construction as well as the question of context and structure correlations are analyzed from a different angle (Macagno & Walton, 2016, 2018; Godden & Zenker, 2015). I think that such investigations will be multiplied since the philosophy of logic revises the basic logical concepts, namely formal language (Dutilh Novaes, 2011), logical form (MacFarlane, 2000), *etc*.

3. KANT'S APPROACH AND CRITICAL THINKING

To be honest, the Enlightenment Project did not deal with CT directly. But it developed its basis that could be posed as a combination of logical and philosophical (ethical and metaphysical) ideas. This combination is worth being discussed in the light of cognitive revolution.

Leaving debates on (traditional) logical theories aside, let me turn to the philosophical vision on what 'critical' means. It leads us to Kant whose interpretation of this term has been considered the foremost authority on the matter till now. The philosopher offered the critical method. More accurately, he was searching for a method that could normatively define capacities of human reason and his deliberations resulted in four styles of thinking (dogmatic, polemic, skeptical and critical). Before the critical method presentation, I will introduce the remaining three styles. It will be done on the base of N. Hinske's (2010) position but within the framework of argumentation theory.

The first, dogmatic, method is applied in cases of mathematical foundations. It rests upon a monolog. The second, polemic, method is comprised of a dialog. It limits itself to real arguments observation, weighting or evaluation. The third, skeptical, method overcomes these limitations. It also evaluates arguments but these arguments can be either observed or

experimentally attained. The term 'experimentally' signifies that arguments or counterarguments may be artificially constructed. Such construction allows taking reasoning to extremes, which is, admittedly, quite desirable as it is the way of how necessary additional information is obtained. The last, critical, method makes another step forward. It looks as a combination of the dogmatic and skeptical approaches: "Now comes the critical method, *i.e.*, I investigate the sources of the dogmatic and the skeptical methods..." (Kant, 1992, p. 332).

What is special about the critical method? Accepting natural restrictions of our reason, it is intended to extent the limits of our cognition. There is no unique mechanism for doing it. Arguing, we may search for the right position, but this strategy can be failure. Mostly debates contain mistakes or wrong beliefs; they are based on dubious presumptions. In such cases, the search for the right position may be substituted with a search for a vague presumption identification as it may help "eliminate" the subject of the debates. Anyway, the method appeals to objectivity. It considers the variety of opinions and admits persons' inner independence. It expects a person to abstract from her estimations or preferences and accept all relevant positions as equally valuable. This is the best way of sound information generation.

In other words, the method emphasizes that interlocutor's values are able to be estimated only if a person sets his or her intellectual snobbery aside. How can it be done? Some directions are clarified with Kant's maxims of human understanding (the term is treated as understanding in general) usage. If you want to expand the limits of your cognition (Krouglov, 2014), you should:

1) employ your own understanding;

2) place yourself in your opponent's position;

3) think consistently, compare your opponent's position with yours, and enrich your knowledge.

At the first step, an agent technically appraises a given argumentation, *i.g.* ARG conditions, argumentative profiles method or argumentation schemes conceptions are applied. At the next stage, she puts herself in her opponent's position, which means that an agent rejects all her own ideas, presumes her opponent's representations, knowledge or beliefs and re-builds the same argumentation from that point of view. Original argumentation and its reconstruction can vary because of different agents' presumptions and believes. At the final step, these differences have to be reconciled, for which the reconstruction has to be consistently incorporated into the first version of argumentation. If such incorporation flows without contradictions, the original position is enriched or corrected. Otherwise, argumentation is criticized or even abandoned.

As we see, Kant's treatment of 'critical' confirms that CT is about both belief formation and belief maintaining. It avoids the ambiguity regarding the conception. CT is targeted at better understanding of our own position rather than at arguments criticizing. It functions as a normative solution that governs each person through the difficulties (CT skill can be developed by individuals). Kant's treatment of 'critical' confirms several peculiarities of the meta-level approach to the problem of defining CT that has been recently developed by Johnson and Hambly (2015). But more importantly, it specifies the philosophical foundation that facilitates critical and cognitive approaches comparison.

4. CRITICAL THINKING AND THE ARGUMENTATIVE THEORY OF REASONING

Why is CT conception compatible with contemporary cognitive studies, namely ART? Let us look at ART first and then compare it with our approach to CT. ART has been analyzed within argumentation theory many times (Mercier 2012; Sterrett 2012; Santibáñez), but it is

not the purpose of the current paper. All I want is to demonstrate that our CT comprehension is consistent with Sperber and Mercier's approach, even though the result at first glance may look different.

The fundamental principles of ATR can be briefly presented within four steps. First, reasoning doesn't help us get better beliefs and make better decisions. Its main function is to help us convince other people and to evaluate their arguments. Reasoning is aimed at finding and evaluating reasons in dialog contexts. A speaker gives reasons to accept a given conclusion. A listener evaluates then these reasons to decide whether she should assume them or not. If reasoning does this job properly, communication is improved. Second, there is a gap between argument constructing and argument evaluation. Usually people are better at finding premises that provide reasons to admit a conclusion than at critical evaluation of current arguments (reasoning). Third, reasoning is a part of communication, which means that instead of being a purely individual activity, it has a social foundation. Reasoning yields better results in groups than alone. Fourth, there is a distinction between inferences and reasoning that can be introduces as follows:

> Inference (as the term is most commonly understood in psychology) is the production of new mental representations on the basis of previously held representations. <…> It is at work not only in conceptual thinking but also in perception and in motor control (Kersten et al. 2004; Wolpert & Kawato 1998). It is a basic ingredient of any cognitive system. Reasoning, as commonly understood, refers to a very special form of inference at the conceptual level, where not only is a new mental representation (or conclusion) consciously produced, but the previously held representations (or premises) that warrant it are also consciously entertained (Sperber & Mercier, 2011, p. 57).

Any reasoning is a form of inference but not *vice versa* as inferences are understood wider than reasoning (Sperber & Mercier, 2017, p. 15).

It seems that ATR ruins CT functioning. Indeed, ATR emphasizes another aim of argumentation and shifts its focus from arguments construction to arguments evaluation. Moreover, it stresses the social core of argumentation as well as argues for the necessity of inference and reasoning distinction. However, the situation can be scrutinized somewhat differently. ATR refers to real reasoning flow while CT does not. It regulates the process from the normative point of view. This feature changes everything. Taking the normative foundation of CT into account, it must be admitted that it is not about real arguments, but it is about their improvement. In this case, CT starts being totally consistent with ATR. Let me demonstrate it on the basis of ATR characteristics. I'd prefer to scrutinize them backwards: (1) the difference between inference and reasoning, (2) the social basis of reasoning, (3) an asymmetry between argument constructing and argument evaluation, (4) the goal of argumentation.

First, cognitive science would define CT as energy-consuming. Once we think critically, we have to scrutinize the problem in details. It is clear that CT presumably deals with difficult problems. In Sperber and Mercier's terminology, it is limited to the level of reasoning (intuitive inferences are left aside). Indeed, the premises or reasons are identified, and the level of conclusions support is measured only if the question is complicated. Thus, the difference between inference and reasoning does not conflict with CT but, on the contrary, it specifies its place in communication.

Second, even if we admit the presumption that humans reason better in groups than alone, which is quite reasonable, we cannot ignore the fact that a general level of argumentation is defined with group members capacities. A social basis of argumentation does not cancel the fact that the more each person knows, the more argumentative variations are produced by the whole group. The more group members are educated, the better they

listen to counterarguments. As CT does not study real reasoning but regulates the mode of how these abilities of individuals could be improved, it easily falls within the scope of ATR.

Third, people are better at finding premises than in their critical evaluation. At the same time, Sperber and Mercier claim that this situation can be overcome as "individuals may develop some limited ability to distance themselves from their own opinion, to consider alternatives and thereby become more objective" (Sperber & Merscier, 2011, p. 72). How can it be done? The question leads us back to the accustomed CT understanding that, as it has been wildly discussed in the previous section, is aimed at the development of regulations existed on the subject.

CT is nicely correlated with ART regarding the last, fourth, characteristic. ART states that people are keen at argument evaluation rather than argument building. CT, in its turn, deals with good arguments criteria. In means that CT is equally interested in both arguments construction and evaluation. Does the aim of CT look old-fashioned? In the light of our approach it is not at all. If somebody wants to be a better arguer, she has to improve her argumentation skills. But she needs regulations for that, and CT conception specifies the way of how it could be done. Thus, if somebody wants to be a better arguer, she has to pay attention not only to arguments evaluation but also to arguments construction.

5. CONCLUSION

Both CT and cognitive conceptions operate with reasoning but they do not do it in the same mode. If cognitive theories study reasoning flow, CT regulates this process. This peculiarity forms the basic point of CT that can be even seen within German Enlightenment tradition. This tradition covers main aspects of our CT project, *viz*. it is understood as a rational ideal that regulates the borders of our cognition and specifies the way of sound reasoning construction ("being critical" is not equal to "being criticizing"). It appears to be a regulation that can be taken by individuals in case they want to improve their argumentative capacities. Such CT conception is nicely incorporated into cognitive theories (ART, in my case). So, cognitive researches do not ruin the core of CT that has been formed at the beginning of Modern period.

Of course, I do not want to say that CT conception cannot be enriched with the result of cognitive investigations. On the contrary, cognitive achievements influence is significant. But it is the beginning of another story.

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What determines the strength of practical and cognitive presumptions?

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ABSTRACT: This paper investigates the relationship between practical and cognitive presumptions. It argues that two types of presumptions come with different conceptions of strength. While the strength of a practical presumption is supposed to be correlated with the weight of rebuttal, the strength of a cognitive presumption is correlated with the degree of a proposition's plausibility. However, the degree of plausibility is not necessarily correlated with the weight of the burden of rebuttal.

KEYWORDS: burden of proof, cognitive presumption, instrumental rationality, John Pollock, Nicholas Rescher, plausibility, presumption, strength, undercutting defeater

1. INTRODUCTION

This paper investigates the relationship between practical and cognitive presumptions. According to Ullmann-Margalit (1983) and Godden (2017), practical presumptions are best understood as non-epistemic means, claims that are *taken to be true* for non-epistemic ends (such as precaution or social safety) in the context of evidential uncertainty and deliberation pressure. By contrast, Rescher (2006) defines cognitive presumptions as epistemic means, plausible claims that are taken to be true in order to achieve epistemic ends (such as the acquisition of information or knowledge). In the context of dialogue, both types of presumption reverse the burden of proof: a particular presumption stands until or unless the opponent provides a sufficient reason against it.

I argue that the two types of presumption serve not only different contextual goals but also have different conditions of strength. While the strength of a practical presumption is supposed to be correlated with the weight of rebuttal, the strength of a cognitive presumption is correlated with the degree of plausibility. However, the degree of plausibility (e.g. the strength of evidential support for *p*) is not always correlated with the weight of rebuttal (i.e. how difficult it is to prove ~*p*). Leaning on Pollock's concept of an undercutting defeater I seek to show that cognitive presumption *p* may become weaker (less plausible) even though ~*p* has not become easier to prove.

In Sect. 2, I present some distinctive features of presumption. In Sect. 3, I focus on Rescher's account, and the difference between practical and cognitive presumptions. In Sect. 4., I explain the concept of an undercutting defeater and discuss the conditions that determine the strength of practical presumptions. Finally, I show that practical and cognitive presumptions have different conceptions of strength, and must be evaluated by means of different criteria.

2. THE GENERAL FEATURES OF PRESUMPTIONS

Originally, "presumption" is a legal notion, and presumptions have been controversial ever since their introduction in Roman law. Legal, as well as philosophical scholarship, offer many incompatible accounts of the nature, function, justification and the overall importance of presumptions.[1] However, the literature still recognizes a number of common, distinctive features of presumptions.

Let us begin with some paradigmatic legal examples. Probably the most famous, but also the most controversial legal presumption is the *presumption of innocence*. It is based on the rule of criminal law requiring that the accused should be treated as innocent until or unless his/her guiltiness is proved. Another example is the *presumption of death*. Here, the rule states that the person who has been absent (without any explanation) for more than seven years should be presumed dead until or unless there are good reasons to think differently. These presumptions are different in many respects, but they also have some general features in common.

I will present four general features of presumptions. First, a presumption is a modal status of a proposition that indicates the reverse burden of proof. Second, the purpose of a presumption is to enable dialogical progress or/and to prevent an infinite dialogical regress. Third, logically, presumptions are conclusions of presumptive reasoning. Finally, the justification of presumptions is ultimately instrumental (pragmatic) rather than theoretical.

2.1 Presumption as a modal status

In the standard view, presumptions are defined as claims that are appropriately qualified. In other words, proposition *p* counts as a presumption if and only if *p* is, either explicitly or implicitly, introduced with the modal qualifier/status "presumably" (see Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017). But what does "presumably" mean?

First, the qualifier "presumably" modifies the speaker's commitment. It indicates that the speaker is only tentatively committed to *p*. For example, the parties in the legal dialogue are committed to "Presumably, John is innocent" but their commitment is only provisional—it is conditional upon the absence of sufficient reasons to think differently. Once sufficient reasons against the presumption are provided, the parties are obliged to retract their commitment.

Second, a modal qualifier modifies not only the speaker's commitment but also the status of a statement (Godden, 2017, p. 488). Presumptions are, thereby, statements with special deontic modality—"presumably" indicates a special distribution of probative obligations. In the standard view, "Presumably, *p*" indicates that, at the particular point in the dialogue, the proponent can use *p* in arguing *without providing* sufficient reasons for it. At the same time, "Presumably, *p*" allocates the burden of proof to the opponent—if the opponent disagrees with the acceptance of *p*, s/he *is* obliged to provide sufficient reasons against it. Accordingly, in a legal dialogue, the party who claims "Presumably, John is innocent" is not obliged to prove his/her case, while the disagreeing party is obliged to provide sufficient reasons for "John is guilty." Hence, the most fundamental feature of presumption is deontic in nature—"presumably" indicates that the qualified statement entails the reversed burden of proof (see, e.g., Pinto, 2001; Freeman, 2005; Rescher, 2006; Walton, 2014; Godden, 2017).

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[1] For the presentation of various approaches to the presumption in law see Gama (2017). For the similar presentation within the scope of argumentation theory see Godden & Walton (2007).

2.2 The dialogical functions of presumptions

But what is the typical dialogical function of presumption? In Bodlović's (2017, p. 518) words, the presumption reverses the burden of proof *in* the dialogue, but what does the presumption do *for* the dialogue? The answers to this question typically fall into two broad categories.

First, the function of presumptions is to enable dialogical progress.[2] Suppose that the argumentative dialogue seeks to resolve an urgent issue before a particular deadline.[3] Suppose that the deadline is approaching, that there is a pressure to resolve the issue "here and now," and that the resolution depends on whether p is the case. Suppose, however, that p is uncertain, i.e. that, in the present circumstances, there is no sufficient (or even any) reason to believe p. In these circumstances, the obligation to provide sufficient reason for p will get the dialogue stuck. But we obviously cannot afford this (since the issue is urgent) and we need an effective means to "unlock" the dialogue. The presumptive status of p is just that—it shifts the burden of proof to the opponent and allows us to proceed tentatively as if p is the case. The presumption enables the dialogue to make a desirable progress, to continue on a provisional basis toward the resolution of an urgent issue.

Second, presumptions have the function of preventing an undesirable dialogical regress.[4] Suppose that the dialectical rule concerning the burden of proof is universal, namely that every proposition introduced in the dialogue can be challenged and, if challenged, needs to be supported by the proponent. So, as soon as the proponent introduces p, the opponent is allowed to request the proof of p, and as soon as the proponent offers q to support p, the opponent is allowed to request the proof of q. This allows the opponent to sabotage the dialogue by challenging the proponent's claims *ad infinitum*. The problem that follows is quite famous—the proponent will be obliged to justify his statements *ad infinitum*, and s/he will never be able to prove his original thesis. In principle, this situation can happen although both parties are "playing by the rules."

The solution is to change the rules. As Rescher observes, the burden of proof rule should *not* be universal. It should have exceptions and, in fact, the very exceptions make the rule applicable. The chain of (providing) reasons must end somewhere (see Rescher, 1977, p. 33; 2006, p. 30). This leads us to the second function of presumptions—in dialogue, they make tentative starting points. By reversing the burden of proof, they prevent the dialogue to fall in the infinite regress and enable the proponent to defend his/her statement. Presumptions provide a solution to a dialogical variation of the famous skeptical problem of infinite regress.

2.3 Presumption and presumptive reasoning

Dialogically, presumptions perhaps form one class of basic premises but, logically, they are also conclusions of presumptive (defeasible) reasoning.

In the standard view, every presumption is drawn from some basic, presumption-raising fact, in accordance with a presumptive rule (see Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017). For example, the legal *presumption of death* "Presumably, Steve is dead" is drawn from the basic fact

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[2] The main advocates of this purpose of (practical) presumptions are Ullmann-Margalit (1983), Godden (2017) and, occasionally, Walton (2008).

[3] Legal dialogues are good examples. After all, they cannot last forever—at some point, when all the available evidence is taken into account, the decision needs to be made. And sometimes it needs to be made even when the evidence is far from conclusive.

[4] The main advocates of this approach are Freeman (2005), Rescher (2006) and, occasionally, Walton (2008, 2014). Van Laar & Krabbe (2013, p. 210) also interpret presumptions as "non-fixed initial concessions." For the difference between presumptions that enable progress and prevent regress see Bodlović (2017, pp. 521-524)

"Steve has been absent (without any explanation) for more than seven years," in accordance with the presumptive rule "If the person has been absent (without any explanation) for more than seven years, then the person is presumed dead (until or unless there are good reasons to think differently)." The basic fact can be either an elementary or a complex statement. The presumptive rule is a conditional statement that is typically defeasible.[5]

2.4 Instrumental justification of presumptions

Apart from their conditional form and defeasibility, the crucial feature of presumptive rules is the instrumental (or pragmatic) justification. In the standard view, presumptive rules do not represent material or empirical generalizations (Ullmann-Margalit, 1983; Rescher, 2006; Godden, 2017) and this is clearly illustrated by the *presumption of innocence*. That is, the basic fact "John is accused" indicates John's guiltiness rather than John's innocence,[6] but the legal parties are still obliged to presume John's innocence. This clearly reveals that the presumptive rule "If X is accused, then, presumably, X is innocent (until or unless…)" cannot be epistemically or theoretically justified. Instead, it is instrumentally justified. The presumption of innocence is based on a procedural rule that serves to reduce a risk in deliberation (the risk of punishing innocent persons) and, more generally, to protect social (or moral) values (Ullmann-Margalit, 1983).

Importantly, even when a particular presumptive rule is consistent with the corresponding empirical generalization, its justification is still instrumental rather than theoretical. In the *presumption of death*, it is true that people who have disappeared for seven years without explanation are probably dead, but the presumptive rule primarily helps to proceed with practical matters—it enables deliberation progress in the circumstances of an evidential impasse or epistemic uncertainty. Typically, the presumption of death serves to enable the distribution of the missing person's estate when there is no conclusive evidence indicating either the person's life or death (Ullmann-Margalit, 1983, p. 146; Rescher, 2006, p. 27). So, the presumptive rule is empirically adequate, but its justification is not theoretical—it is the existence of instrumental reasons that "transforms" the empirically adequate conditional into a presumptive rule.

This ends my presentation of the general features or the standard characterization of presumption. In the next section, I will focus on Nicholas Rescher's theory. I will use Rescher's work to present different kinds of presumptions that may be subsumed under the standard view. More pointedly, I will explain the distinction between practical and cognitive presumptions.

3. RESCHER'S CHARACTERIZATION OF PRESUMPTION

Ever since his influential *Dialectic* (1977), the nature and role of presumptions have been common subjects in Rescher's theorizing. However, he recently developed a comprehensive theory of presumption in *Presumption and the practices of tentative cognition* (2006). I will mostly base the presentation and analysis of Rescher's theory on this recent work.

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[5] Although the legal literature recognizes the so-called irrebuttable, deductive or conclusive presumptions (see, e.g., Macagno, 2010; Macagno & Walton, 2012; Gama, 2017), paradigmatic legal presumptions are, as we have seen, defeasible.

[6] Without some evidence that he might be guilty, John wouldn't be accused in the first place.

Rescher's general characterization of presumptions is rather standard,[7] but his approach is especially interesting due to a specific domain of their application and analysis. Namely, together with Freeman (2005), Rescher is a rare example of a scholar who *primarily* studies presumptions in the epistemic context.

3.1 Practical and cognitive presumptions

In the standard view, all presumptions are instrumental and their legitimacy lies in their efficacy—good presumptions are effective means to achieve desired ends. However, presumptions can be applied in different contexts that include different kinds of ends. Two different kinds of ends are usually distinguished in the literature on presumptions: non-epistemic (non-alethic), and epistemic (alethic). Following Rescher's (2006, p. 27) terminology, a presumption that is a means to achieve a non-epistemic end (such as safety) I call *practical presumption*. By contrast, a presumption that is a means to achieve an epistemic end (such as the acquisition of information and knowledge) I call *cognitive presumption.*

Some scholars doubt that the concept of cognitive presumption has genuine theoretical importance. In an epistemic reading, they typically remark, "presumption" does not denote any novel or original phenomenon. That is, cognitive presumptions can probably be reduced to defeasible or *prima facie* claims and, in this case, they deprive the concept of presumption of its distinctive theoretical potential. According to Ullmann-Margalit and Godden,[8] presumptions become the matter of a genuine theoretical interest only if interpreted as a characteristic means to achieve practical ends in the context of epistemic uncertainty and deliberative pressure. We don't presume *p* for the epistemic purpose, due to the evidential support—we presume *p* for the practical purpose (e.g. safety) precisely when *p* is lacking sufficient evidential support, and there is a pressure to act "here and now" (see Ullmann-Margalit, 1983, p. 152; Godden, 2017, pp. 503-506). Along these lines, within the standard approach, presumptions are usually characterized as both instrumental *and* practical.

The legal presumptions of *innocence* and *death* serve to achieve non-alethic ends but practical presumptions do not belong only to the context of legal deliberation. In everyday contexts, we also often take propositions as true with various non-epistemic goals in mind. This is nicely illustrated by Bermejo-Luque. In her theory, presumptions are defined as "reasonable assumptions" (2016, p. 16), and

> assuming something may be adequate as a means … to *promote certain attitudes in others* (as when we presume the honesty of our kids or students—even against evidence!), or as a means to *increase efficiency* (as when we presume that everyone has read the document under discussion); or a *matter of politeness* (as when we presume that the person we invited to our home is trying to be kind to us); or even a *principled matter* (as when we presume the value of human life). (Bermejo-Luque, 2016, p. 12, emphasis added)

By contrast, cognitive presumptions amount to "policies, deemed effective in gaining knowledge" (Rescher, 2006, p. xii). Their justification is instrumental, but the ultimate goal is epistemic and their effectiveness is typically linked to evidence or the reliability of the corresponding epistemic source. In our terminology, they are instrumental but *not* practical.

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[7] Rescher claims that presumption is the status of a proposition (2006, p. 22). Also, he claims that the presumptive status indicates a provisional commitment (pp. 29-30) and reverses the burden of proof (p. 15). Furthermore, the presumption is linked to presumptive reasoning (p. 8) that includes a defeasible presumptive rule and a basic fact (p. 33). Finally, although their efficacy may depend on very different contextual goals, presumptions are always justified instrumentally (p. 53). When it comes to a dialogical purpose, Rescher emphasizes the role of presumptions in preventing an infinite regress (pp. 23-26).

[8] At times, also Walton (see 2008, 2014).

3.2 The concept of cognitive presumption

Cognitive presumptions have all the general features described in Sect. 2. However, unlike practical presumptions, they are tailored to acquire information. Let us briefly present two paradigmatic examples (Rescher, 2006, p. 31).

First, to be effective in gaining knowledge we should trust our senses and memory. Let us call this *the standard sources presumption*—if our standard cognitive sources (e.g., perception and memory) indicate *p* [basic fact], then we should take *p* as true [presumption] unless there are sufficient reasons to think that, in this particular case, standard sources may be wrong [defeater clause]. Second, in a long run, our prospects of acquiring information are better if we take as true the declarations of other people. Trusting people is much better default policy for acquiring information than doubting them. Let us call this *the testimony presumption*[9]—if some person asserts *p* [basic fact], then we should take *p* as true [presumption] unless there is a sufficient reason to think that, in this particular case, the person could be wrong [defeater clause]. So, when we seek to acquire information, "betting on" our senses, memory, and declarations of other people are, in a long run, cost-effective cognitive policies (2006, pp. 48-52).

Rescher defines the concept of cognitive presumption in terms of plausibility. Cognitive presumptions represent "truth-candidates, data that are no more certified *truths* than candidate-presidents are certified presidents" (2006, p. 37). But truth-candidacy is not enough—in order to gain presumptive status, a proposition needs to be *the most plausible* truth-candidate.

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

The notion of plausibility plays, then, a crucial role in defining the cognitive presumption. For our present purposes, two things need to be mentioned.

First, in Freeman's (2005, p. 26) words, Rescher's concept of presumption is *singular*. There may be more presumptive rules operating simultaneously and there may be more incompatible truth-candidates but, at a particular point, only the most plausible truth-candidate may be presumed. Second, there are different sources of plausibility. Roughly, we may distinguish between evidential and non-evidential sources.[10] Evidential sources render the proposition plausible on the basis of evidential support or standard sources (perception, memory, testimony, etc.). Here, the proposition becomes a presumption if it is supported by stronger evidence or a more reliable source than any rival truth-candidate. By contrast, non-evidential sources render propositions plausible on the basis of principles such as simplicity, uniformity, normality, etc. (Rescher, 2006, p. 40). These principles become especially important when the evidence does not discriminate between the rival truth-candidates. For instance, if two rival truth-candidates are equally supported by evidence, one may presume the candidate that is closer to the "usual course of things" (normality) and coheres better with other cognitive commitments (2006, p. 41).

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[9] Closely related to this presumption is the *presumption of trust*—we shall presume that people are honest, i.e. that they mean what they say (Rescher, 2006, p. 89). But presuming the person's honesty is clearly different from presuming the truth of the person's testimony. For example, the opponent may have a sufficient reason to defeat the truth of a particular testimony without having any doubts concerning the testifier's honesty.

[10] Or, in Rescher's (2006, p. 40) terms, we may distinguish plausibility of the thesis warranted by evidentiation and plausibility of the thesis warranted by principles.

This ends my short presentation of practical and cognitive presumptions. In the final section, I will argue that practical and cognitive presumptions may be more different than the previous characterization reveals.

4. THE STRENGTH OF PRESUMPTION AND THE WEIGHT OF REBUTTAL

Practical and cognitive presumptions are similar in all the general respects, but there are clear material differences. First, practical presumption, unlike cognitive presumption, is not an *epistemic* status of a proposition. Second, practical presumption, unlike cognitive one, will serve to enable *deliberative*, rather than cognitive progress. Consequently, unlike cognitive presumption, a practical presumption will be justified if it is effective in accomplishing a *non-alethic* end. However, there is also a structural difference concerning the conditions of weakening.

In this section, I will argue that cognitive presumptions can be weakened by an undercutting defeater, while practical presumptions cannot. But before the argument is presented, the standard characterization of presumption's strength, as well as the notion of an undercutting defeater, must be explained.

4.1 What constitutes the strength of a practical presumption?

The strength of (practical) presumption is defined in terms of how much evidence is needed to overturn it (Godden & Walton, 2007, pp. 337-338) or, more precisely, how difficult it is for the opponent to rebut it. Technically, to *rebut* a proposition means to defeat a proposition by proving the negation (see Pollock, 1987, p. 485). So, when Ullmann-Margalit (1983, p. 152) claims that "an index of the strength of the presumption" is correlated with "the weight of the reasons ... required for the rebuttal," she claims that the strength of the presumption p is measured by how much evidence is required to prove $\sim p$. In his chapter on legal presumptions, Rescher offers the same characterization.

> [P]resumptions will differ in strength according to just how much it takes to defeat them–that is, on just how great a burden of proof is being carried by anyone seeking to defeat them. Presumptions are *strong* or *weak* as their associated burden is *heavy* or *light*. (Rescher, 2006, p. 18)

This characterization, for instance, renders the *presumption of innocence* stronger than the legal *presumption of sanity*[11] because the former can be rebutted only by conclusive evidence, while the latter can be rebutted also by the preponderance of evidence (2006, p. 18). However, the weight of the burden of rebuttal depends on the importance of a particular practical goal. So, the practical presumption that is related to a more serious issue and serves to achieve more important non-alethic end will be more difficult to rebut and, thereby, stronger (Rescher, 2006, p. 18; Godden, 2017, p. 508). For instance, the presumption that serves to protect human life will not be as easily rebutted as the one promoting politeness.

In summary, the importance of a non-alethic goal determines the weight of rebuttal, and the weight of rebuttal determines the strength of a practical presumption.

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[11] According to this legal presumption, we shall presume that the accused was sane (in a right state of mind) when the crime in question was committed.

4.2 What is an undercutting defeater?

Let us now turn our attention to the notion of an undercutting defeater. This notion, crucial for our purposes, is quite famous in a contemporary epistemology. It played a major role in John Pollock's theory of defeasible reasoning. Put simply, an undercutting defeater r is a piece of evidence that attacks the reliability of the connection between the premise q and a conclusion p. In Pollock's words,

> [Undercutting defeaters] attack the connection between the reason and the conclusion rather than attacking the conclusion itself. For instance, "X looks red to me" is a prima facie reason for me to believe that X is red. Suppose I discover that X is illuminated by red lights and illumination by red lights often makes things look red when they are not. This is a defeater, but it is not a reason for denying that X is red (red things look red in red light too). Instead, this is a reason for denying that X wouldn't look red to me unless it were red. (Pollock, 1987, p. 485)

The undercutting defeater r is consistent both with the reason q and the conclusion p—it attacks neither q nor p, but the connection between q and p. In Pollock's classical example, "X is illuminated by red lights" is consistent both with the premise "X looks red to me" and the conclusion "X is red." However, "X is illuminated by red lights" is also consistent with the conclusion, for instance, "X is white." This renders conclusion evidentially uncertain and, from a purely epistemic perspective, we should suspend judgment as long as the undercutting defeater remains undefeated.

4.3 The strength of cognitive presumption and the weight of rebuttal

Departing from the previous characterizations, I will now argue that the strength of a typical cognitive presumption is not necessarily correlated with the weight of rebuttal. The cognitive presumption may be weakened even though the burden of rebuttal does *not* become any lighter, i.e. although it remains equally difficult to prove the contrary.[12] This is clearly incompatible with the standard (practical) definition of strength discussed above.

Once we accept Rescher's definition of cognitive presumption, a condition that determines its strength appears to be quite straightforward. Since the cognitive presumption is *the most plausible* truth candidate, we can expect that plausibility is a matter of degree and that the strength of presumption will be correlated with the degree of plausibility. Supposing that this is correct, and that p is a cognitive presumption, the following statement must be true:

> If p becomes less plausible, then (the cognitive presumption) p becomes weaker.

Furthermore, let us suppose that p is the most typical, evidential type of cognitive presumption, and that p loses plausibility by losing some evidential support. Therefore, we substitute "p becomes less plausible" with "p loses some evidential support."

> If p loses some evidential support, then (the evidential cognitive presumption) p becomes weaker.

This statement is also true. However, once we interpret a consequent "p becomes weaker" in accordance with the standard (practical) definition of strength, we get the following statement:

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[12] I assume that the weight of rebuttal is *not* determined *only* by the contextually appropriate standard of (dis)proof. In everyday contexts, we can expect that "proving the contrary" may become more or less difficult for the opponent even if the standard of (dis)proof remains fixed.

<center>If *p* loses some evidential support, it becomes easier to prove ~*p*.</center>

This statement is false. By means of applying the notion of an undercutting defeater, it is not difficult to think of an example that satisfies the antecedent but not the consequent. Suppose that *q* is one *among many* evidential reasons for presumption *p* and that an undercutting defeater *r* defeats the reliability of a connection between *q* and *p*. In this case, *p* loses some evidential support (and the cognitive presumption *p* becomes weaker) but *r* does not make it any easier to prove ~*p*. (By definition, undercutting defeaters are *not* reasons to the contrary.) So, as long as the opponent's obligation to prove ~*p* is concerned, *r* is either irrelevant (at best) or equally destructive (at worst). Let us illustrate this by an example.[13]

1. Suppose you are sitting in the coffee bar and at the time t_1 you see a man walking a dog. Despite the distance, you can clearly see that the person must be either Smith or his *twin brother* Jones, your long lost high-school friends. So, by the supposition, there are only two truth candidates ("The person walking a dog is Smith" and "The person walking a dog is Jones"), and none of them is more plausible. Your visual impression (in conjunction with the information that brothers are twins) renders both truth-candidates equally uncertain and, consequently, no truth-candidate has the status of a cognitive presumption at t_1.

2. However, at time t_2, you hear a bartender saying "Look at that dog lover Smith over there!" Given the presumptive rule that you should "accept at face value the declarations of other people" (Rescher, 2006, p. 31), you start thinking that Smith is the person you are looking at. The testimony makes "The person walking the dog is Smith" the most plausible truth candidate, i.e. a cognitive presumption. It is important to notice that the basic fact, "The bartender asserts: 'Look at that dog lover Smith over there!'" is a complex statement. The bartender asserts two relevant claims: "The person walking a dog is Smith" and "Smith is a dog lover." To my mind, these claims provide independent (convergent) support for the cognitive presumption that the person in question is Smith.[14]

3. But just a few seconds afterward, at time t_3, you hear another person saying "Yeah, his brother Jones is a dog lover, too." From this moment, "Smith is a dog lover" cannot provide evidential support for "Presumably, the person walking a dog is Smith." Given that the person walking a dog is either Smith or Jones, and that both Smith and Jones love dogs, "Smith is a dog lover" is not a reliable indicator that it is Smith (and not Jones!) you are looking at. The presumption is, therefore, weakened. The evidence that used to provide some (albeit weak) support to "Presumably, the person walking a dog is Smith," does not provide this support anymore.

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[13] The example is formulated in a monological fashion and in terms of evidence, but it can be easily reformulated in dialogical terms where the allocation of the burden of proof will be more explicit.

[14] Let us start with the bartender's claim that "The person walking a dog is Smith." Since you have completely lost a contact with both Smith and Jones during the past, say, twenty years, it is reasonable to expect that they may not be living in the same neighborhood, not even in the same city. In these circumstances, the fact that the local bartender recognized Smith and not Jones must count as evidence that the person in question is, in fact, Smith. Also, in the circumstances where you don't know anything about Smith's or Jones' dog preferences, the bartender's claim "Smith is a dog lover," must count as evidence that the person walking a dog is Smith. As long as you don't know anything about Jones' dog preferences, the bartender's claim must make some evidential difference.

However, while "Jones is a dog lover" weakens the presumption, it does not make the contrary ("The person walking a dog is Jones") any easier to prove. To see this, let us approach the situation from the perspective of an imagined opponent. At time t_1, the opponent's "perceptual reason" supporting "The person walking a dog is Jones" is defeated by the existence of a twin brother and, by the time t_3, the evidential position of this statement does not become any better. At t_3, the imagined opponent possesses two pieces of evidence and they are both annulled by undercutting defeaters. The connection "The person walking a dog *looks like* Jones, therefore the person walking a dog *is* Jones" is undercut from the start by the existence of a twin brother Smith, and the connection "Jones loves dogs, therefore the person walking a dog is Jones" is undercut by the information that his twin brother Smith loves dogs, too. So, nothing that happened between t_1 and t_3 made the opponent's obligation to prove the contrary any less demanding. By contrast, the cognitive presumption that arose at t_2 surely became weaker at t_3.

In conclusion, the role of an undercutting defeater indicates that the strength of cognitive presumption cannot be properly expressed by the weight of rebuttal. It is correlated with the degree of plausibility, and the degree of plausibility is not necessarily correlated with the weight of rebuttal. This indicates a structural difference between practical and cognitive presumptions because when it comes to determining their strengths different mechanisms seem to be in play.

5. CONCLUSION

In this paper, I sought to show that the standard definition of the strength of presumption, associated with the so-called practical presumptions, cannot be applied to cognitive presumptions.

First, I explained the most general features of presumptions, widely discussed in the literature. In a standard view, all presumptions pertain to special deontic statuses. They are typically used to enable dialogical progress or to prevent dialogical regress by reversing the burden of proof. They are not stipulations but consequences of reasoning, and their ultimate justification is instrumental rather than theoretical.

After providing a general framework, I focused on the theory of Nicholas Rescher. I explained Rescher's notion of cognitive presumption and claimed that cognitive and practical presumptions (as understood by Ullmann-Margalit and Godden) entail different conceptions of strength. While the strength of practical presumption is supposed to be correlated with the weight of rebuttal, the strength of a cognitive presumption is correlated with plausibility. Due to the possibility of undercutting defeaters, the degree of plausibility does not need to correspond to the weight of rebuttal. This means that two types of presumptions are not weakened by the same set of conditions. Besides material differences, there is also a structural one.

The importance of this difference is primarily theoretical. Although the distinction between practical and cognitive presumptions is well-known, it still lacks detailed analysis. The purpose of this paper is to stress the importance of the issue, raise some relevant questions and, perhaps, provide some guidance for further investigations.

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Toulmin's warrant-establishing arguments

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ABSTRACT: In the two places where Toulmin describes warrant-establishing arguments, the descriptions appear to be in conflict. I will argue for a combination of these descriptions, but it will be shown that, on this interpretation, warrant-establishing arguments are a wider class than Toulmin takes them to be and have a different structure from warrant-using arguments—while warrant-using arguments fit the Toulmin model, warrant-establishing arguments do not. I reject the anti-logic moral drawn by Toulmin.

KEYWORDS: S.E. Toulmin, warrant-establishing arguments, warrant-using arguments, Toulmin model

1. INTRODUCTION

At (Toulmin 1958, pp. 137-38) Toulmin sets out five distinctions:

i)   Necessary and probable arguments.

ii)   Formally valid arguments and those that cannot hope to be formally valid.

iii)   Arguments whose warrant has already been established and those used to establish a warrant. These are called respectively *warrant-using* and *warrant-establishing* arguments.

iv)   Arguments expressed in 'logical' words and those not so expressed.

v)   Analytic and substantial arguments.

The focus of this paper is on (iii). Toulmin accuses formal logicians of conflating this distinction with the deductive/inductive distinction, mistakenly taking deductive arguments as co-extensive with warrant-using arguments and inductive arguments as co-extensive with warrant-establishing arguments (and to make similarly mistaken conflations with regard to the other distinctions).

It is not entirely clear why Toulmin thinks this: possibly, Toulmin is thinking of a structural distinction between deductive and inductive arguments, deductive arguments being those that reason from the general to the particular and inductive arguments being those that reason from the particular to the general. Warrants being general statements of some kind, the arguments that establish them (from singular statements) would be taken as "inductive" on this criterion. However, making the distinction between deductive and inductive arguments in this structural way is quite different from making it in the way where deductive arguments are necessary and inductive arguments are probable [as in (i)], since although it is true that an argument whose conclusion is a general statement and all of whose premises are singular statements will not be formally valid and hence not necessary in that sense (and so it is not wrong to claim that inductive arguments are non-necessary, i.e., probable), it is not true that deductive arguments are always those reason from the general to the particular, since we may also reason deductively from the general to the general and from the particular to the particular or, for that matter, we may reason inductively in these ways as well so that their conclusions are only probable. There are two different distinctions that logicians might make with the words "deductive" and "inductive", then, and if my hypothesis is correct, Toulmin conflates them. No logician describes the arguments he calls necessary "deductive" in the same sense of "deductive" that he calls arguments that reason from the general "deductive." If this is Toulmin's motivation, then it is Toulmin, and not the logicians, who mistakenly conflates the

necessary/probable distinction of (i) with the warrant-using/warrant-establishing distinction of (iii).[1] The deductive/inductive distinction that (i), (ii), (iv) and (v) are held to map onto is modal while for (iii) it is structural.

The warrant-using/warrant-establishing distinction, then, is not simply one of passing interest to the taxonomist of arguments: Toulmin aims at drawing far-reaching morals from the distinction. In particular, he wants to show that there can be warrant-establishing arguments that are not inductive but deductive (or to be more precise, analytic), for this would be a counter-example to the logician's position, or so he thinks. Since they are both "deductive", Toulmin wants to argue for instance that necessary arguments and warrant-using arguments would be claimed by logicians to be co-extensive, but this simply overlooks the fact that necessary arguments are not deductive in the same sense of "deductive" as warrant-using arguments.

Enough about the distinction and how it relates to the deductive/inductive distinction and the necessary/probable distinction. What about warrant-establishing arguments themselves? What are they and what do they look like?

Surprisingly, there are only two places where Toulmin describes warrant-establishing arguments, and on the face of it these two descriptions conflict and lead to two different accounts. I will show that one of these accounts runs into serious theoretical difficulties such that we cannot charitably adopt it. The second account is tenable and probably what Toulmin intends, but it does not conform to the Toulmin model of argument. In the conclusion I will back-track somewhat: both accounts are necessary, and I will give an account that combines them, but this gives a much wider class of warrant-establishing arguments than I think Toulmin intends.

The first place Toulmin describes warrant-establishing arguments says:

> Suppose we contrast what may be called 'warrant-using' arguments with 'warrant-establishing' ones. The first class will include, among others, all those in which a single datum is relied on to establish a conclusion by appeal to some warrant whose acceptability is being taken for granted—examples are 'Harry was born in Bermuda, so presumably (people born in the colonies being entitled to British citizenship) Harry is a British citizen', 'Jack told a lie, so presumably (lying being generally reprehensible) Jack behaved in a reprehensible way', and 'Petersen is a Swede, so presumably (scarcely any Swedes being Roman Catholics) Petersen is not a Roman Catholic.' Warrant-establishing arguments will be, by contrast, such arguments as one might find in a scientific paper, in which the acceptability of a novel warrant is made clear by applying it successively in a number of cases in which both 'data' and 'conclusion' have been independently verified. In this type of argument the warrant, not the conclusion, is novel, and so on trial.
> . . .
> The point of idiom to be noticed here is this: that the distinction we have marked by the unwieldy terms 'warrant-using' and 'warrant-establishing' is commonly indicated in practice by the word 'deductive', its affiliates and their opposites. (Toulmin 1958, pp. 111-12)

From this, it seems that what Toulmin has in mind is something like the deductive-nomological model and hypothetico-deductivism. For example:

All gases expand when heated under constant pressure
This sample of gas has been heated under constant pressure
Therefore, this sample of gas has expanded

is a deductive-nomological explanation of why this sample of gas has expanded. An explanation of this type is a sound deductive argument (with some additional features). On the other hand, we could have put "All gases expand when heated under constant pressure" forward as a hypothesis, heated the sample of gas as an experiment, and then taken the expansion of the gas

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[1] This should be qualified by saying that Toulmin's necessary/probable distinction is actually quite different from the logicians' necessary/probable distinction (referred to here) and is not modal at all. Unless indicated otherwise, assume that "necessary" means that the conclusion must be true when the premises are true.

as confirmation of our hypothesis. This, roughly, is hypothetico-deductivism. Now, we are not really inferring here from the conclusion to the hypothesis, because we do not start from "This sample of gas has expanded" and derive the hypothesis logically; rather, we start from a position where we have already invented a hypothesis and are testing it.

If this is Toulmin's idea, then the important thing to note is that there is no change in the ordering of the propositions, that is to say, the warrant to be established figures as the warrant in the warrant-establishing argument just the same as it does in the warrant-using argument.

The second place Toulmin describes warrant-establishing arguments is at (1958, p. 126). This is, in fact, the only example Toulmin gives of a warrant-establishing argument:
Jack has three sisters
The first has red hair
The second has red hair
The third has red hair
So, all Jack's sisters have red hair
It seems from this that what Toulmin has in mind is an argument where the warrant ("all Jack's sisters have red hair") appears as the conclusion or (using Toulmin's terminology) the claim. (Note also that this argument is not inductive in the structural sense because it includes the "Jack has three sisters" as a premise and this is arguably a general claim, unless we count it as a singular claim about a finite set of things, viz., Jack's sisters; if the premises were the individual instances alone, then it would be inductive. If we allow that arguments can be deductive in the structural sense even when its conclusions are not particular but general, then this argument is deductive; otherwise, it is neither inductive nor deductive, being reasoning from the general to the general. This is one reason why the structural deductive/inductive distinction is rarely used: it is not exhaustive).

This example is meant to be a counter-example: couching his discussion in terms of analyticity, Toulmin advances this as a warrant-establishing argument that is "analytic" [as in (v)] and formally valid, but, "analytic" being a technical term in Toulmin, much the same points can be made more intelligibly by re-describing what he is doing as showing that the argument is deductive. Additionally (although Toulmin does not mention it) the argument is necessary in Toulmin's sense that it establishes conclusively the warrant in question. Generally, in cases where the induction is a complete enumeration and the fact that it is a complete enumeration is explicitly stated, the warrant-establishing argument is deductive and necessary.[2] Toulmin's argument is then a counter-example to the thesis that being warrant-using is co-extensive with being deductive and being warrant-establishing is co-extensive with being inductive, because it is both deductive and warrant-establishing.[3]

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[2] The conclusion might be argued to be established conclusively and so "necessary" in Toulmin's sense even without having "Jack has three sisters" as a premise. Without this premise the argument is not formally valid, although arguably it is semantically valid in that if the premises are true the conclusion must likewise be true; I believe that something like the latter is what Toulmin means by "analytic", and if so, his argument that this is an analytic warrant-establishing argument works just as well (or badly) without this premise. Note, also, that without the premise the argument would still count as inductive according to the structural deductive/inductive distinction. The counter-example would then be of an argument that is inductive yet analytic and necessary (in Toulmin's sense), but not formally valid.

[3] Likewise, there are arguments that are probable in the logicians' sense that their conclusions do not follow necessarily from their premises and for that reason called "inductive" in the modal sense may quite well be "deductive" in the structural sense, and these will be inductive, warrant-using arguments. Neither deductive warrant-establishing arguments nor inductive warrant-using arguments are genuine counter-examples: it is only by confusing these two senses of the deductive/inductive distinction that there might be felt to be any contradiction. Once these two senses are separated there is no reason to suppose that in the modal sense [which is the sense in use in (i), (ii), (iv) and (v)] warrant-using arguments should be deductive and warrant-establishing arguments should be inductive in the first place.

The point that concerns us is not the success or lack thereof of Toulmin's counter-example, but that the big difference between the two passages is that in the first the warrant seems to occur in the warrant-establishing argument *as* a warrant, while in the second it seems to occur in the warrant-establishing argument *as* a claim. For want of a better terminology, I will call these respectively the W-interpretation and the C-interpretation.

Both interpretations have their followers, though few acknowledge the difference. The C-interpretation seems be followed by Castañeda when he says (1960, p. 284): "Toulmin can be taken to mean that B appears in a new argument whose conclusion is W, which must have a warrant W2 linking B and W". It also seems to be implied when Klumpp (2006, p. 109) refers to warrant-establishing arguments as "the generation of chained arguments in which the arguer makes claims about the relationships of data and claim." More tentatively, such chaining seems to be in Hitchcock's mind also when he refers at (2006, p. 215) to "reasoning to a conclusion that will later serve as a warrant for further reasoning".[4] This kind of chaining seems to be in Toulmin's mind when he says:

> But the backing of the warrants we invoke need not be made explicit—at any rate to begin with: the warrants may be conceded without challenge, and their backing left understood. Indeed, if we demanded the credentials of all warrants at sight and never let one pass unchallenged, argument could scarcely begin. Jones puts forward an argument invoking warrant W1, and Smith challenges that warrant; Jones is obliged, as a lemma, to produce another argument in the hope of establishing the acceptability of the first warrant, but in the course of this lemma employs a second warrant W2; Smith challenges the credentials of this second warrant in turn; and so the game goes on. Some warrants must be accepted provisionally without further challenge, if argument is to open to us in the field in question: we should not even know what sort of data were of the slightest relevance to a conclusion, if we had not at least a provisional idea of the warrants acceptable in the situation confronting us. The existence of considerations such as would establish the acceptability of the most reliable warrants is something we are entitled to take for granted. (Toulmin 1958, pp. 98-99)

The argument produced "in the hope of establishing the acceptability of the first warrant" is a warrant-establishing argument, which Toulmin says will have its own warrant. This could go on for ever in an infinite regress; it is only because we take some warrants for granted and do not make their backing explicit that Toulmin says we can argue at all.

None of these writers seem to consider any alternative interpretation. One who does acknowledge the difference and consider both alternatives is Sweeney (1980). The C-interpretation seems to be meant by Sweeney when he suggests (1980, p. 117) as the first approach: "*The claim will represent the yet-to-be-established warrant*, data will include the records of various successive trials, and the warrant will assert the suitability of empirical testing to the establishment of general principles within the particular field" [my italics]. It is worth noting that Toulmin does not mention the warrant of the warrant-establishing argument at all in the places where he discusses warrant-establishing arguments explicitly, but that he does mention them in the excerpt from pp.98-99 given above. Sweeney has reconstructed the argument to give this second warrant on Toulmin's behalf.

The important thing for the time being is that the warrant occurs as the claim, differing in this way from the W-interpretation. We see this when Sweeney describes the W-interpretation as a second approach:

> [T]he tentative warrant may be stated as a warrant while the data include the controlled variables and the claim predicts a result. Then, every time the argument is found to successfully predict the results of an experimental trial, the backing for the tentative warrant becomes stronger and the warrant becomes

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[4] It is also how Kienpointner distinguishes warrant-using from warrant-establishing arguments (Komlósi 2007, 8; Katzav & Reed 2004, 252). Being unsure how closely Kienpointner intends his distinction to match Toulmin's, I would not like to attribute to him any particular interpretation of Toulmin's distinction.

This seems to endorse the W-interpretation.[5]

Although he thinks that it is the W-interpretation that Toulmin intends, Sweeney does not, in the end, think that it matters much: "It may be that either interpretation is adequate . . . . This objection to the Toulmin model is, however, judged relatively inconsequential in that it appears that arguments may be analysed with the Toulmin model regardless of any determination of whether they are warrant-using or warrant-establishing" (Sweeney 1980, p. 293). This, however, I deny. In fact, it is the W-interpretation that poses
a problem for the applicability of the Toulmin model. But first let us look at the problems with the C-interpretation.

2. THE PROBLEM WITH THE C-INTERPRETATION

Let us consider two arguments: one in which a warrant is established and another in which it is used:

WARRANT-ESTABLISHING (W_E)	WARRANT-USING (W_U)
$Data_1$	$Data_2$
$Warrant_1$	$Warrant_2$ (= $Claim_1$)
So, $Claim_1$ (= $Warrant_2$)	$Claim_2$

We see, then, that the warrant-establishing argument W_E is chained to the warrant-using argument W_U — the warrant (i.e., $Claim_1$/$Warrant_2$) is established as a claim in W_E and then used as a warrant in W_U.

    There are two major problems with this.

    Firstly, assuming that any warrant-establishing argument requires a different warrant as its warrant from the one it is intended to establish, $Warrant_1 \neq Warrant_2$; and if we wanted to establish *that* warrant in a warrant-establishing argument, then that argument will require a different warrant, and so on to a familiar-looking infinite regress of warrants. Perhaps this regress might terminate with a warrant-establishing argument whose own warrant can simply be taken for granted without any kind of backing at all.

    The rejoinder may be made here that this is precisely what Toulmin discusses at pp.98-99. Note, however, that Toulmin does *not* say that the regress actually stops at a warrant that is taken for granted; this is wise, because to stop the regress we need a warrant that has no backing, and to say that the warrant is taken for granted and the backing need not be made explicit is not to say that there is no backing. Toulmin's point then seems to be deflationary: we need not worry because in practice we do not always ask for the backing of a warrant, so the mere

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[5] Likewise, earlier Sweeney says:

> For a warrant . . . must at some point become "established." This means that each warrant goes through a period in which it is only tentatively applied, in much the same way as an experimental hypothesis is entertained until and unless it becomes untenable. . . . . While such warrants are becoming established, the arguments in which they are used are classified as "warrant-establishing arguments." (Sweeney 1980, pp. 43-44)

Another who seems to follow the W-interpretation is Cooley (1960, p. 314), who regards it, however, as a naïve view of scientific procedure.

possibility in principle of an infinite regress is not a bar on argumentation. Although I agree that we can argue with warrants that have simply been conceded without giving their backing, the fact that they still have a backing, and that in principle this backing *could* be made explicit, is still a problem. An infinite regress seems to show that it is a conceptual impossibility for something to be a warrant as Toulmin conceives them, because if there is one warrant, then there is an infinite number of them, and there cannot be an infinite number of warrants; therefore, there cannot be even one warrant. We need to stop the regress somehow, and far from suggesting that it can be stopped, Toulmin seems to accept that it cannot. His "Don't worry" response only works up to a point.

Secondly, it turns out that the field in which an argument is used is, by definition, different from the field in which it is established, yet surely we would want to say that they belong to the same field.

Let me explain this. Fields are individuated from each other in the following way (Toulmin 1958, p. 14): "Two arguments will be said to belong to the same field when the data and conclusions of each of the two arguments are, respectively, of the same logical type". In other words, the data of the first argument must be of the same logical type as the data of the second argument, and the claim of the first argument must be of the same logical type as the claim of the second argument. Is that the case with W_E and W_U? We might assume that their data is of the same logical type — there is no reason to think otherwise. But is $Claim_1$ – in other words, $Warrant_2$, which is what we are currently trying to establish – of the same logical type as $Claim_2$?

Here we have an immediate problem, because it is not at all obvious that a warrant itself *has* a logical type as such. If we take it as an inference-license then it involves two logical types, that of the data and that of the conclusion. If we take it as a general statement about a finite set of objects, then *the members of this set* are of the same logical type as the claim, *but the statement itself is not* of this logical type, since Toulmin (1958, p. 215) considers general statements to be of a different logical type to the singulars of which they are the generalizations (which is the same as saying that it is different to the logical type of the Data in both W_E and W_U, these types being the same when the arguments belong to the same field).

We seem to have three options: we either give it some kind of hybrid logical type, or we take it as some kind of generalized 'supertype' of the claim, or we adopt the convention that it has the same logical type as the claim. If we take either of the first two options, then $Claim_1$ and $Claim_2$ will not have the same logical type and must, *ipso facto*, belong to different fields; the logical type of $Claim_2$ is not of the same logical type as a hybrid type or generalized supertype. You cannot, then, chain arguments in the way that the W-interpretation supposes and as Toulmin himself seems to imply; at least, not while staying in the same field. In fact, if we have an infinite number of warrants then we also have an infinite number of fields.

If we take the third option, then $Claim_1$ and $Claim_2$ *will* have the same logical type and consequently W_E and W_U belong to the same field. But this is too permissive. Suppose we have a $Warrant_3$ whose embedded claim is of the right logical type but whose embedded data is not. Such a warrant will be of the right logical type to occur as a claim in the field, but it clearly could not be used in or belong to that field because of the type-mismatch between its own embedded data and the field's.

3. THE PROBLEM WITH THE W-INTERPRETATION

On the W-interpretation the warrant is put forward tentatively, its acceptability not being taken for granted as in warrant-using arguments. This being the case, it should be modally qualified as something other than certain. Similarly, because in this case the claim is known, it should *not* be modally qualified. In other words, while the warrant-using argument has the form
Data; Warrant; So, (Qualifier) Claim
a warrant-establishing argument has the form
Data; (Qualifier) Warrant; So, Claim
This is so even if the claim does not follow with certainty from the data and warrant, since Toulmin insists that once we know that something is true, it is inappropriate to describe it as probable; also, since Toulmin considers any argument whose claim is put forward unequivocally as necessary, it also follows on the W-interpretation that all warrant-establishing arguments are necessary! Consequent to this is another difference, which we can see more clearly when we expand the warrant: while
Data; (if Data then (Qualifier) Claim); So, (Qualifier) Claim
is formally valid (as Toulmin says that arguments should be when the warrant is made explicit),
Data; (Qualifier) (if Data then (Qualifier) Claim); So, Claim
is *not* formally valid (and still would not be if we put "So, (Qualifier) Claim"). In short, adding a qualifier to the warrant itself breaks the formal validity of the argument.

Toulmin (and Sweeney) is wrong, then, in supposing that all arguments can be put into the form of "Data; Warrant; So, (Qualifier) Claim" or analysed in the same way; the Toulmin model is not as ubiquitous as has been supposed. The modifications needed to be made to Toulmin's account in the W-interpretation are minor compared to the C-interpretation, however; we simply have to have slightly different models for warrant-using arguments and warrant-establishing arguments.

The problem now is: why should this be confined to warrant-establishing arguments? After all, in warrant-using arguments too the claim could serve to back the warrant. Perhaps Toulmin would say that it is only a warrant-using argument while the claim is something unknown, or perhaps, known only inferentially as opposed to independently.[6] When we come to know those truths directly, or perhaps by being inferred through a different warrant, the argument – if put forward now – is a warrant-establishing argument. These are two different acts of arguing and reasoning, however. Using a warrant-using argument does not, then, make the warrant any more reliable than it already was. It is only by how the qualifiers are arranged that warrant-establishing and warrant-using arguments are really distinguished.

4. CONCLUSION

Two distinct conceptions of warrant-establishing arguments can be derived from Toulmin's rather terse comments and both run into difficulties. We have a choice between an interpretation that runs into serious theoretical difficulties – namely, the regress objection and the field objection – and may even be theoretically inadequate and an interpretation that seems theoretically adequate but is inconsistent with the Toulmin model. I have concluded that the latter interpretation is the easier to accommodate. With this accommodation, Toulmin does succeed in defining a coherent distinction. But does it accommodate Toulmin's example?

Remember that Toulmin raised this distinction in the first place in order to argue that logicians would wrongly rule out the possibility of deductive warrant-establishing arguments.

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[6] It would be a kind of boot-strapping if truths known inferentially were then taken to support the warrant through which they were inferred.

His counter-example was:
Jack has three sisters
The first has red hair
The second has red hair
The third has red hair
So, all Jack's sisters have red hair
But this lent itself to the C-interpretation, which has been rejected. However, we cannot reject this example, because then there would be no reason for Toulmin to make this distinction in the first place. Can we find a way for the W-interpretation to make sense of this argument?

Now perhaps the idea is that we can put forward "All Jack's sisters have red hair" as a warrant and treat "The first has red hair" as a confirmation, and so on until we have "The first has red hair; the second has red hair; the third has red hair" as the backing of our warrant. Then, taking "Jack has three sisters" as the data we can *deductively* conclude the warrant. Perhaps the point is that, having put forward the warrant at first tentatively on the basis of inductive support we can, with the addition of the datum that Jack has three sisters (thereby indicating that the inductive support in the backing amounts to complete enumeration), infer it as a certainty. Then the point would be that certain backings can be such that, when combined with the right data, the warrant they back can now be put forward with certainty, i.e., an argument of the form "Data; Backing; so, Claim" where the tentative warrant has been left implicit, like

Jack has three sisters	Data
The first has red hair	
The second has red hair	Backing
The third has red hair	
(All Jack's sisters have red hair)	Warrant to be established (implicit)
So, all Jack's sisters have red hair	Warrant established (conclusively)

Note that this reconstruction differs from that of Sweeney's, who would treat "The first has red hair" as a datum while I treat it as part of the backing. Note that there is no regress problem here because the warrant to be established functions as the warrant in the argument as well; our assumption that what was used as the warrant in the warrant-establishing argument must be different from the warrant being established (which seems to be the upshot of Toulmin's comments at pp.98-99 and is assumed explicitly by Castañeda) actually turns out to be false, if this suggestion holds water. And perhaps we can solve the field problem by adding to the identity condition on fields that arguments that have the same thing as both warrant and claim belong to the same field as the warrant itself does, where that depends on the logical types of the data and claim involved in it. Perhaps the C-interpretation is not as hopeless as we thought, although it does still imply that we cannot chain arguments.

But how does this argument differ from an ordinary warrant-using argument?

Warrant-establishing arguments are not now distinct from warrant-using arguments but just a subtype of them that happen to have the same thing in the claim as in the warrant. Our renewed C-interpretation changes the nature of the distinction altogether into something that cannot serve Toulmin's purposes for it. Nor can we bail out into the W-interpretation and say that it is warrant-establishing because the arguments by which we got the backing in the first place were warrant-establishing, because Toulmin (1958, p. 126) says that "Jack has three sisters; the first has red hair; the second has red hair; the third has red hair; so, all Jack's sisters have red hair" *itself* is a warrant-establishing argument that has been put into a form that is formally valid. Perhaps we can say that it is not warrant-using simply because of the tentative way the warrant has been put forward, despite the fact that it is clearly being used to infer the claim. But now we are back at the W-interpretation again.

To get a class of warrant-establishing arguments that will do anything like what Toulmin wants them to do I think we have to depart even further from Toulmin than we have done

already and understand them to be a much wider class than Toulmin supposes. We cannot drop the C-interpretation, because then Toulmin's example is simply a mistake and the distinction will not do what he wants, and we cannot drop the W-interpretation, because then the distinction between warrant-using and warrant-establishing arguments does not divide arguments into two mutually exclusive classes. The main thing that makes an argument warrant-establishing is not the fact that the warrant occurs as the claim but that the warrant is put forward tentatively and as a warrant, and we must suppose that Toulmin simply failed to notice that this meant that it should be possible to modally qualify the warrant. The claim *may* also be the warrant itself, but it can be warrant-establishing even without this, i.e., if it is merely a confirmation. When the claim is the warrant, we have a curious situation where an argument in the "Data; Backing; So, Claim" form is deductively valid, but, due to the warrant being qualified, "Data; Warrant; So, Claim" is not. If it is merely a confirmation, though, it is inappropriate to modally qualify the claim, for this is something that we must know.

Still, one wonders what there is here to trouble the logician. There are deductive warrant-establishing arguments, principally when an enumeration becomes completed. Fine. Why should a logician want to deny this? Only if he confuses the modal deductive/inductive distinction with the structural distinction. Thus, I deny the moral that Toulmin wants to draw. I could say the same (for varying reasons) of the other four distinctions as well, but those must be subjects for other papers.

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Argumentation and knowledge dissemination in the Greenpeace detox campaign

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ABSTRACT: At the dawn of the Anthropocene, environmental NGOs are striving to popularise scientific evidence regarding the human impact on the planet. The paper, therefore, turns to Pragma-dialectics to analyse the knowledge-dissemination strategies whereby scientific topics are recontextualised at the popular level in activism discourse. The study focuses on the Greenpeace Detox campaign, highlighting that argumentation against fashion-driven pollution hinges on the discursive construction of a metaphorical catwalk through the interplay of verbal and visual arguments.

KEYWORDS: Detox, Greenpeace, knowledge dissemination, popularisation, visual arguments.

Whenever a Coketowner felt he was ill-used – that is to say, whenever he was not left entirely alone, and it was proposed to hold him accountable for the consequences of any of his acts – he was sure to come out with the awful menace, that he would 'sooner pitch his property into the Atlantic'.
(Charles Dickens, *Hard Times*)

1. INTRODUCTION

In Charles Dickens's *Hard Times*, Coketowners are the rich and powerful businessmen of Coketown, the fictional industrial town of red brick covered with smoke and ashes that has become the symbol of pollution and oppression in the collective imagination. The period in which the novel is set marked the actual beginning of the Anthropocene, the era in which humans "have become a geological force capable of affecting all life on this planet" (Braidotti, 2013, p. 66). Since then, innumerable industrialists have refused to come to terms with the fact that their corporate actions have consequences on the planet and its inhabitants. By describing and telling the story of Mr Bounderby, the prototypical businessman, Dickens further suggests that convincing Coketowners to revise their choices or change their behaviour is a daunting argumentative task. Yet, it is what environmental NGOs have been striving to do over the last few decades.

The countless and ambitious activist endeavours that have marked the passage from the 20th to the 21st century raise a question in discourse analytical settings: how can Coketowners be convinced? What is sure is that, despite their menaces, "they never had pitched their property into the Atlantic yet, but on the contrary, had been kind enough to take mighty good care of it" (Dickens, 2003, p. 112). In simpler terms, captains of industry cannot generally be convinced on moral grounds but only if their profits are somehow jeopardised.

In the light of the centuries-old and apparently endless argumentative struggle between Coketowners ad activists, the present paper turns to Pragma-dialectics to analyse the

knowledge dissemination strategies (Garzone, 2006; Bondi, Cacchiani & Mazzi, 2015) whereby NGOs strive to lead industrial companies to reconsider their polluting corporate habits and embrace green and responsible business. The study focuses on the *Detox Campaign*, whereby Greenpeace has been exposing the risk of the release of toxic substances into the environment. The letter *x* in the *Detox* logo is replaced by the Chinese pictogram for "water", making clear that the NGO is primarily campaigning against water pollution caused by industrial production. The campaign is divided into two main branches: *Detox my Fashion*, exposing the links between the textile industry and water pollution, and *Toxic Tech*, focusing on pollution in the electronics sector. The campaign is closely related to Corporate Social Responsibility (Catenaccio, 2012) and raises substantially complex scientific questions, as notions pertaining to toxicology and chemistry are addressed. The present paper focuses on the first branch of the campaign, *Detox my Fashion*, a world-famous argumentative mission that has already attracted scholarly attention owing to its significant recourse to images as forms of argumentation (Brunner & DeLuca, 2017).

Since its launch in 2011, *Detox my Fashion* has aimed at identifying the toxic chemicals commonly used in the production of high-street fashion with a view to their elimination. In 2012, the initial investigation was expanded to include twenty global fashion brands and identify more toxic chemicals. More than a hundred items of clothing were purchased in twenty-nine different countries and analysed, unveiling the significant presence of toxic substances, especially nonylphenol ethoxylates, phthalates and azo dyes that can release cancer causing amines. The chemicals detected are used in cleaning and dyeing processes, as plasticisers in the plastisol prints of T-shirts and sweaters, or to fireproof or waterproof textiles (Greenpeace, 2012; 2015). The absence of a legislative ban on toxic chemicals in the textile and fashion industries results in wastewater discharges containing substances that enter public waterways (Greenpeace 2012) and pollute rivers, lakes and oceans. Consumers have become the "unwitting accomplices in the cycle of toxic water pollution" (Greenpeace, 2012, p. 11), as they release chemical residues into their domestic wastewater as they wash their new and faddy garments. Notably, some of these substances have been demonstrated to be bioaccumulative, reprotoxic and/or hormone-disrupting (Greenpeace 2012; 2015), with adverse effects on the environment and human health (Greenpeace, 2012, p. 5).

Despite the significant findings gathered by 2012, the campaign has not stopped yet, and further investigations are continuously commissioned to uncover the environmental risks posed by *fast fashion*, i.e. today's mainstream industry based on the environmentally detrimental "make-buy-use-dispose" model. With the aim of breaking this vicious cycle, Greenpeace has been challenging "top brands to make amends by working with their suppliers to eliminate all hazardous chemicals across their entire supply chain, and the entire life-cycle of their products" (Greenpeace, 2015); at the same time, it has tried to make the unwitting accomplices in the toxic water cycle a little less unwitting. In a nutshell, Greenpeace has ventured into an ambitious knowledge-dissemination mission by producing a series of documents to inform the public about the connections between fashion and water pollution; these documents have provided the foundation for the present study.

2. CORPUS AND METHODOLOGY

Since activist campaigns "find in the Web their privileged site of discourse" (Degano, 2017, p. 292), the reference corpus is composed of texts drawn from the official website of Greenpeace International (www.greenpeace.org). Particularly, three texts have been extracted and collected in the corpus: *Toxic Threads: The Big Fashion Stich-Up* (2012), *Eleven*

hazardous chemicals which should be eliminated (2015) and *The Detox Catwalk 2016* (2016). These three texts, which will henceforth occasionally be referred to as text 1, text 2 and text 3, reflect Greenpeace's knowledge-dissemination effort: broadly speaking, while texts 1 and 2 present themselves as scientific reports and aim at disseminating knowledge at the intra- and interspecialistic levels (Garzone, 2006, p. 11), text 3 appears as their simplified version, disseminating findings at the popular level (Garzone, 2006, p. 11).

The present paper focuses precisely on this third text, adopting a mixed-method approach to investigate the role of argumentation in the reformulation, simplification, dissemination and popularisation (Garzone, 2006) of scientific knowledge regarding fashion-driven water pollution. The analytical tools offered by Pragma-dialectics have been supplemented with those of multimodal discourse analysis (O'Halloran, 2004; Kress & van Leeuwen, 2006), as Greenpeace resorts to both verbal and visual arguments to convey meaning and enhance the acceptability of its standpoints before an unfathomable judge, i.e. the vast and heterogeneous 21st-century internet audience. Before describing text 3 and presenting the analytical findings, however, a few remarks regarding the other two texts are necessary to frame the topic and put the analysis on *The Detox Catwalk* in perspective.

3. SCIENTIFICITY AND NON-SCIENTIFICITY IN GREENPEACE REPORTS

Text 1 and text 2 share a series of features with scientific discourse, including the presence of acronyms that "are totally opaque, and thus impenetrable for anyone who is not already familiar with their meanings" (Garzone, 2006, p. 33).

(1) *NPEs* were found in a total of 89 articles (63% of all items tested). The levels ranged from just above 1 *ppm* up to 45,000 *ppm*.

Example (1) shows that, among others, *NPEs* (nonylphenol ethoxylates) and *ppm* (parts per million) "contribute to meeting the requirements of economy of expression that is typical of specialized communication" (Garzone, 2006, p. 33). Besides acronyms, specialised lexicon is found in these two texts, particularly the scientific names of the eleven chemicals identified as the most hazardous (e.g. *organotin compounds*, *chlorobenzenes*, *short-chain chlorinated paraffins*). Yet, not only the denominations of toxic chemicals but also scientific terms and concepts such as *hormone disruptor*, *feminisation*, *reprotoxic* and *bioaccumulative* are regularly used and discussed, challenging the preparation of the audience. Moreover, the recourse to schematisation procedures (Garzone, 2006, p. 68), e.g. tables, charts and lists, contributes to bestowing a scientific and technical flavour on these reports.

Despite disseminating scientific data for the benefit of an audience capable of understanding chemistry and toxicology concepts, however, texts 1 and 2 cannot be said to be scientific texts. Certain features of non-scientific discourse also stand out, especially the absence of the *IMRAD pattern*, the structure of scientific and academic texts requiring a strict sequence of specific sections, i.e. Introduction, Methodology, Results and Discussion (Garzone, 2006, p. 41). The reports in question are, instead, freely organised, with the latter being a multimodal text harnessing the persuasive potential of photographs and pictures.

An indicator of the simplification of scientific discourse enacted in the two texts at issue is provided by the presence of excerpts in which certain scientific terms and/or acronyms are explained. In text 2, for instance, the concept of *biomagnification*, probably obscure to most non-experts, is elucidated through the parenthetical phrase "increase in concentration through the food chain" (Greenpeace, 2015). Text 1 even contains a section entitled "Terminology used in this report" (Greenpeace, 2012, p. 2) that serves as a glossary

for those readers who do not feel too sure about the meaning of scientific terms such as *persistence* and *surfactants*. Furthermore, the occasional presence of non-technical terms such as *greenwashers*, *laggards*, *villains* and the recourse to creative language (Jones, 2016) to coin the expressions *the toxic trail of clothes* and *the big fashion stitch-up* further point to the actual pseudo-scientificity of the "scientific" reports published within activist contexts. Put differently, the *content* of these reports can be considered scientific but not their *form*. Yet, despite sharing a non-negligible number of features with non-scientific discourse, texts 1 and 2 remain fundamentally referential and denotative texts, whose audience is required to have at least a certain familiarity with the chemical and toxicological issues addressed. Text 3 is, on the contrary, substantially different.

4. THE DETOX CATWALK

The Detox Catwalk 2016 is the discursive means whereby the scientific data reported in texts 1 and 2 are recontextualised, rephrased and simplified to disseminate knowledge at the popular level, to keep a wider public of non-experts informed.

As stated at the beginning of the text, "the Detox Catwalk […] assesses the steps taken by fashion brands to fulfil their commitments" (Greenpeace, 2016). The NGO, thus, immediately presents itself as an expert subject, a scientific authority in charge of monitoring corporate commitments to take responsibility for toxic pollution. The following pages will demonstrate that the choice of the noun *steps* is non-casual, as are other presentational devices. After a brief introduction to the problem of fashion-driven water pollution, a question introduces the text; written in capital letters, it clarifies that the investigation aims at verifying *"Who is walking the toxic free talk?"*. Together with the title, the choice of the idiomatic expression *walk the talk* provides linguistic evidence of the non-scientific nature of *The Detox Catwalk*.

The numerous occurrences of the adjective *hazardous*, the noun *elimination* and the verb *to eliminate* signal the non-casual recourse to the *topos of threat* (Wodak, 2009, p. 44) and the argumentative pattern problem-solution (Bortoluzzi, 2010, p. 167). These strategies are functional to pursuing two objectives; first, conveying the idea that "if specific dangers or threats are identified, one should do something about them" (Wodak, 2009, p. 44) and, second, further simplifying argumentation by discursively turning a multifaceted crisis into an unambiguous problem requiring one unambiguous solution, i.e. the elimination of toxic chemicals. Examples (2) and (3) highlight the lexical items whereby Greenpeace generally defends its main standpoint, i.e. "the hazardous chemicals commonly used in the fashion industry should be eliminated":

(2) Detox 2020 plan - a system for *eliminating hazardous* chemicals that is proactive and precautionary.

(3) C&A needs to [...] keep pushing for improvements on the *elimination* of *hazardous* chemicals in its supply chain.

Further examples could have been provided, as the adjective *hazardous*, the inflected forms of the verb *to eliminate* and the noun *elimination* proliferate in the text. These lexical items are, actually, also widely employed in the "scientific" reports described in section 3. The argumentative strategies they convey, therefore, appear to be a pillar of Greenpeace discourse irrespective of the relevant audience; yet, from a linguistic and discursive point of view, *The Detox Catwalk* is different from texts 1 and 2, as it ventures into a systematic

deconstruction of the complexity inherent in those pseudo-scientific, albeit "exclusive", reports.

Topical simplification and de-scientification are primarily achieved through a "compression" of the propositional content; *The Detox Catwalk* presents itself as a list, as the companies assessed are ranked according to three criteria: *Detox 2020 plan*, *PFC elimination* and *transparency*. The first refers to the companies' deadline to eliminate toxic chemicals from their entire supply chains; the second promotes the replacement of perfluorinated chemicals with safer alternatives, as they persist in the environment, bioaccumulate, biomagnify and act as hormone-disruptors (Greenpeace, 2015); the third encourages companies to "disclose information on suppliers and the hazardous chemicals they discharge".

The companies are divided into three categories: *avant-garde*, *evolution mode* and *faux pas*. The *avant-garde* category includes "committed companies […] leading the industry towards a toxic-free future with credible timelines, concrete actions and on-the-ground implementation". The *evolution mode* group gathers those companies that "are committed to Detox and have made progress implementing their plans, but their actions need to evolve faster to achieve the 2020 Detox goal". The "companies which originally made a Detox commitment but are […] failing to take individual responsibility for their supply chain's hazardous chemical pollution" are, instead, included in the *faux pas* category. Actually, a fourth category is also mentioned, that of *toxic addicts*, assembling "uncommitted" companies "that have failed to take responsibility for their toxic trail and have yet to make a credible, individual Detox commitment".

The names of these categories are non-casual, as they shed light on the *steps* taken by fashion brands to fulfil their commitments and, notably, they pertain to the semantic field of movement. Actually, the term *avant-grade* cannot be said to pertain to this semantic field, but the presence of the French preposition *avant* (forward), coupled with the meaning of the French-borrowed adjective, contributes to conveying the ideas of progress and progression; the pre-modifier *evolution* in the noun phrase *evolution mode* denotes the advances made by committed, albeit imperfect, companies; and, however *faux* (wrong), the *pas* is also a *step* indicating that brands in the third category are showing dedication to the Detox cause, despite all their flaws. Incidentally, the presence of terms borrowed from French also appears to be non-casual and functional to evoking a "fashionable" atmosphere while arguing about fashion. The semantic field of fashion is, indeed, also exploited by Greenpeace to argue against the industry. Together with the title of the text analysed, the continuous references to *steps* and progression indicate that argumentation in favour of detoxification builds on the discursive construction of a catwalk, in which fashion brands ideally participate and compete to be "the best models" in the Detox challenge. Scientific discourse is, thus, transferred into a "trendy" and more easily accessible context; the subtitle of the report, *Who's on the path to toxic-free fashion?*, clarifies that the catwalk referred to metaphorically evokes a linear trajectory and stands for the path towards detoxification that all brands should follow.

The companies are grouped, listed and ranked according to their attempts at satisfying the three Detox criteria. The name of each brand is accompanied by a short stretch of text in which other presentational devices further contribute to shedding light on the position of companies along the Detox catwalk, especially verbs indicating linear movement:

(4) A few companies *are ahead of the curve* and *on track* to meet their commitments.

(5) Benetton *takes a step forward* […] for its performance on eliminating PFCs.

(6) Fast retailing is *one step away from* "Avant-garde".

(7) G-Star *is making steady progress* […] *goes further*.

(8) Burberry is in EVOLUTION MODE, unable to *move beyond* this category.

(9) M&S *is firmly stuck* in EVOLUTION MODE […] Li-Ning is *stuck* in the FAUX PAS category.

(10) Companies which […] *are* currently *heading in the wrong direction*.

(11) Esprit finds itself in the FAUX PAS category, mainly because it has *backtracked* on its commitment.

The performances of *avant-garde* companies are described by verb forms denoting rapidity, superiority and leadership (*are ahead of the curve*) or steady progress and respect for the commitments undertaken (*are on track*, *takes a step forward*). Companies in *evolution mode* are also said to *make progress* and *go further* (7), but their unsatisfactory status is signalled by highlighting their immobilism (*is firmly stuck*) or their inability to *move beyond* their position (8). Brands that take a *faux pas* are not only said to be *stuck* (9) in their category but also to *backtrack* (11) or even *head in the wrong direction* (10). All these non-casual verb forms are functional to depicting fashion brands as models; their duty should be treading the catwalk rapidly and responsibly, without stopping or stumbling, in order to be considered impeccable top models in the Detox fashion show.

Notably, examples from (4) to (11) incidentally show that fashion brands are addressed in the third person and are, therefore, not the intended addressees of the text. A couple of occurrences of the first-person pronoun *we* and the possessive adjective *our* help identify the audience:

(12) While *we* still need to work on Detoxing the textile industry - *our* addiction to fast fashion and the increasing rate that clothes are made, bought, used and thrown away is amplifying the environmental and human impacts of fashion.

(13) For decades, industrial companies have chosen to use the environment and in particular *our* waterways as a dumping ground for hazardous chemicals, unhindered by ineffective government regulations.

Excerpts (12) and (13) suggest that the few occurrences of the inclusive *we* and *our* indicate Greenpeace and "someone else"; in (12), *we* and *our* seem to refer to "*the people* as a whole" (Fairclough, 1989, p. 187), invited to work harder and acknowledge their *addiction to fast fashion*. This inclusive use of *we*, thus, appears to serve the purpose of leading the readership to realise they are "the unwitting accomplices in the toxic water cycle" but also a prospective part of the solution to this environmental predicament. The solution is implicitly suggested in (13), where the inclusive use of *our* to qualify intoxicated public waterways is functional to establishing commonality with the audience and inciting them against the culprits of pollution, i.e. negligent fashion brands and feeble governments. There are no occurrences of the pronoun *you*, but imperatives crop up and challenge the readership, such as in (14):

(14) *Take* a closer look and *challenge* the brands.

The sentence displayed in (14) is followed in the text by a series of links, whereby internet users can *tweet to* each specific company if they do not approve of their performances. If this is the openly expressed way to *challenge* polluting brands, another, unexpressed suggestion can inferentially be gleaned throughout the report: *if you do not approve company x, boycott its clothes*. This possible solution to fashion-driven pollution is, therefore, not stated overtly but can be inferred from the criticism levelled against uncommitted companies and, especially, from the excerpt show in (12), where "*our* addiction to fast fashion" is explicitly said to be the additional problem underlying the environmental crisis.

In the light of the analysis of personal pronouns and possessive adjectives shown in excerpts (12), (13) and (14), it becomes manifest that the intended audience, never mentioned directly, is composed of an indistinct group of consumers and internet users, spurred to take the side of Greenpeace and join the environmental activist culture (Horton, 2004). In particular, they are encouraged to take a closer look at what fashion brands are doing to the environment. Metaphorically speaking, if companies walk the catwalk, readers/consumers are invited to attend the fashion show in the quality of spectators, entrusted by newly-acquired knowledge with the task of watching and judging. The audience is led to acknowledge not only what companies have done but also what they *need to* do. Take example (15):

(15) Nike […] still *does not commit* to eliminate all PFCs in all the products it makes. […] Nike *does not ensure* its suppliers to report their hazardous chemical discharge data and *has not made* a commitment to do so. Nike *needs to* transform its attitude to its Detox programme and take individual responsibility.

In (15), Greenpeace argues that Nike has fallen short of its commitment to eliminate PFCs, monitor its suppliers and Detox the production of its clothes. After the negative sentences describing Nike's lack of dedication (*does not commit*, *does not ensure*, *has not made*), a normative sentence containing the deontic verb *need to* follows, in which Greenpeace warns Nike to revise its behaviour, commit to Detox and act responsibly. The negative sentences and the deontic sentence (Mattessich, 1978, p. 135) are simply separated by a full stop but actually linked by a relation of causal dependence; since Nike's shortcomings have determined the need to change, the negative sentences and the deontic sentence can be said to be tied by an implicit argumentative indicator (van Eemeren, Houtlosser & Snoeck Henkemans, 2007), such as *therefore* or *consequently*.

In *The Detox Catwalk* there are different simple formulations of the type of (15), containing instances of causal argumentation (Garssen, 2001, p. 92); just as (15), they regularly take the form of "*Company x* + verb in the negative form + implicit argumentative indicator (*therefore, consequently*) + *Company x needs to* + verb". Particularly, the proliferation of the deontic verb *need to* in the text is functional to establishing a relation of causality between the constellation of propositions advanced to justify Greenpeace's standpoint (i.e. "hazardous chemicals should/need to be eliminated"); notably, the deontic verb also plays an instrumental role in implicitly re-presenting Greenpeace as a scientific and (also) moral authority, in charge of assessing companies and instructing them on what they are required to do.

Broadly, examples from (2) to (15) suggest that Greenpeace's standpoint is verbalised and reiterated through the recourse to different presentational devices, including "threatening" adjectives, verbs and expressions indicating linear movement, causal arguments put forward with the aid of simple constructions and implicit argumentative indicators, and a sporadic and non-casual use of personal pronouns to seek the attention of world consumers. In spite of the heterogeneity and rhetorical effectiveness of this "arsenal", however, argumentation in *The*

Detox Catwalk builds on additional discursive resources. In particular, another standpoint seems to be advanced; verbalised by means of the phrase "closing and slowing the loop", it is actually nothing but a reformulation of Greenpeace's standpoint through a different expression. In the arguer's opinion, "closing and slowing the loop" is what companies need to do to successfully walk the catwalk, and this standpoint is verbalised in the first introductory lines anticipating the ranking. The *loop* referred to stands for the detrimental *cycle* of *fast* fashion that needs to be *slowed* and *closed*; this standpoint is considered so important that it is supported by a visual argument (Degano, 2017), a circle showing the loop and the extent to which the single companies are committing to closing and slowing it. The reader is guided to the comprehension of the visual argument right at the outset of the text, where a key is displayed; this key is also shown in figure 1.
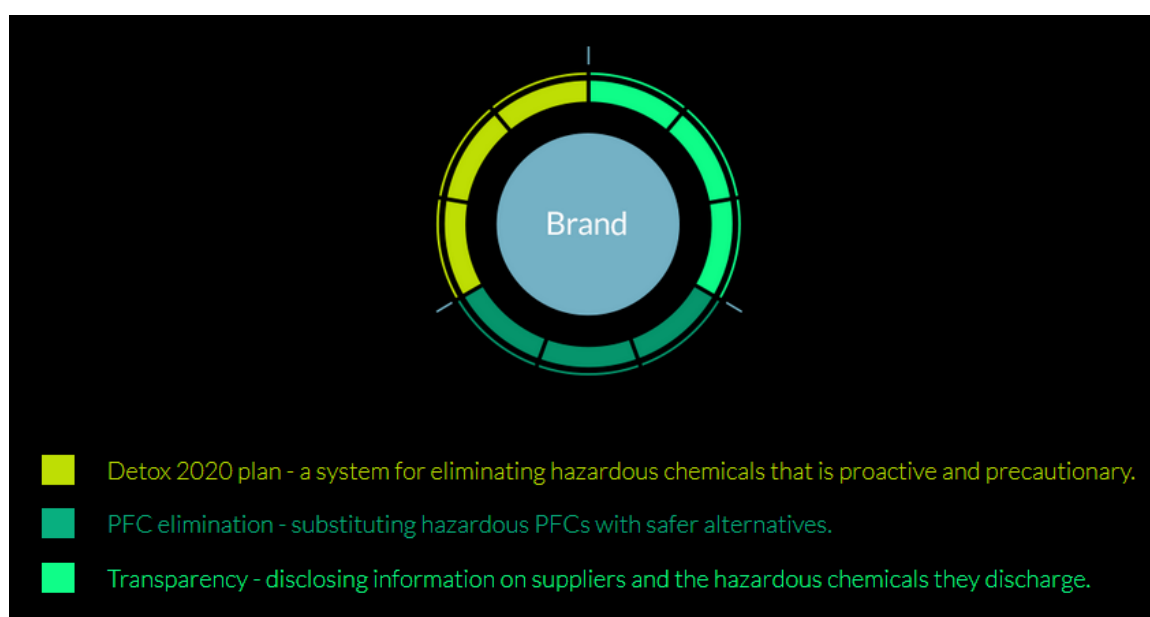

Figure 1. Key to the comprehension of visual arguments in *The Detox Catwalk*

The key shown in figure 1 is displayed before the list of companies to enable the reader to appreciate not only the verbal arguments advanced in this section but also a visual representation of the performances of the single companies. Each stretch of text shedding light on what company *x* has done and still needs to do is flanked by a loop (such as that in figure 1) showing the extent to which the company at issue is sticking to its commitment to Detox, eliminating PFCs and disclosing information on suppliers and the chemicals discharged. These items of information are conveyed by making recourse to three bright colours (yellow, green and aquamarine) that compose the loop and refer to the three criteria whereby companies are assessed and consequently ranked, as explained in the key. Each of the three sections of the loop is divided into three sub-sections, coloured if the company is performing well or left blank if it needs to improve. Figure 2 displays two examples, the loops accompanying the descriptions of the performances of *H&M* and *Nike*.

Figure 2. Visual arguments regarding the performances of *H&M* and *Nike*

Together with *Inditex* and *Benetton*, *H&M* leads the Detox Catwalk by showing off excellence in two of the three fields under analysis; the company still needs to improve its commitment to transparency, but two of the three sub-sections of the aquamarine "transparency" section are filled with colour, indicating that *H&M* does not perform that poorly in this field either. On the contrary, *Nike* sees its loop completely blank, as a proof of its apparently irreparable *faux pas* status. Notably, figures 1 and 2 also show that *The Detox Catwalk* is characterised by the presence of a black background that, standing in opposition with the three bright colours of the company loops, seems to increase the acceptability of Greenpeace's argument: certain companies such as *H&M* shine bright and are, therefore, slowing and closing the loop; others like *Nike* are stuck in a polluted darkness, and still need to strive to slow and close the loop.

5. RECONSTRUCTION OF ARGUMENTATION IN THE DETOX CATWALK

The analysis of the verbal and visual arguments set forth in *The Detox Catwalk* enables the reconstruction of argumentation in favour of total detoxification in the fashion industry. The elimination of all the hazardous chemicals used is the only standpoint defended by Greenpeace, but this standpoint is actually verbalised by resorting to different presentational devices; in addition to advocating the *elimination* of *hazardous chemicals*, the standpoint is also expressed in terms of *walking the Detox Catwalk* and *closing and slowing the loop*. As a consequence, multiple arguments (van Eemeren, Grootendorst & Snoeck Henkemans, 2002, p. 75) are recurrently put forward, even though their difference often lies in their form rather than in the actual message they promote.
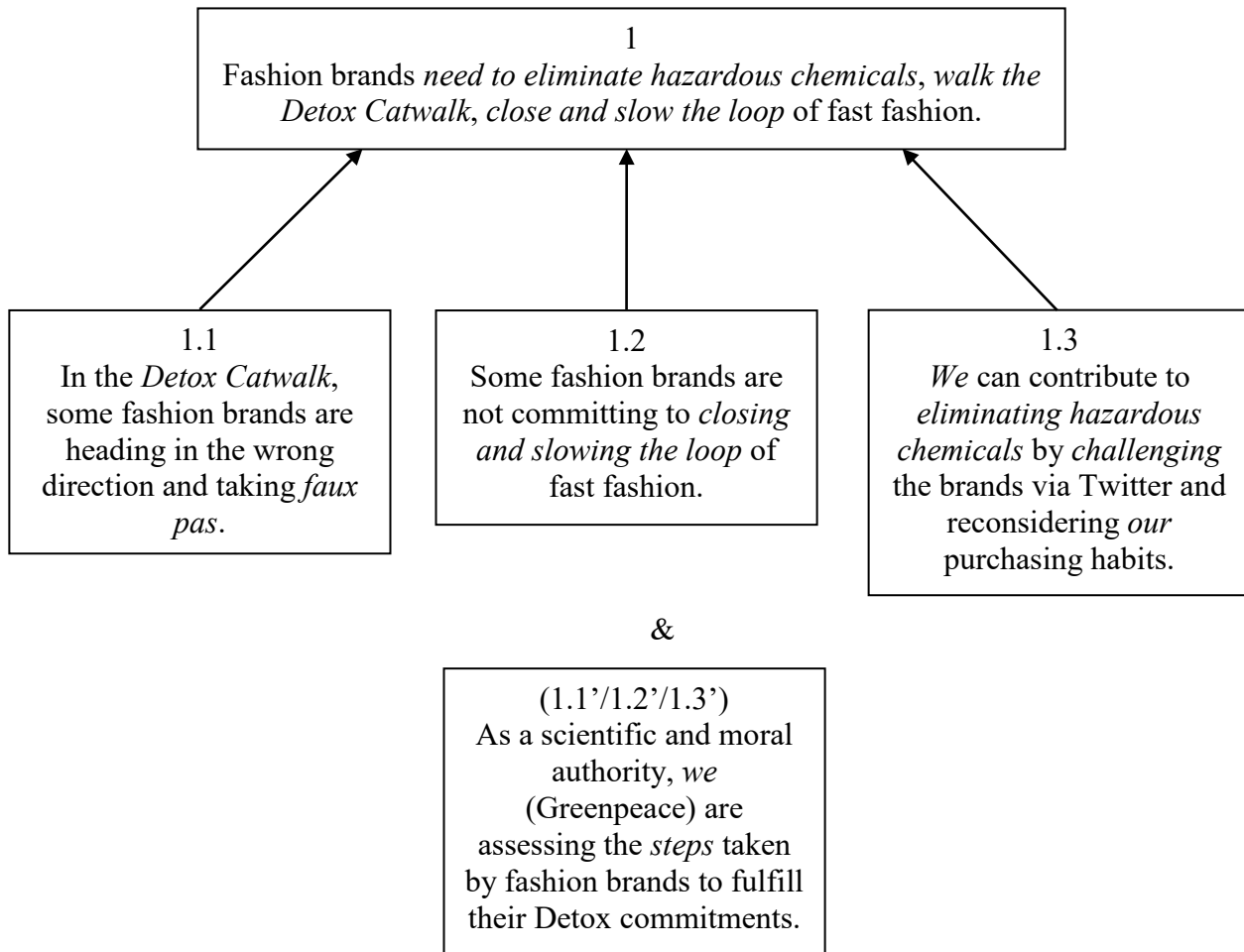
1
Fashion brands *need to eliminate hazardous chemicals*, *walk the Detox Catwalk, close and slow the loop* of fast fashion.

1.1
In the *Detox Catwalk*, some fashion brands are heading in the wrong direction and taking *faux pas*.

1.2
Some fashion brands are not committing to *closing and slowing the loop* of fast fashion.

1.3
We can contribute to *eliminating hazardous chemicals* by *challenging* the brands via Twitter and reconsidering *our* purchasing habits.

&

(1.1'/1.2'/1.3')
As a scientific and moral authority, *we* (Greenpeace) are assessing the *steps* taken by fashion brands to fulfill their Detox commitments.

Figure 3. Multiple argumentation in *The Detox Catwalk*

As figure 3 shows, three arguments (1.1, 1.2, 1.3) are used to defend standpoint 1, verbalised in different manners to reiterate that fashion brands need to reconsider their toxic way of doing business. Each argument in figure 3 rests on a partially implicit premise, i.e. "As a scientific and moral authority, we (Greenpeace) are assessing the steps taken by fashion brands to fulfill their Detox commitments" (1.1'/1.2'/1.3'). Arguments 1.1 and 1.2 are, respectively, the key verbal and visual arguments advanced in *The Detox Catwalk*, whereby Greenpeace addresses fashion brands in the third person. Characterised by different presentational devices, the arguments nevertheless foster the same idea, namely the fact that some companies are persevering in their toxic behaviour while others are striving for environmental preservation.

Rather than focusing on fashion brands, argument 1.3 addresses an inscrutable group of activists and internet users. Based on the need to acknowledge that they are a part of the problem, this argument turns to readers/consumers invoking them to become a part of the solution; they can contribute to detoxing the fashion industry either by directly *tweeting* the brands or by reconsidering their purchasing habits. While the first suggestion is reiterated in the text through second-person imperatives, the second can be gleaned from the ranking of companies and inferred from the reference to *our*, i.e. global and generalised, addiction to fast fashion.

Notably, figure 3 highlights, in italics, some of the most frequently used presentational devices in *The Detox Catwalk*. Arguments 1.1, 1.2 and 1.3 reflect the two problems underlying the environmental crisis at issue; while 1.1 and 1.2 point to the direct

responsibility of fashion brands, 1.3 highlights the indirect but equally significant responsibility of consumers. The solution to the crisis is proposed in this argument and condensed in the pronoun *we*, whereby readers/consumers are invited to join the Greenpeace cause to challenge fashion brands and bring about change in the fashion industry.

6. CONCLUSION

Besides exemplifying meaningful strategies of popularisation and dissemination of scientific knowledge, the elements of argumentation in *The Detox Catwalk* blaze the trail towards a definition of the prototypical arguments (van Eemeren, 2017) used in activism discourse, as argumentation in activist contexts appears to hinge on a few fundamental tenets. First of all, multimodality is selected as a presentational device to favour topical de-scientification and the deconstruction of the inherent complexity of scientific matters. Secondly, instances of causal argumentation contribute to presenting the arguer as a scientific and moral authority, with implicit argumentative indicators and deontic verbs rendering causal argumentation more effective and enhancing the acceptability of the standpoint. Finally, the intended audience does not include Coketowners. Though characterised by the perlocutionary intention to lead industrialists to revise their practices and make more ethical and environmentally safe choices, *The Detox Catwalk* does not directly address them, but rather aims at "recruiting" a wider, indistinct audience of world consumers; considering "the uniformly profit-driven logic of corporations" (Boggs, 2012, p. 191), some members of this other group are more likely to be convinced on ethical grounds and might more easily be induced to revise their purchasing choices, thereby threatening the profit of Coketowners and determining their conversion to environmentalism.

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Compliments in the light of the theory of argumentation: Reasons in compliments

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ABSTRACT: The aim of the paper is to analyse the reasons why compliments are being/not being made, are being/not being accepted. Among the reasons for making compliments are: the wish to lay the foundation for the continuation of communication, express politeness, hear a compliment in response, etc. Among the reasons why compliments are not being paid are gender and status differences, etc. Among the reasons why compliments are being rejected are: the modesty of the addressee, the insincerity of the speaker, etc.

KEYWORDS: argumentation, compliment, explicit, implicit, intercultural, mentality, reason, speech act, universal

1. INTRODUCTION

Nowadays, as a result of intensification of contacts of various kinds the study of both interpersonal and intercultural communication which aims at minimization of communication failures and the achievement of effective and harmonious communication has been in the focus of keen interest of linguists, philosophers, psychologists, specialists in communication and argumentation, as well as in related disciplines, because of its *importance* and *urgency.* In the framework of modern anthropocentric scientific paradigm the theory of speech acts as an integral part of the theory of communication, which is based on the ideas of Grice, Searle, Austin and others, occupies its own, very important niche. *The object* of our investigation is one of the types of speech acts, the speech act of a compliment which has been analysed little so far. As A.P. Sadokhin correctly mentions, "it has been ascertained that the character, form and the style of communication depend to a great extent on the first minutes, sometimes – seconds of communication. There exist a lot of very simple devices that allow practically in every situation to make the initial stage of communication easier, which determines the entire further course of this process. Among such devices is a compliment" (Sadokhin, 2010, p. 139). *The aim* of the paper is to reveal, analyse and classify one of the elements of the given speech act, that is the reasons why compliments are being/ not being made and are being/not being accepted.

2. THE REASONS FOR COMPLIMENT MAKING

Let us consider first the *reasons for making compliments.* Among the various reasons for compliment making is a) the wish of the speaker "to achieve the affection of the addressee and to establish the foundations of long-lasting and effective communication" (ibid). Compliments are paid also b) because of courtesy, to express politeness and to receive polite treatment, as well as c) to raise the estimation of the addressee. On the other hand, often compliments are made d) to receive a compliment in return: "*You scratch my back and I'll*

scratch yours", " Courtesy on one side only lasts not long", "He may freely receive courtesies, that knows how to requite them". In connection with the two-way character of a compliment F. Laroshfuko said: "As a rule, we praise other people just to hear words of praise addressed to ourselves" (Laroshfuko, 1990, p. 52). There are also other reasons: e)"We sometimes extol the valour of one person to humiliate another person" (Laroshfuko, 1990, p. 60). Finally, among the intentions of compliment making f) flattery and personal advantage can be singled out.

As can be easily seen, all the singled out reasons for compliment making can refer to as *universal* ones. From the point of view of *structure*, all these reasons are complex consisting of explicit (words of praise, compliment) and implicit, hidden intentions. Among these reasons we can single out combination of positive intentions, reasons (cases a, b, c), as well as combination of positive and negative ones (cases d, e, f).

3. THE REASONS FOR NOT MAKING COMPLIMENTS

Let us consider now the reasons why compliments are not being paid. Among them are a) norms of culture and intercultural differences, b) gender, c) status and d) age differences. What concerns case c, often subordinates avoid making a compliment to their chiefs, not to be interpreted as flattery. In patriarchal societies it is not typical for younger people to make a compliment to older ones (case d).

3.1 Compliments and gender

Of interest is also the study of compliments in the aspect of gender differences. It is believed that compliments must be addressed only to women, that by means of two or three trivial compliments their vanity can be flattered, that men do not like compliments. In fact, it is fallacy. In reality, as observations, as well as various investigations of researchers in the field of psychology of communication show, both women and men like to hear compliments. And the false opinion that men do not like compliments can be explained, first, by the fact that they, being more reserved, hide their reaction (in fact, positive, if it is not flattery), whereas women, being more emotional than men, do not hide their emotions, their satisfaction and joy when getting compliments and are always open to them: it is known that women love by hearing, they strongly need 'verbal strokes' (N. Formanovskaya's term). It should be added that the difference in the attitude to a compliment on the part of the two sexes is in that women are never tired of compliments, they want to always hear them to keep up their self-esteem and self-confidence. On the other hand, in many cultures it is typical for men to make compliments to women and not vice versa: males, being 'strong sex', allow themselves to "favour women with attention" and say pleasant words determined by their higher status. There is one more factor: compliments concerning appearance are addressed mainly to women but not men, and there are many things to praise (the new dress, the hair-do and so on and so forth). Finally, in spite of gender discrimination the woman has always been an object of worship, admiration, reverence and the muse for men. In V. G. Gak's words, "it is common knowledge that the best words in the world have been addressed to the women or said about women …" (Gak, 2003, p. 598). All the above said speaks to the inequality of distribution of compliments among men and women: women receive them more often though men like to get as much.

3.2 Compliments in the light of intercultural differences

Let us now consider the speech act of a compliment in the light of intercultural differences, in particular, the reasons for not making compliments determined by the mentality of the bearers of this or that culture, by the difference in the norms of expressing emotions, namely, the feeling of liking. Thus, for example, in English-speaking cultures "they encourage to praise people to raise them in their own eyes. On the contrary, in the Japanese culture they do not encourage to praise in somebody's face, but they approve to speak 'badly' about themselves" (Wierzbicka, 1997, pp. 397-398). The Japanese who are restrained in praise and compliments (and who, at the same time have a special form of gratitude in reply to the words of praise) interpret the direct compliments made by Americans as flattery but not expression of sincere praise. It is known that in the USA to make a compliment to a woman during work hours (to praise her appearance, her clothes, etc.) can be interpreted as sexual harassment which can lead to imprisonment and heavy fines (by the way, many American feminists have used this opportunity). In the USA complimenting a woman can, indeed, be sometimes very dangerous, whereas in Italy where there is a general cult of beauty, "it is common to admire a woman and to express this admiration. A feature that characterizes Italian men positively is that they admire and, most importantly, demonstrate their admiration to each woman, with no exception: ugly, old, young, silly, beautiful. … Even if it is a game, it is a game that is pleasant deep in their heart to the most awful feminists" (Pavlovskaya, 2006, pp. 234-235). In the muslim countries, on the contrary, it is forbidden to make compliments on the appearance of the addressee's wife, even though in the countries of Arab world it is a common thing to shower praises on each other.

4. THE REASONS FOR REJECTING COMPLIMENTS

On the whole, compliments are received with pleasure, as each person is delighted by the fact that the speaker wishes to say something nice to him. Yet, there are cases when compliments are being rejected. Let us now proceed to the analysis of the *reasons why compliments are being rejected.*

a) Sometimes compliments are not being accepted by the addressee who has the intention to hear it again. This tactics of compliment rejecting can be considered as an indirect fishing for a compliment. In F. Laroshfuko's words, "Evading praise is a request to repeat it" (Laroshfuko, 1990, p. 52).

b) Among the reasons of compliment rejecting is the modesty of the addressee, which is, in Adair's words, "an active means with the help of which a worthy person reacts to words of praise. ...Yet, to reject the words of praise completely is not modest, in its turn. If it is, to be exact, false modesty. It questions the truth of speaker's words, as if blaming him in falsity and lie" (Adair, 2006, pp. 244-245).

c) Among the reasons are the insincerity of the speaker, the lack of confidence in him. The replies, such as "It is only a compliment", "You are flattering me" and the like come to prove that the words of a compliment do not reflect the reality and are just flattering. As an English proverb says, "Complimenting is lying".

d) Another case when the compliment is not being accepted, can be perceived wrongly and interpreted as flattery is the case when the addressee and the addresser are in relations of 'chief and subordinate'.

e) The doubtful and ambiguous character of the compliment is also one of the reasons why it can be rejected. Thus, for example, quite an opposite meaning can attach to the words of a compliment a specific smile accompanying these words, which transforms them to

mockery. Or, the words of praise having multi-interpretation cannot be accepted as 'pure', genuine compliment.

f) One of the reasons of different reactions to compliments, even opposite reactions, is the factor of intercultural differences: the perception and the interpretation of a compliment often differ to a great extent in different cultures, sometimes even in close ones. That is the reason why one and the same expression used as praise, admiration, approval in one society can be perceived in another one as flattery and even as insult. Thus, for example, in many lingvo-cultures comparisons with animals are used as compliments, and often what is used as a compliment in one culture can not be accepted as such and even be perceived as insult. In I. Gorelov and K. Sedov's words, "very curious impression on bearers of other cultures can leave some compliments to women. In India people can flatter a woman comparing her with a cow and the way of her walking with that of elephant's. A good compliment to a Japanese woman is the comparison with a snake, to a Tatar and Bashkir woman with a leech which is an embodiment of the perfection of forms and movement. Addressing a woman by means of the word 'Goose' is insulting in the Russian culture. In Egypt it is a gentle compliment" (Gorelov æ Sedov, 2005, p. 132]. Here is an example of how the women of Scandinavia, which is considered to be "the bulwark of victorious feminism", react to compliments: "The 8th of March, as usual, was marked by the battle for women's rights. Many Scandinavian women reject on the 'Women's Day' flowers, *compliments,* small presents and other manifestations of gallantry typical for other countries, as they see in them a hidden attempt to return to the patriarchal structure of a society where 'the weak sex' is subordinate to males" ("The New Times", 2010, p. 8).

Frank Miller, Professor of Columbia University in New York, who teaches there Russian and who has a rich experience of communicating with the Russian people, describes in one of his interviews the difference in reactions to compliments determined by different cultural traditions: "The Americans will gladly accept a compliment with words of gratitude, while the Russians will by no means reject it, saying: 'Not a bit of it!' ('Oh, come!') or 'Knock a wood'" ("The Russian Language Abroad", 2011, p. 51).

The observations show that the Armenians, especially the Armenian women are in the habit of rejecting compliments with words: "No, it is not so", "Just the opposite", etc. Such reactions reflect our mentality: the lack of confidence in the speaker, the orientation towards seeing some trick or flattery, some implicit, hidden meaning, as well as our certain restrictions, the lack of experience in getting compliments. It should be stressed that this concerns to a great extent middle-aged and senior women. Today's young Armenian women and girls accept compliments with great dignity and words of gratitude under the influence of globalization and widely spread Americanization.

Thus, as the analysis has shown, among the reasons of rejecting compliments there are a) culturally determined (case f) and b) universal ones of pragmatic character: (cases a, b, c, d, e). From the viewpoint of implicitness and explicitness, we can differentiate between hidden intentions (case a) and explicit reasons (cases b, c, d, e, f).

5. CONCLUSION

To sum up the above-made analysis, we can come to the following conclusions. Among the reasons for making compliments are: the wish to a) lay the foundation for the continuation of communication, establish good relationship with the addressee, win his favour, b) express politeness and receive polite treatment from the addressee, c) raise the estimation of the latter, d) hear a compliment in response, e) humiliate the third party, f) flatter and get personal advantage. Among the reasons why compliments are not being paid

are norms of culture, gender, status and age differences. The reasons why compliments are being rejected are: a) evading them as an indirect request to repeat them, b) modesty of the addressee, c) the insincerity of the speaker, the lack of confidence in him, d) the hierarchical relationship between the communicators, the higher status of the addressee, e) the doubtful and ambiguous character of the compliment, f) intercultural differences.

All these reasons are differentiated into *universal* and *culturally determined*. From the point of view of expression *explicit* and *implicit reasons* can be differentiated.

Finally, it should be mentioned that the detailed analysis of reasons and intentions in complimenting leading to the adequate interpretation of the whole speech act can help better understand each other in the process of communication and make the quality of our communication, hence, lives, better.

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American town halls: Public sphere to public screen

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ABSTRACT: The raucous turn in American town hall meetings has captivated the public and startled politicians. Politicians have increasingly turned to digital modes of engagement and more intimate, controlled physical venues. Constituents view this techno-spacial shift as a form of withdrawal from public accountability. We explore the intersection of public argument, public space, technological influence, and democratic accountability by examining town halls as exemplars of a shift from a traditional public sphere to a 'public screen.'

KEYWORDS: civic discourse, decorum, new media, political argument, public screen, public sphere, town hall meetings

1. INTRODUCTION

American Town hall events draw their inspiration from the idyllic collective memory of pre-colonial New England town meetings. Their contemporary form has shifted from direct democratic decision-making to constituent-representative information sessions – and sometimes, to shouting and spectacle. Politicians have increasingly turned to digital modes of engagement such as Facebook and Twitter, as well as more interpersonal modes of engagement, such as coffees, conference calls, and office hours. Constituents who value face-to-face dialectic have viewed this techno-spacial shift as a form of withdrawal from public accountability. This paper explores the intersecting lenses of public argument, public space, communication modality, and democratic accountability by examining town hall meeting controversies as exemplars of a shift from a traditional 'public sphere' to what DeLuca and Peeples (2002) call a 'public screen'.

In this paper, we expand on DeLuca and Peeples' definition of public screen as a technologically mediated mode. Understanding that their intent is to utilize the image of a computer or cell-phone screen, we employ a secondary understanding of 'screen' – as a barrier or filter that limits entrance into a space – to highlight the more limiting technological and face-to-face modalities that Members are also increasingly adopting.

2. CIVIC DISCOURSE AND AMERICAN TOWN HALLS

Contemporary American town hall meetings are steeped in the ancient Greek humanistic tradition of rhetoric, a civic art devoted to the ethical use of symbols in order to address public issues. They celebrate the notion of civic engagement in the public arena – participation in

organizations, institutions, and societies with the goal of contributing to the public good. In their articulation of the public screen, Deluca and Peeples (2002) review the key features and implicit limitations of the contemporary Habermasian notion of a public sphere built on the classical rhetorical model of civic engagement.

Even today, the notion of public sphere "denotes a public space wherein private citizens gather as a public body with the rights of assembly, association, and expression in order to form public opinion" (Deluca & Peeples, 2002, p. 128). More than just an information gathering session, the public sphere utilizes open access to a forum, to each other, and to a discursive process that goes beyond *articulating* public opinion; through its sometimes messy dialectic, it *creates* public opinion.

The public sphere also serves an important democratic check, as it "mediates between civil society and the state, with the expression of public opinion working to both legitimate and check the power of the state" (Deluca & Peeples, 2002, p. 128). The underlying assumptions that support this vision of the public sphere include "open access, … rational discussion, focus on common issues, face-to-face conversation as the privileged medium, and the ability to achieve consensus" (p. 128).

The geographical makeup and composition of "citizens" has changed profoundly from ancient Athens to contemporary America. Contemporary town halls draw their inspirations from the idyllic practice of colonial town hall meetings, with a few notable changes. First, whereas colonial town meetings drew together citizens of small towns and communities, contemporary public events cover sprawling cities and regions. Participants in these settings are less likely to know each other. Second, participants aren't direct decision-makers. They are constituents of an elected representative who has voluntarily advertised a public meeting. In congressional town halls, no direct voting occurs. In its best form, the contemporary congressional town hall is an opportunity for some citizens to express their opinions to the representative. Nevertheless, a public need not have a direct vote in order to have influence, provided there's an open forum and discursive engagement. Representational democracy is not fatal to public sphere.
Increasingly important in the contemporary context, members of Congress have discretion over whether to hold public meetings and over the shape and content of those meetings.

3. MEMBER-CONSTITUENT COMMUNICATION

The scholarship on the U.S Congress suggests that several factors influence a representative's decision to hold public meetings. Members believe that constituents expect them to be accessible. They believe that constituents want to be able to see the representative and to engage him in two-way conversation – conversation that involves speaking and listening (Fenno, 1978, p. 131). Members use diverse methods for providing this accessibility, but all methods are for the purpose of building constituent trust, which in turn builds and maintains electoral support. The three rhetorical tools Members utilize in public appearances to cultivate trust are qualification, identification, and empathy.

> To a large degree these three impressions are conveyed by the very fact of regular personal contact. That is, "I prove to you that I am qualified," or "I prove to you that I am one of you," or "I prove to you that I understand you," by coming around frequently to let you see me, to see you and to meet with you. If, on the other hand, I failed to come home to see and be seen, to talk and be talked to, then you would have some reason to worry about trusting me. (Fenno, 1978, p. 60).

Members make deliberate choices about how to present themselves to their constituents in order to build trust and gain electoral support. The style a Member adopts is

related to context, personal preference, and strategy. If they perceive that holding these meetings will do more electoral harm than good, then we should expect them to avoid this public exposure. New technologies allow Members connectivity without the uncertainty and hassle of face-to-face meetings. However, "some scholars have demonstrated that political leaders rarely use the most interactive platforms for fear of losing control of the content they produce and the messages they craft" (Howard, Savage, Saviaga, Toxtli, & Monroy-Hernández, 2016, p. 59). Members are also driven by a decades-long national trend toward centralized party-scripted messaging that discourages a focus on local issues that have historically driven town hall discourse.

4. CENTRALIZED POLITICAL MESSAGING, COORDINATED TACTICS OF DISRUPTION

Popular perception is that the 21st Century Tea Party movement crystallized the nationalization of coordinated town hall events by elected officials and political protests by citizens. However, several national partisan rhetorical campaigns predate this period, taking advantage of the accessibility and trust-building functions of the local town hall meeting to disseminate a centralized political platform.

For instance, the Republican "Contract with America" in the mid-1990s organized congressional races across the country around a platform of carefully crafted rhetorical messages. The centralized messaging from the House Republican Conference in the early 2000s concerning accountability in education, social security privatization, and the marriage tax and estate tax represented a shift to consistent messaging and external communication by congressional leadership.

When President Bush and Congressional Republicans pursued Medicare reform and a prescription drug benefit in 2003, House Democrats began to orchestrate a national public relations campaign to frame the Republican agenda as an attempt to privatize Medicare, and town hall events were part of this campaign. They challenged the rank-and-file members to "take this debate directly to our seniors" through "the give-and-take of town hall meetings that individually generate favorable media coverage in your District and collectively generate a pro-active, positive message about House Democrats in the national media" (Billings, 2003 as cited in Malecha & Reagan, 2012, p. 92). In tracing the development of sophisticated public relations tactics used by congressional leadership to influence public opinion, Malecha and Reagan point to these events as evidence of a newly centralized messaging approach to representational politics.

Republicans responded in kind, organizing 150 of their own town hall forums to clarify Medicare reform using presentations, talking points, and scripts for consistent and intense messaging in anticipation of the open enrollment deadline (Goldstein, 2004; Fagan, 2006; summarized in Malecha & Reagan, 2012, p. 100).

Highly coordinated town hall meetings – a.k.a. public relations events – that members frequently hold signify some of the threats that current congressional communication practices pose for deliberative politics. Members assemble citizens, and deliver a scripted message hoping for support and additional media coverage for their party's positions. While this may present the façade of allowing the public's voice to be heard, it leaves the public's opinion unexplored and unchallenged. In response to these sterilized messages, constituents have turned to strategies of confrontation and disruption. As Deem argues, violating the expected decorum of a venue has the capacity to disrupt majoritarian discourse by "making it stutter" (1995, p. 226).

The Case of Health Care Reform and the Affordable Care Act, 2009-2010, exemplified this trend. Following Obama's presidential campaign, House Democrats prioritized health care reform through passage of the Affordable Care Act. President Obama called for Members to use the August recess in 2009 to hold town hall meetings and listen to public opinion. In doing so, he invoked the traditional notion of town hall events, connoting deliberative, reasoned, and civil discourse. The response to these events was far from what national Democratic politicians intended. Through strategic use of incivility, organized protesters focused on disrupting the flow of Member remarks through early and persistent questioning, attracting media attention through verbal assault, and challenging the competence and sincerity of the representative in front of fellow audience members (Herbst, 2010). Central to this effort was Bob MacGuffie, manager of the website Right Principles. In a memo on practical instructions for influencing local town halls, entitled "Rocking the Town Halls: Best Practices," he suggested:

> You need to rock-the-boat early in the Representative's presentation. . . . Don't carry on and make a scene – just short intermittent shout outs. The purpose is to make him uneasy early on and set the tone for the hall as clearly informal and freewheeling. It will also embolden others who agree with us to call out and challenge with tough questions. The goal is to rattle him, get him off his prepared script and agenda (MacGuffie, 2009, p. 87).

Scholarship on decorum as a construct in public discourse helps unpack the power dynamics at work in the name of civility. Hariman (1992) defines decorum as "(a) the rules of conduct guiding … behavior and place; (b) embodied in practices of communication and display according to a symbolic system; and (c) providing social cohesion and distributing power" (p. 156). The expectation of decorum, central to our classical understanding of a vibrant public sphere, embeds problematic power dynamics of who gets to define decorum, and undermines the value of openness if decorum is a prerequisite to access, argue Deluca and Peeples (2002).

In a mass mediated society, freedom of speech entails the ability to violate the norms of decorum and "… thus embrace…enemies in an ugly scene, hoping that the unpopularity of the radicals will rub off on those embraced" (Novak, 1968 as cited in Scott & Smith, 1969, p. 5). As Tea Party protestors exemplified, such a strategy disrupts the power dynamic. A *New York Times* report on town halls in 2013 opined that "many who attend the meetings now seem intent on replicating clashes like the one in Pennsylvania in 2009, when Senator Arlen Specter, a Republican turned Democrat, was shouted down by an angry constituent, a scene captured on camera and played on an endless loop on cable news" (Peters, 2013, para. 9).

Scott and Smith (1969) note, however, that political officials are almost always the winners of this power struggle, citing Novak's point that, "in a society with respect for its political institutions, officials have only to act with decorum and energy in order to benefit by such respect and to have their views established as true until proven false" (p. 5). And, when the elected officials are holding a public forum voluntarily, the power to demand civility or else withdraw from the public engagements is virtually absolute.

5. PUBLIC RESPONSES TO SHUTTERED TOWN HALL MEETINGS

Calls for civility at the town hall meetings, and announcements that some members planned to stop holding them, began to rise even before left leaning meeting-goers employed similar tactics as anti-Obamacare constituents had years before. Jennifer Stefano, the Pennsylvania chapter director of a Tea Party group, explained that "the reason 2009 was so successful for

the grass roots was because the politicians never saw it coming…Now they know. And they [Republicans] are terrified.'" (as cited in Peters, 2013, para. 10).

Members of both parties reported a noticeable decline in meetings and an increased secrecy about the time and locations of the meetings that Members were holding (Peters, 2013). Avoidance tactics include releasing meeting announcements at the last minute, scheduling small rooms and inconvenient times, prohibiting signs bigger than a sheet of notebook paper, and holding Facebook and tele-town halls screened by operators, all of which limit video-recorded spectacle (Peters, 2013; Bauer, 2017; Phillips, 2017).

Matt Kibbe, president of a 2009 Tea Party group who had previously coordinated town hall demonstrators, expressed dismay over the withdrawal. "'The whole thing is very anti-democratic, and it's classic behavior of entrenched insiders," said Kibbe, adding, "We've lost that Rockwell image of citizen participation in democracy" (Peters, 2013, para. 6*)*.

A Washington Post article from 2017 traced the newer, strict rules regarding entrance to town halls, and the cancellation of others altogether, noting that the trend "seem to be a direct response to the intense activism springing up across the nation right now, driven mostly — but not completely — by the left of the political spectrum. It's creating some tense moments for Republicans who decide to hold town halls and no-win situations for Republicans who don't" (Phillips, 2017, para. 3).

Indeed, Scott and Smith's caution about the power dynamic at play in the decorum fight is supported by numerical data, which reveal trends in Members withdrawing from town hall engagements in favor of more tightly controlled venues as their favored policies come under attack.

6. MEMBER TRENDS IN PUBLIC MEETINGS WITH CONSTITUENTS, BY THE NUMBERS

Legistorm is a legislative information database firm. Among other services, it tracks advertisements of upcoming public events announced by Member offices. According to the codebook on the data provided by Legistorm, the organization loosely defines public events as 'town halls'. It states, "We define a town hall as any event in which a member of Congress makes him- or herself available to a relatively broad swatch of the public where constituents have an opportunity to engage in a back-and-forth dialogue with the member" ("Data Documentation for University of West Florida," 2018).

The complete dataset includes 11,869 advertised events by Members of Congress from 2014 to 2017. We exclude delegates and independents, only focusing on representatives and senators from states and affiliated with one of the two major political parties. Frequency statistics suggest that the percentage of Members of Congress advertising public events during this timeframe ranged from 66.7% (356) to 87.3% (466) of the total population under analysis.

Members of Congress advertise many types of public events. Most of them are face-to-face in the congressional district, but some of them are at a distance and facilitated through technology. In the data from Legistorm, we discovered the following major types of events (see Table 1).

Table 1: Major Types of Advertised Public Events Held by Members of Congress, 2014-2017	
Type of Event	Description
Face-to-Face	
Town Hall	Event in the district in which public expects to hear from Member on DC activities and convey through Q&A constituent feedback on policy to influence Member's position.
Public Address	Event in the district in which public expects to hear from Member on DC activities with no expectation for Q&A.
Policy Hearing	Event in the district in which Member invites expert testimony on policy issue. Public invited to attend.
Stakeholder Discussion	Event in the district in which Member invites stakeholders to have a discussion on policy issue.
Community Coffee	Event in the district in which Member invites members of the community to visit over coffee without necessarily setting the public expectation for group discussion.
Office Hours	Event in the district in which Member invites constituents to individually bring issues to the attention of the Member and office staff. Often focused on case work for target populations such as veterans.
Public Appearance	Event in the district at which Member makes an appearance. No expectation for public interaction on policy.
Technologically-Mediated	
Tele- Town Hall	Event facilitated by conference call technology at which public expects to hear from Member on DC activities and convey through screened Q&A interaction constituent feedback on policy to influence Member's position.
Radio	Event facilitated by radio technology during which public expects to hear from Member on DC activities but no clear expectation for Q&A.
Social Media	Event facilitated by the Facebook Live platform (or others) during which public views presentation by Member and has opportunity to leave comments on the webpage. No expectation for reply.

Overall, Members increased their advertised technologically-mediated events by approximately 37% (see Table 2). In 2014, Members of Congress hosted 590 technologically-mediated events, and by 2017 hosted 809 of these types of events. However, they also increased their face-to-face events over the same time period (by 25%). It is worth noting that 2016 marked a decline in events, and this is most likely cyclical and related to the 2016 Elections. Notably, the overall number of events held by Members grew from 2741 to 3487 (27%). Though the percentage of technologically-mediated events relative to face-to-face events stayed rather constant from 2014 to 2017, Members advertised significantly more events across the time period. This observation runs counter to the prevalent media narrative that Members are avoiding public meetings with constituents.

Table 2 also breaks down face-to-face events by major type, revealing patterns in Member behavior across the timespan under analysis. On the whole, Members dramatically decreased the number of coffees they hosted and public addresses they made, but they actually increased the number of town halls they held (by 40%). Again this observation runs counter to our expectations. What explains this unusual finding?

Table 2: Frequency Statistics for Member Advertised Public Events Held by Members of Congress, 2014-2017					
Type of Event	2014	2015	2016	2017	% Change Over Time
	% of Total Event Count (N)	% of Total Event Count (N)	% of Total Event Count (N)	% of Total Event Count (N)	as % of Total % raw N
Technologically Mediated	21.5% (590)	22.0% (669)	19.0% (493)	23.2% (809)	+1.7% +37%
Face-to-Face	78.5% (2151)	78% (2375)	81% (2104)	76.8% (2678)	-1.7% +25%
Coffee	21.5% (590)	13.2% (402)	16.1% (419)	7.1% (248)	-14.4% -58%
Office Hours	6.8% (187)	6.0% (182)	4.6% (120)	5.7% (200)	-1.1% +7%
Policy Hearing	0.2% (6)	0.1% (3)	0.2% (6)	0.0% (0)	0.2% -100%
Public Address	1.8% (49)	0.2% (5)	0.7% (18)	0.5% (17)	1.3% -65%
Stakeholder Meeting	1.0% (28)	0.6% (19)	2.0% (52)	1.1% (40)	+0.1% +42.9%
Town Hall	56.8% (1557)	58% (1764)	57.3% (1489)	62.3% (2173)	+5.5% +40%
Total Event Count	100% (2741)	100% (3044)	100% (2597)	100% (3487)	----- +27%

Table 3 presents the same data, but it separates Members by partisan affiliation. From 2014 to 2017, Republicans increased their use of technologically-mediated events both expressed as a percent increase in raw numbers and as a percent of the total event count. At the same time, they decreased certain modes of face-to-face public engagement. In particular, Republicans had fewer coffees and hosted fewer town halls. Once again, this trend is evident when expressed as a percent decrease in raw numbers and as a percent decrease in the total event count.

By contrast, Democrats decreased their use of technologically-mediated events expressed in both terms. While in 2014, technologically-mediate events constituted nearly 24% of all Democratic public events, they constituted only 10% by 2017. The most striking change is in the number of town hall events advertised by Democrats in 2014 (527 or 53.2% of all events) and in 2017 (1224 or 74.4% of all events). Table 3 clearly illustrates a partisan pattern over time.

Table 3: Frequency Statistics for Member Advertised Public Events Held by Members of Congress by Party, 2014-2017					
Type of Event	2014	2015	2016	2017	% Change Over Time
	% of Total Event Count (N)	% of Total Event Count (N)	% of Total Event Count (N)	% of Total Event Count (N)	as % of Total Event Count as % Raw N
Republicans					
Technologically Mediated	20.3% (355)	23.1% (522)	19.7% (370)	31.9% (588)	+11.6% +65.5%
Face-to-Face	79.7% (1396)	76.9% (1739)	80.3% (1505)	68.1% (1253)	-11.6% -10.2%
Coffee	12.7% (223)	13.0% (295)	17.1% (321)	7.5% (138)	-5.2% -38.2%
Office Hours	5.5% (96)	5.0% (113)	4.0% (75)	7.5% (138)	+2.0% 31%
Policy Hearing	0.1% (2)	0.1% (2)	0.3% (5)	0.0% (0)	-0.1% -100%
Public Address	1.8% (32)	0.1% (3)	0.6% (12)	0.8% (14)	-1.0% -57%
Stakeholder Meeting	0.7% (32)	0.8% (17)	1.8% (34)	0.8% (14)	+0.1% -57%
Town Hall	58.8% (1030)	57.9% (1309)	56.4% (1058)	51.5% (949)	-7.3% -8.0%
Total Event Count	100% (1751)	100% (2261)	100% (1875)	100% (1841)	--- +5.0%
Democrats					
Technologically Mediated	23.7% (235)	18.8% (147)	17.0% (123)	13.4% (221)	-10.3% -6%
Face-to-Face	76.3% (755)	81.2% (636)	83% (599)	86.6% (1425)	+10.3% +89%
Coffee	10.2% (101)	13.7% (107)	13.6% (98)	6.7% (110)	-3.5% +8.9%
Office Hours	9.2% (91)	8.8% (69)	6.2% (45)	3.8% (62)	5.4% -32%
Policy Hearing	0.4% (4)	0.1% (1)	0.1% (1)	0.0% (0)	-.4% -100%
Public Address	1.7% (17)	0.3% (2)	0.8% (6)	0.2% (3)	-1.5% -82%
Stakeholder Meeting	0.3% (3)	0.3% (2)	2.5% (18)	1.6% (26)	+1.3% +867%
Town Hall	53.2% (527)	58.1% (455)	59.7% (431)	74.4% (1224)	+21.2% +232%
Total Event Count	100% (990)	100% (783)	100% (722)	100% (1646)	--- +66%

Figure 1 presents a theoretical framework for conceptually differentiating face-to-face public events held by Members of Congress based on the degree to which the public could expect to interact with the Member of Congress and participate in a dialectic speech event. This framework organizes the types of events Members hold as presented in Table 1 in a way that is theoretically meaningful and helps us to unpack the significance of short-term cyclical and partisan patterns as well as long-term drifts in aggregate congressional behavior.

Figure 1: Differentiating Face-to-Face Public Events Held by Members of Congress by Expectation for Dialectical Discourse and Interactivity

Higher Expectation for Interaction

One-on-One / Informal

    Coffee with the Congressman
    Constituent Meeting
    Outdoor Office Hours
    Neighborhood Office Hours
    Meet and Greet
    Constituent Day

Group / Informal

    Town Hall
    Listening Session
    Question & Answer Session
    Neighborhood Conversation
    Community Discussion
    Congress in Your Community

Not Dialectically Focused   **Dialectically Focused**

Appearance / Informal

    County Fair
    Farmers Market
    Appreciation Event
    Open House

Invited Group / Formal

    Legislative Update
    Congressional Briefing
    Public Hearing
    Field Hearing
    Roundtable
    Summit

Lower Expectation for Interaction

A subtle but telling shift in the collective data is the general move toward more informal, less public, less interactive, and non-dialectical modes of face-to-face engagement. Legistorm data reveals Members increasing public events in categories other than the traditional town hall format at a time when they explicitly say they fear confrontation from coordinated groups of protesters. These events include forums such as office hours, coffees, and attendance at fairs – events where public opinion is likely not to be created, challenged, or engaged in any form other than interpersonally. Members can perform the act of accessibility while screening the numbers and types of constituents who can engage them in meaningful dialogue.

At this point, we have traced the origins of town hall meetings in American political history, the motivations for members of Congress to hold or not hold public meetings, the roles of decorum and disruption in public space, and broad trends of public meetings over the past four years. The question remains: what, if any, impact on civic discourse exists when members hold fewer town halls and more alternative events?

7. NEW MEDIA, OLD COFFEE, AND POLITICAL ENGAGEMENT

The evidence on effects of virtual and digital technology on political communication is mixed. New media offers unprecedented interactivity and could enhance democratic dialogue. The digital era and the decorum-busting image event provide fitting and powerful responses

for average citizens to engage and have their voices heard. According to Deluca and Peeples (2002), the face-to-face conception of the traditional public sphere, imagined "as a place of embodied voices, of people talking to each other," limits our understanding about what constitutes political activity and citizenship (p. 129). A technologically advanced 21st century need not privilege bodily presence as a litmus test for engagement.

Rather, write Deluca and Peeples, the speed of communication obliterates "space as a barrier", lessens the need for physical gatherings and expands the public sphere's goal of open access to the 'public screen' (p. 131). Technologies "physically shrink the world while simultaneously mentally expanding it, producing a vast expansion of geographical consciousness…segregated space is breached, flattening multiple forms of hierarchy," they argue (pp. 131-32). Howard (2006) summarizes other scholarship that supports this view: "virtual communities can only add to the public sphere, especially when they . . . [facilitate] exchanging ideas, mobilizing the public, and building social capital and empathy among the participants" (p. 63). They can recruit new people to political conversation. They can cross geographic boundaries, permitting "users to create new social contexts for themselves based outside neighborhood, family, or friendship ties" (Howard, 2006, p. 63).

On the other hand, social networking aggregates like-minded individuals into echo chambers, at times obscures authorship, encourages and circulates extreme and inaccurate rhetoric, and at best only provides 'pseudo-communities' – forums for political communication that offer controlled interactions and experiences (Howard, 2006, p. 64). Political elites benefit from technological tools that are designed to control, rather than expand, audience participation. Larry Purpuro at the Republican National Committee (RNC) commented in 2000, "Anybody involved in a campaign, regardless of their ideology is always concerned about control. Chat is difficult to control" (Howard, 2006, p. 35).

Legistorm data supports taking seriously the controlling function of technologically mediated public engagements, contra to Deluca and Peeples' assertion about the emancipatory, inclusive functions of the public screen. As Republicans have withdrawn from town halls amid complaints about incivility, they have simultaneously increased their technological presence. If the power is truly with the people to engage in productive digital disruption as Deluca and Peeples assert, then it would likely *not* be the venue of choice for Members who are seeking to avoid such spectacle. Conversely, Democrats have increased their face-to-face town hall meetings at the expense of technologically mediated modes, at a time when they seek to amplify their message and are less afraid of raucous spectacle.

Paradoxically, we face a new paradigm in which new technology affords the possibility for immense audience participation, interactivity between the representative and the represented heretofore unfathomable. Yet citizens feel more excluded from the political process and less influential over their elected Members of Congress than ever (Gurevitch, Coleman, & Blumler, 2009, p. 176). Digital venues and intimate meetings provide more control over the public sphere. Both of them limit a true dialectical interaction because there is no requirement or expectation that Members will actually engage in or respond to the questions asked. In a system where Members choose whether or not to hold town halls, what would be the motivation to reverse course on that power?

Public dialectic is more than just 'hearing from constituents' – it about attempting to persuade your interlocutors, and allowing the possibility of them persuading you. Interpersonal meetings and invited tele-town halls can be persuasive, but they are not public sphere. Without open access, they work against the public accountability function of the public sphere that make town hall-style venues a hallmark of American political discourse, as imperfect as they are. Virtual communities can be authentic public spaces of discourse. But there is no expectation of a Member dialectic in a digital town hall. Constituents can post their comments, but they cannot know if Members read them. The same is true for a coffee meet-

and-greet. Constituents can talk to Members, but there is no public pressure to respond thoughtfully, nor public accountability for the answer.

Some value of the traditional town hall comes from the *appearance* of access – that is, attempts to restrict access must be done materially, physically, in plain view. Online, however, we have the right to post – but not the expectation to be read. This is presuming we have access to the digital/analog forum where the conversation is occurring. The attributes of political community that provide access, build trust, generate social capital, promote engagement, and facilitate accountability must be not only possible but purposefully nurtured in these spaces.

8. CONCLUSION

The perception that Members are not holding town hall meetings is disconcerting because it runs counter to our vision of strong democracy. People "should be able to participate in a process of debate and deliberation, open to all on a free and equal basis, about matters of pressing public concern" (Held, 1996, p. 302). Avoidance of physical confrontation and use of mediated information technology systems frustrates constituent participation in debate and deliberation. Member perception that town hall participants are organized protesters, or not their constituents, suggests that public meetings are *not* open to all on a free and equal basis. Finally, the perceived connection between national debate over controversial policy issues such as health care reform and Member avoidance of public meetings during this volatile time suggests that people have no voice on issues that matter. "Caught up in the middle are Americans who feel left out of having their say in this remarkable moment in U.S. politics — but can't," argues Phillips (2017), a reporter covering the disappearing town halls (para. 4).

Not only are members of the public displaced, the body politic is diffused. We are witnessing the fragmentation of information production, dissemination, and circulation as well as the potential displacement from physical corporal meetings and its replacement by social networks, handshake events, and virtual political communication. This has implications for citizen participation in the public sphere. As a physical space for democratic discourse and a stage for political protest, the public sphere is potentially abandoned. As a place of confronting difference of opinion, of perspective, of values, of personal background, and of demographic and socioeconomic status, the public sphere is vacated. The bonding and trust created through these cross-cutting encounters with members of a shared physical political community is unrealized. This potentially undercuts active citizenship and local investment in public affairs.

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Revisiting the adversary paradigm

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ABSTRACT: Some argue that adversariality is extraneous to the core concept of argument. I argue that if we take argument to be about beliefs, rather than commitments, then two considerations show that adversariality is an essential part of it. First, beliefs are not under our direct voluntary control. Second, beliefs are costly both for the psychological states they provoke and for the fact that they are causally related to our actions.

KEYWORDS: adversariality, argumentation, doxastic voluntarism

1. INTRODUCTION

In a common metaphor, argument is an agonistic contest between adversaries (Lakoff and Johnson 1980; Moulton 1983; Ayim 1988; Cohen 1995; Rooney 2010; Aikin 2011; Hundleby 2013). People often describe arguers as *warriors* who are called upon to *defend positions* and *answer attacks* in the hopes of *winning points* or *defeating adversaries*. Critics often *take aim, blast, slam, eviscerate, demolish, silence, or slaughter* those they criticize, who, in their turn, may *not take it lying down*, or *surrender*, or *parry*. The combative language of argument corresponds to a common stereotype where argument is an aggressive act and a generally unpleasant affair (Gilbert 1997).

There are two main objections to adversarial conceptions of argument. The first is a practical objection: whatever argument might ultimately be, adversariality tends to produce bad results (such as the silencing of less aggressive arguers). The second objection holds that, whatever their practical advantages or disadvantages, adversarial notions are fundamentally extraneous to the core concept of argument. This paper challenges the second objection. I begin by considering and rejecting the view that this is merely a definitional controversy, whereby we can "define in" or "define out" notions of adversariality among different definitions of argument. I then distinguish notions of adversariality from notions of aggressiveness and offer a rough definition of adversariality, which is a structured activity where one participant attempts to impose a result on the other (e.g., chess). Whether this conception of adversariality applies to argument rests on whether we regard argument to be about acceptances (commitments) or beliefs. I will argue that argument is essentially adversarial when it is understood to concern beliefs (rather than acceptances). I offer two arguments for this thesis. The first is an argument from doxastic involuntarism. Acceptances are voluntary acts rather than psychological states. As such, they are easy to acquire and to give up. Beliefs, in contrast, are psychological states which are to some extent involuntary. This means we do not directly control their creation and destruction. Others can, however, attempt to directly control specific beliefs of ours through argument. The second argument focuses on the costs of believing. Arguments can be costly because they involve time and effort. Beliefs are also costly both for the psychological states they provoke and for the fact that they are causally related to our actions.

2. ARGUMENT AND ADVERSARIALITY

One initial challenge in discussing whether argument is essentially adversarial is that many definitions of argument include a concept of adversariality, opposition, or disagreement (Jacobs & Jackson, 1980; Willard, 1989; Gilbert, 1996; van Eemeren & Grootendoorst, 2004). For these views, the adversarial posture, based in incompatible standpoints or beliefs, is a precondition of there being an argument at all. Two people have opposed standpoints and the argument they engage is the means of resolving or managing the disagreement. This approach will not help us here, as we are interested in whether adversariality is a requirement in the first place. Besides, as we shall see below, a difference of standpoint is not necessarily sufficient for adversariality. Our interest in this paper is the source of adversariality of argument. For this reason, it is important that look at adversariality in isolation from argument. Unfortunately, it is also difficult to find a clear or non-circular definition of adversariality. Govier's discussion of adversariality in *The Philosophy of Argument* (1999) is a telling case in point. She writes:

> It means that in this practice people occupy roles that set them against one another, as adversaries or opponents. Law, in Western societies is adversarial in the sense that the prosecution and the defense play distinct and opposed roles. Politics is adversarial: it is the role of the governing party to govern and the opposition to criticize the government. Debates are also organized adversarially: one side proposing a claim, the other side opposing it. In these institutions, roles have been organized in a bipolar fashion and the people occupying them are, for institutional reasons, set against each other (p. 242).

Law, politics, and debate are examples of argumentative disciplines, so they aren't helpful in telling us anything about the inherent adversariality of argument. Our question is what it is about argument that makes it adversarial. For this reason, we'll have to start with a definition of adversariality that does not include argument. By the same token, we need to start with definition of argument that does not include adversariality.

As we consider adversariality, it is tempting to consider examples. A more fruitful approach, I think, is to try to come up with a definition of adversariality itself. Let's first consider adversariality in an abstract, structural sense. The most basic kind of adversarial structure is "X versus Y." Reflecting on this basic structure, we can isolate three basic characteristics. First, there are two different participants, X and Y. A game of hockey requires two teams. The teams occupying the different sides are adversaries. To play chess, you need two players, though nowadays one of those players can be artificial (perhaps in some distant future the same will be true of hockey).

To say, however, that an adversarial situation requires two participants is not to say very much. We need to know something about how the participants interact. This is the second feature of adversarialism. If X and Y are adversaries, then the interaction of X and Y will have a peculiar character, namely: X will try to impose a result on Y; Y will try to impose a result on X. This characteristic follows from the opposition of X and Y. To put this another way, the disposition of X bears upon the disposition of Y; a change in X's disposition imposes a change on Y. We can call this, for lack of a better term, "imposing." Naturally, what counts as imposing will vary according to context. In chess, imposing is achieved by movement of pieces; in hockey, imposing is achieved sometimes by moving the puck, sometimes by actual physical contact, such as checking. The critical point is that imposing is not necessarily *touching* and so it is not necessarily physically violent or aggressive.

Our picture of adversarialism is not complete. There has to be some purpose for X and Y's impositional interaction. X tries to impose a result on Y for some objective or according to some kind of structured set of rules. Consider games, for example. In some circumstances, the objective might be a maximum number of points, in others, it might be the possession of a region of the board or some other similar designation. Games, however, are just one example

of an adversarial situation. Business is adversarial, in that competitors try to capture a market from each other. Now we can return to Govier's examples. Law is adversarial because parties seek to impose a legal result on each other; politics is adversarial because parties try to impose a political result on each other; debate is adversarial because, on one model, the participants try to undermine each other's standpoints.

If an adversarial encounter has all three of these requirements, it is essentially adversarial. But, not all types of adversarial practice are like these. A second kind of adversarial structure is what we might call "inessential." The practice is adversarial, but it is only so by designation. This is what makes running, cycling, or other kinds of individual sports adversarial. The same analysis would apply to essay-writing contests, music competitions, competitive chicken breeding, and other similar activities. There's nothing about running that entails an adversary. An event of running becomes adversarial the moment one runner says, "race you to the post!" A critical difference between essential and inessential adversarial contests is the concept of imposing. The inessential adversarial contest, such as a running race or chili cook-off, does not *necessarily* include imposing. While the contestants in a running race vie against each other directly, they don't necessarily need to do so. They can run the race individually (at different times or places) and have their times or distances measured. Nothing about the behavior of the one, imposes anything on the other necessarily. It's up to the rules of the match to make this so. We might also say it's up to the intentions of the participants as to whether imposing takes place. This is another consequence of the inessentiality of the adversarialism. No amount of wishing it away, however, will make the hockey contest not adversarial.

A critical question regards the relationship of aggression to adversariality. This, too, is complicated, because conceptions of aggressiveness vary. For our purposes, let's identify two basic options: an internal approach, where aggression is a part, a somewhat extreme part, of adversariality, and an external one, where aggression is distinct from adversariality. A common version of the internal approach can be found in Infante (1987):

> An interpersonal behavior may be considered aggressive if it applies force physically or symbolically in order, minimally, to dominate and perhaps damage or, maximally, to defeat and perhaps destroy the locus of attack. The locus of attack in interpersonal communication can be a person's body, material possessions, self-concept, position on topics of communication, or behavior (p.158).

Infante includes the desire to diminish another's chances in the ambit of aggression. Moving a chess piece in a chess game, therefore, is aggressive. It is important to note that argument, on this definition, is a form of aggressive communication. A more restricted sense of aggressiveness consists in the intention to do someone harm, where harm extends to the person beyond the person's role in a contest (Bäck, 2004, p.221). This means aggression is something distinct from what we've called "imposing." Imposing is a structural part of the game. While imposing aims to lessen the chances of one's opponent at winning, it's not aimed at harming them.

3. MINIMAL ESSENTIAL ADVERSARIALITY

Armed with our discussion of adversariality, let's now turn to the question as to whether argumentation is essentially adversarial. I maintain that to call a practice *essentially* adversarial will be to claim that it (1) requires at least two participants; (2) includes a concept of imposing; (3) for some purpose. In what follows, I will apply this notion of essential adversariality to Govier's concept of essential adversariality.

Govier's notion of minimal adversariality rests on a distinction between what I have called structural adversariality and aggression, or behavioral adversariality (or what Govier

calls "ancillary adversariality"). This last she defines as the "lack of respect, rudeness, lack of empathy, name-calling, animosity, hostility, failure to listen and attend carefully, misinterpretation, inefficiency, dogmatism, intolerance, irritability, quarrelsomeness, and so forth" (p. 245). To say that argument is *essentially* adversarial is clearly to distinguish it from practices which are inessentially adversarial (such as the running race discussed above). This distinction accords with Govier's argument for minimal adversariality, which she puts schematically as follows:

1. I hold X.
2. I think that X is correct. (Follows from (1)).
3. I think that not-X is not correct. (Follows from (2)).
4. I think that those who hold not-X are wrong, or are making a mistake. (Follows from (3)).
5. Should I need to argue for X, I will thereby be arguing against not-X. (?)
6. Those who hold not-X are, with regard to the correctness of X and my argument for X, my opponents (?) (p. 244).

For Govier, the adversariality of argument is reducible to the elements of argumentation (beliefs, opinions, or standpoints), rather than argumentation itself. This means that believing is inherently adversarial. If A and B believe differently, then A and B are *already* opposed, because they hold different beliefs, *before* or *without* even arguing with each other. She writes, "in holding a belief, one thinks it true and is thereby committed to thinking that those who disagree with it hold a false belief and are in this sense wrong. One necessarily differs from such people" (p. 244).

Phyllis Rooney (2010) raises two objections to Govier's claim: (1) Govier misdescribes the epistemic situation; (2) the distinction between minimal and ancillary adversariality does not hold. The first objection is a general claim about the purpose of argument. From an epistemic point of view, arguments are about truth. The adversarial conception of argument is foreign to this. Besides, logic and epistemology have a much richer vocabulary to describe epistemic situations than just "opponent" or "adversary"(p. 222). To put the matter somewhat differently: the holding of different views doesn't mean the holders of those views are opposed. For Rooney, then, you cannot derive the opposition from the difference in belief. And, importantly, you cannot derive it from the nature of the argumentation, whose epistemic purpose is entirely contrary to competitive opposition.

The second objection rejects the inference from being wrong with respect to p to being opposed, from a person's belief or claim to the person themselves (p. 221). This might seem puzzling because saying that a person has a belief which is false seems to be just another way of saying that a person is wrong, with respect to that belief (which the person has). What is at issue in an argument is the truth or falsity of claims or commitments. If I argue that p and someone else argues that q, we're not opposed with regard to the truth of p, which is, as Rooney argues, the very point of argumentation. To expand the point somewhat, our arguments are ways we propose arriving at the truth, a goal both arguers, by definition, share. So, since the point of arguing is truth, arguers are not opponents, but partners. A similar analysis could be made of the language of "winner" and "loser." To describe the person with a correct view as the "winner," is to describe something as a contest which is not a contest. Terms such as "winner" and "loser" are a sign of an epistemic confusion about the nature of arguments. Arguments have epistemic purposes and are defined in relation to them.

This brings us to a crucial ambiguity in this discussion of adversariality: namely, what are arguments about? Are they about *commitments* (or acceptances) or are they about *beliefs*. The difference is foundational. Beliefs are psychological states of believers; acceptances are commitments that belong to an abstract commitment set. This is a crucial, but oft-overlooked difference in argumentation studies (Paglieri, 2006; Godden 2010, 2012b). Moreover, this

distinction is central, I think, to Govier's case for the minimal essential adversariality of argument. This point comes clear, I think, in considering another objection to Govier's view, that of Catherine Hundleby (2013).

Recall that, for Govier:

1. I hold X.
2. I *think* that X is correct. (Follows from (1)) (1999, p.244).

Hundleby argues that there is no obvious inference from (1) to (2), because "we *believe* all sorts of things at any given time without *consciously recognizing* them as beliefs, never mind *evaluating* them" (emphasis mine, 253). This assessment seems obviously true and it makes a clarifying point about the basic point at issue here. As a psychological observation of actual believers, it doesn't make sense to attribute beliefs to them that they do not have or may not have (or at least do not necessarily have), even if those beliefs are *logically related*.

Hundleby makes a similar case with regard to the next steps of Govier's argument for minimal adversariality. Recall, again, that Govier argues:

2. I think that X is correct. (Follows from (1)).
3. I *think* that not-X is not correct. (Follows from (2)) (1999, p.244).

Again, it seems clearly true that all sorts of things are "not-X" and one is certainly not liable for thinking of all of them. It's not possible to claim that in thinking X you are also thinking of all of the instances of not-X. Imagine a typical introduction to logic scenario, where students work with obversion, and fail to recognize the logical identity.

This objection highlights a crucial confusion on Govier's part. Her talk about beliefs is better understood as talk about commitments. For, after all, commitments *do* have the logical properties in question. To be committed, for example, to the proposition that the earth is round is to be committed to the proposition that the earth has a circumference. It doesn't mean, however, that thinking of the roundness of the earth entails thinking about the circumference, or pi, or any of the other commitments one assumes along with the commitment that the earth is round.

Now the question is whether Govier's conception of minimal adversariality follows from the claim that arguments are about commitments, which do have the logical properties and entailments she suggests they have. This brings us back to Rooney's claim that minimal adversariality is an epistemic misdescription. Arguments will concern the assertion of relations between commitments, and, as Rooney notes, we've already got a vocabulary for those relations; "contradictory" or "inconsistent" express the difference in commitments far more accurately than "opposed" or "enemy" commitment.

For these reasons, Govier's derivation of minimal adversariality from the notion of commitment fails. I should of course stress that Govier doesn't use the word commitment, or acceptance, or even suggest that this distinction concerns her in the least, it just makes the most sense of her argument. For this reason, I'd like to offer a somewhat modified version of minimal adversariality that addresses this issue.

4. DOXASTIC INVOLUNTARISM AND MINIMAL ADVERSARIALITY

In this section I will defend Govier's minimal adversarialism by interpreting the minimal adversariality of argument to arise from beliefs, rather than commitments. This defense depends on two critical features of belief-focused argument. The first is that beliefs are involuntary. The

second is the beliefs are expensive to form, maintain, and change. This means arguments, even those among people who agree, involve one arguer imposing costs on another.

The concept of commitment, as it is understood in argumentation studies nowadays, has its origin in Hamblin-style formal dialogues (Hamblin1970). The concept was refined by Douglas Walton and Erik Krabbe (1995). Hamblin introduced the idea "of a dialectical system—a rule-governed structure of organized conversation" (Walton and Krabbe, 1995, p. 5). The idea is that these rule governed systems could be used to model various kinds of dialogical interaction. Such models could then perhaps be formalized, used to explain fallacies, and so forth. Critically, according to Hamblin, a commitment is not necessarily a belief and the purpose of postulating a commitment store is not psychological" (p.6). The very notion of commitment involves *action*, as in *committed to a course of action* (p.14). But it also involves the concept of *obligation,* as in "obligation to pursue a course of action." According to Walton and Krabbe, *propositional commitment* is a special case of action commitment. *Propositional commitment* is "(1) a kind of action commitment whose (2) partial strategies assign dialogical actions that (3) center on one proposition (or a formulation thereof)" (p. 23). So, a propositional commitment works something like *making* a promise (so, e.g., if X asserts that p, then X must defend p, repeat p, etc.). So, in essence, commitments are public-doings which are subject to rules, and, most significantly, laws of logic. Most importantly, for our purposes, the commitment-oriented language of argument-evaluation is decidedly not psychological.

In contrast, beliefs are psychological states or dispositions (Cohen, 1992). They differ from commitments in several key ways. First, they are private. I can have beliefs which I do not share, or beliefs I lie about. This is not true of commitments. Second, they are not necessarily subject to logical laws in their formation, maintenance, and extinction. To believe, in other words, that the Evening Star is Hesperus does not necessarily entail that one believes the Evening Star is Venus. Those are distinct psychological states. By contrast, my being committed to thinking the Morning Star is Venus means I'm committed to the view that the Evening Star is Venus, since they're the same (despite my not believing it). A final critical difference between belief and commitment, as we've mentioned, is voluntariness. As actions, commitments are voluntarily adopted and abandoned. Beliefs, in contrast, are not. By way of illustration, try to believe that 5 + 4 = 11. Now imagine I'll offer you a reward, an ice cream cone, if you can. Or, consider an inducement more relevant to the current topic: I'll refrain from hitting you if you believe that 5 + 4 = 11. You probably can't do it (although I'm going to guess that you will tell me that you don't believe it). We can run the same experiment with different kinds of beliefs. Try to believe you're not reading the words that I have written here, or that you're not where you are, or that you are made of glass. You can't.

I should caution that the literature on doxastic voluntarism is quite vast, and, though the consensus view is that beliefs are involuntary with regard to *direct* formation, there are indirect things we can do to bring about beliefs. We can for instance, (1) alter our environment to bring about beliefs—i.e. investigate, change things, to make something happen, or (2) engage in a process of examining evidence. Naturally, we cannot control the *specific* belief we have (which would tend to produce the opposite result). We can only control what kind of evidence we have.

Our lack of direct control over our own beliefs has an important consequence for argumentation: others have more influence over our beliefs than we do. For many, this is one of the main virtues of this sense of argument: to submit yourself to the influence of others. While we cannot, according to the basic thesis of indirect doxastic voluntarism, direct ourselves to a specific belief, others, so it would seem, are in a position to do so. This kind of directing is what arguments are all about, even at the most rational level. I expose you to evidence that gives you *no voluntary option* but to change your mind. Naturally, you have to grant me access to your belief system, but this is part of what is involved in agreeing to argue, or agreeing to hear evidence. This fits in neatly with our picture of essentially adversarial practices in all three

key ways, but particularly with regard to the element of imposing. My sharing reasons with you is the way imposing is practiced in arguments. While this is certainly true of arguments involving explicit disagreements, it's just as true of arguments is the broadest sense possible, including those that do not involve any disagreement at all. The key feature of voluntariness, as I am discussing it here, is that others, even those with whom I agree, can alter my beliefs in a direct way by exposing me to argumentative evidence.

Unsurprisingly, the idea that argument involves involuntary imposition is not a particularly new one. Several authors, Gearhart (1979), Nozick (1983), Foss & Griffin (1995), and Fulkerson (1996) have advanced versions of the view. We might call this view "argument pacifism," where persuasion by argument is inherently something forceful, much along the lines of sports or war, and hence to be avoided. To be clear, their point is *not* that it is *aggressively* forceful—that arguers sometimes *push too hard* or *are too rough*, *disrespectful* or any of the other things that fall into *ancillary adversariality*, but rather that persuasion works in ideal circumstances against the will of the person being persuaded. Persuasion, in this sense, violates equity; you're not treating the other arguer fairly (Fulkerson, 1995). Sally Gearhart (1979) maintains that the problem lies in the *desire* to change someone else, which, for her, issues from a patriarchal desire to dominate:

> Our rational discourse, presumably such an improvement over war and barbarism, turns out to be in itself a subtle form of Might Makes Right. Speech and rhetoric teachers have been training a competent breed of weapons specialists who are skilled in emotional manoeuvers, expert in intellectual logistics and, *in their attack upon attitude and belief systems*, blissfully ignorant of their violation of nature or her processes (p. 197).

Although Gearhart does not note the crucial role the involuntarism of believing play in this, Nozick comes much closer:

> Why are philosophers intent on forcing others to believe things? Is that a nice way to behave toward someone? I think we cannot improve people that way—the means frustrate the end. Just as dependence is not eliminated by treating a person dependently, and someone cannot be forced to be free, a person is not improved by being forced to believe something against his will, whether he wants to or not. The valuable person cannot be fashioned by committing philosophy upon him (p. 5).

The indirect voluntarism of beliefs is a two-way street. While it may be that a thoroughly persuasive argument leaves us in stunned silence or with no other option, as Nozick suggests (p.6), we have little direct control over our belief system anyway. Argument, rational argument at least, may be the *least* invasive way to manage our belief system. Noting that persuasion is forceful, in other words, does not entail that non-forceful options even exist, or, if they do exist, that they're any better.

A central feature of any essentially adversarial practice is what I've called imposing. This bears on argument through the involuntarism of belief. Argument, so far as it is belief-focused, is essentially adversarial because to interact with someone's beliefs is to impose on them, or rather, to *try* to impose a certain belief on them. As Nozick and Gearhart note, such imposing should not be confused with hyper-aggressiveness, or with what Govier calls ancillary adversariality. It is a structural feature of the exchange we call argument. It's worth repeating that imposing isn't just a feature of persuasive argument involving disagreement. Rather, it's a feature of argument broadly understood—including that which aims to strengthen the beliefs someone already has (Perelman and Olbrechts-Tyteca, 49). To return to Govier's argument for minimal adversariality, I should stress that while Govier based the adversariality of belief in the *difference* of belief, in disagreement as it were, this version of her view, discovers adversariality in the basic fact of manipulation of beliefs in argument. It is not because I have a different belief

from you that we are adversaries, it is because of the lack of direct control I have over my own beliefs.

Someone might object at this point that this is a misuse of the term, "adversarial." The fact that *all* arguments involve "imposing" beliefs on others, including willing participants, clearly shows that argument is *not* adversarial in the negative sense often intended by critics of adversariality (Rooney, 2010; Hundleby, 2013). This is correct, if adversariality in this sense is understood not to be distinct from aggressiveness. For something to be adversarial, as I've argued above, is a structural matter. Aggressiveness, by contrast, may or may not apply to an adversarial encounter. I've argued that the involuntariness of believing is the reason that arguments have an adversarial structure. This means, minimally, that directed change of someone's beliefs has to happen against their will. This is not the same as saying that it happens without their consent. By way of analogy, if I play a game of chess, I may lose some of my pieces against my will, but I will have given my consent to play the game in the first place. I may—in fact, I often do—enter an adversarial situation in order to have such involuntary encounters. In the case of believing, and so arguing, I need these in order to change, and hopefully to improve, the epistemic character of my beliefs.

I would like to close this paper by noting some other important consequences of the indirect voluntarism of believing that bear on the adversarial picture of argument. In the first place, what believing we can actually manage, under the best of circumstances, we do so with some effort and with uncertain results (Ahlstrom-Vij, 2013). Belief revision is very difficult and we are often unsuccessful (McFarland, Cheama & Buehler, 2007; Godden, 2012a). Second, engaging in argument can be a risky, and potentially costly, activity. Among the evident risks are the exposure of weaknesses in one's position, the exacerbation of disagreement, and emotional damage to participants (Paglieri & Castelfranchi, 2010, p.74; see also Paglieri, 2009; Hample, Paglieri & Na, 2012).

The costs of argument, however, do not end at the conclusion of the transaction. The desired results of arguing—altered beliefs—come with significant and unavoidable costs of their own. This is because beliefs are psychological states that are causally related to behavior. Consider the myriad costs that might accompany changing a view on, for example, some policy issue. These might include (1) a change your attitude towards those who continue to hold that belief; (2) alteration of your social relations with those who hold those beliefs; (3) revision other of your beliefs which would no longer be consistent; (4) embarrassment of having been wrong and having been corrected; (5) other social costs incurred by the change; (6). Financial costs associated with the changes in belief; and (7) time and energy dedicated to new pursuits. Ideally, all arguments are good ones, with conclusions that are true and well-supported. But even these, perhaps especially these, will require costs such as these just described. These costs are not a side-effect or an irrelevant consideration, but rather the point of the whole enterprise. A conception of the adversarial features of argumentation as I've outlined here foregrounds the real costs of argument for potentially vulnerable human agents. Rather than promoting an aggressive approach to argumentation, this view outlines reasons for us to proceed with caution.

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Persistent disagreement and argumentation: A normative outline

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ABSTRACT: The purpose of this paper is to explore different dialogical approaches to the problem of persistent disagreements which are disagreements that can't be resolved by persuasive argumentation. Taking Walton and Krabbe's (1995) dialogue type theory as a background, the paper distinguishes different kinds of disagreements and types of dialogues, aiming to understand which ones should be considered reasonable and preferable. Finally, an approximation to the notion of argumentation that complements the pragma-dialectical concept will be presented.

KEYWORDS: dialogue types, disagreement, deep disagreement, negotiation, reasonableness, resolution, settlement

1. INTRODUCTION

Disagreement pushes us to argue. When people argue they give their best reasons to back their standpoints. And if they act rationally, then the strength of the reasons should be enough to persuade one of the parties to modify their standpoint. The problem is that argumentation hardly ends in persuasion. Consider the following example:

> *Immigration:*
> *In a forum, two politicians argue about the convenience of deporting illegal immigrants. Senator Smith argues that every illegal immigrant should be deported, while Senator Jones argues that they should regularize the situation of illegal immigrants, allowing them to stay.*

In the example, there are two standpoints that are being defended by the parties. However, it is not very probable that one of the parties succeed in persuading the other. Following Elgin (2010), we may call these kinds of disagreements *persistent.* Persistent disagreements are very common in political, moral, economic or philosophical domains, where arguers do exchange arguments, yet without expecting to really persuade each other, or expecting it in a naïve way.

This raises the following question: if argumentation is not really going to resolve persistent disagreements *how can we reasonably overcome them?* This question calls for two different approaches: a descriptive and a normative one.

A descriptive approach implies asking: what dialogical strategies are *effective* for overcoming persistent disagreements? It implies, then, answering the "how" part of the original question. Resolving that kind of question would imply an empirical task that will not be addressed here.

A normative question would focus in the following: what dialogical strategies are *reasonable* for overcoming persistent disagreements? It implies answering the "reasonably"

part of the original question. This paper will try to advance in such direction. I will defend that there are many dialogical strategies more relevant than critical discussion in order to overcome persistent disagreement and that they should be considered reasonable if they revolve around the act of giving reasons.

To do that I will begin by presenting some basic definitions, focusing especially on the concept of persistent disagreement. Then I will introduce the triple distinction of disagreements about facts, value and policy. Later, I will consider different dialogue types that are related with disagreements, including two dialogue types not contemplated by Walton and Krabbe. Afterwards, I will show a general outline or taxonomy of solutions to different kinds of disagreements, stating which of them should be given priority. Finally, I will make some closing remarks revolving around a new conception of argumentation and reasonability related, more than to the act of persuading, to the act of giving reasons.

2. BASIC CONCEPTS

To clearly understand the scope of this paper, it is necessary to define some concepts.

The first concept that needs to be clarified is *disagreement*. A "disagreement" will be understood as *a difference of opinion, consisting of an interpersonal clash of commitments, between two or more parties in a dialogical context*. This definition owes the concept of commitment to Walton & Krabbe (1995).

A disagreement might be *resolved*, *settled*, *overcome or set aside.* In this paper, these terms should be understood as follows:

Resolving a disagreement is taken in the same sense as van Eemeren *et al.* take it (2014, p. 258). Therefore, it implies that the parties agree on the acceptability of a standpoint, thanks to the fact that one of them has persuaded the other with reasonable arguments.

Settling a disagreement implies ending it using any peaceful method, other than resolution, in which the parties give reasons. For instance: negotiation, casting a vote or calling a third party should be considered kinds of settlement, while beating the opponent shouldn't be settlement because the parties don't provide reasons nor use peaceful means.

Overcoming a disagreement is to be understood as a generic term that considers both *resolution* and *settlement*. Overcoming, then, is as a reasonable mean of finding a solution for the problem posed by the disagreement, in which the parties give reasons.

Setting aside a disagreement implies that the parties decide not to pursue in trying to overcome it. Therefore, it is not a method for overcoming disagreements.

It is also necessary to understand the difference between *persistent* and *not persistent* disagreement, and the difference between persistent and *deep disagreement*.

Persistent disagreement should not be confused with *deep disagreement*, which is a well-known concept in the argumentation theory literature but shouldn't be confused with persistent disagreement. Fogelin (1985) defines deep disagreements as a "clash in underlying principles" (1985, p. 8) which implies that "the parties may be unbiased, free of prejudice, consistent, coherent, precise and rigorous, yet still disagree". The problem with this type of disagreement is that, if Fogelin is right, there is not a rational way around them.

Deep disagreements are always persistent, but many persistent disagreements are not deep. Fogelin himself recognizes this when he says "a disagreement can also be unresolvable without being deep" (1985, p. 8). Deep disagreements, then, are type of persistent disagreements. Therefore, there could be many persistent but not deep disagreements, for instance: disagreements about matters with complicated or partially unknown data, disagreements about taste, disagreements where one of the parties is affected by cognitive bias, etc.

Finally a definition of persistent disagreement would be the following: A disagreement is persistent for A and B, either individually or collectively, if they do not have the means to rationally resolve it by presenting reasonable and cogent arguments.

As we can see, the definition is very general. Therefore, it might be the case that the disagreement is just too deep or difficult to present convincing arguments, that the parties are unable to produce or acknowledge reasonable arguments, or that the circumstances surrounding the disagreement impede them from producing or accepting such arguments. Either case, resolution is not likely to work out, so after attempting —or not— to persuade, the parties might look for other settlement methods.

3. DISAGREEMENTS ABOUT FACTS, VALUE AND POLICY

I propose that different types of disagreements call for different kinds of solutions. And among the different categories of disagreements that might be found, one seems to be relevant at this point: the distinction between disagreements about fact, value, and policy.

3.1 Disagreement about facts

When parties disagree about a fact, they hold clashing commitments regarding a state of affairs. In other words, they disagree about a descriptive proposition (Freeley & Steinberg, 2014) In most cases, these cases of disagreements shouldn't be persistent, since an argument containing a reliable piece of information could enable the parties to resolve it. However, disagreement about facts may still be persistent, for example:

1. *Barbara and Elizabeth disagree the existence of life on other planets.*
2. *Jack and Jill disagree about the causes of the economic crisis.*
3. *Thomas and Michael disagree about whether vaccines cause autism.*

The first case amounts to a lack of information on the subject. Therefore, the parties just make a guess based mostly in other beliefs that they have. In the second case there might be lots of information on the subject, however, it is quite hard to process it and, therefore, the parties might disagree in a persistent way. In the third case we might have the problem of cognitive bias or misinformation (that one of the parties refuses to accept). That is, some people are just stubborn, even when wrong and confronted with the correct evidence. In conclusion, factual disagreements can be persistent.

3.2 Disagreements about value

These kinds of disagreement relate to an interpersonal clash of commitments about the evaluation of a state of affairs, rule or principle. The evaluation is usually a moral one, but it can also be esthetical or political.

Now, what are the roots of a value disagreement? Based on Wedgewood (2010) we could recognize two different sources: (1) disagreement about the underlying facts and (2) purely moral disagreement. An example of each kind will clarify this:

The first case occurs when an original factual disagreement is inherited at the value level. For instance:

Fighting child.

Mary and Leonard are parents of Thomas, a seven year old kid. After Thomas fights with his sister Angela, the following dialogue between the parents ensues:
(1) Mary: Thomas′s attitude is unacceptable; did you see him yelling at his sister?
(2) Leonard: He's just a kid, there's nothing to worry about.
(3) M: But he was fighting for no reason at all! That's not normal!
(4) L: Angela stole his toys, he did have a reason.
(5) M: But Angela denies it, I believe her.
(6) L: I don't, so Thomas attitude was justified.

In this case there is a disagreement about a value proposition: (1) and (2). However, the disagreement is inherited from a fact proposition: (4) and (5). That is, since Leonard and Mary disagree on the fact that Angela stole Thomas's toys, they disagree on the evaluation of Thomas's actions.

Another possibility is that the parties disagree purely at the value level. For example:

Abortion

Joseph and Jane disagree about the morality of abortion. While Joseph considers it's not acceptable, Jane thinks it is a woman's right. When asked by Joseph why she thinks so, Jane replies:
"It is a woman's right to do as she pleases with her own body, as long as she doesn't commit any harm to a third party, therefore, she has a right to perform an abortion".
Joseph answers: "I disagree, the fetus is not an extension of the woman's body, so she is committing harm to a third party."

In this case, the parties haven't made any logical mistakes, and they agree about the pre-moral facts (for instance, the definition of "abortion") however, they disagree at the value level. A purely moral disagreement will be, usually also a deep disagreement because it relates to the framework propositions that the parties hold, as Fogelin shows. That is why, purely value disagreements are usually persistent and unable to be resolved.

3.3 Disagreements about policy

In a disagreement about policy, the core of the disagreement is a practical problem: some decision needs to be made in a given situation, and the parties disagree about the best way to act. For example, parents disagree about whether giving or not contraception pills to their daughter, a group of friends disagree about the best destination for their next vacations or lawmakers disagree about the convenience of a tax reform.

In a way, these types of disagreements are prone to be persistent but, in another way, there are more tools available to overcome them.

The reason why propositions about policy are prone to disagreement is that, in many cases, in order to agree on a policy, the parties need also to agree on facts and value propositions. Therefore, the policy disagreement might be inherited from the fact or the value disagreement.

A case of inheritance from the factual level would be the following:

Global Warming

Adam and Brian are discussing what needs to be done regarding global warming:

(1) *Adam: "Every country in the world should immediately start reducing their carbon emissions."*
(2) *Brian: "Why?"*
(3) *A: "Because global warming is being caused by carbon emissions, and global warming would be a very dangerous threat to life on earth. Therefore, every country should reduce their carbon emissions".*
(4) *B: "I disagree with the fact that carbon emissions are causing global warming, so I don't think that every country should start cutting their carbon emissions"*

In this case, Adam justifies his policy proposition in turn (1) on a fact and value proposition in turn (3). Since Brian would have no difficulty in accepting the standpoint given that the factual proposition is true, we can say that persistence is inherited from the factual level.

In other cases, the policy disagreement is inherited form a disagreement at the value level. For instance:

Party

Peter and Laura disagree about allowing their daughter, Maria, to go to a party:
(1) *Laura: Maria asked me to go to a party tomorrow, should we let her go?*
(2) *Peter: "No, we shouldn't"*
(3) *Laura: "Why?"*
(4) *P: "It is not right to go to parties at her age"*
(5) *L: "I disagree, it's not necessarily wrong to go to parties".*

In this case, the policy disagreement —expressed in turns (1) and (2) — is based upon a value disagreement — turns (4) and (5) — while there is agreement at the factual level.
 Finally, even if the parties agree at the fact and value level, they could still disagree at the policy level. For instance:

Drugs policy

Karen and Janet disagree about policies regarding hard drugs:
(1) *Karen: there has been an increase in the consumption of hard drugs lately.*
(2) *Janet: Yes, I know! And is very bad for our youth!*
(3) *K: I agree, that's why we should be investing more in the persecution of dealers.*
(4) *J: I disagree! Criminal prosecution is not the answer. We should invest in public health instead.*

In this example, even agreeing at the factual level and value, as shown in turns (1) and (2), they disagree at the policy level.

Conversely, sometimes the parties do not agree on the first two levels, but they don't inherit the disagreement to the third level. For example, in the "party" example, even when they disagree at the value level, the parents could arrive at an agreement at the policy level if, for instance, they negotiate.

In conclusion, since (in many cases) an agreement on three different levels needs to be made to reach agreement in a policy proposition, there's more chance of persistence. However, policy disagreements have tools that other kinds of disagreement don't have so, as we will see, there are more chances to overcome them.

4. TYPE OF DISAGREEMENTS AND TYPE OF DIALOGUES

4.1 Types of dialogues

Walton & Krabbe (1995, p. 66) describe several types of dialogue. Three of the dialogue types are related to disagreements and could serve as tools for overcoming them:

In a *Persuasion dialogue*, for instance, one of the parties tries to persuade the other by verbal means. Consequently, it is eminently a dialogue type were the parties disagree. Then, if one of the parties succeed in persuading the other, we could arrive at resolution. The initial situation, then, is disagreement, the main goal y resolution, and the participant's aim is to persuade each other.

Negotiation is a dialogue type were the parties begin with a conflict of interest and a need for cooperation. The conflict of interest can also be presented as a disagreement. Then, if the parties reach a deal, we might say that they have settled the disagreement. Therefore, in a negotiation the initial situation is a conflict of interest, the main goal is to make a deal, and the parties aim at getting the best for themselves.

However, negotiation can only be related to policy disagreements, and never to fact or value disagreements, since the idea of the parties negotiating about facts is just ridiculous ("if you accept to believe P, I will accept to believe Q") as it is the idea of people negotiating values[1].

An *eristic dialogue* is a type of dialogue that serves as a substitute for fighting. In an eristic dialogue the initial situation is a conflict (and, hence, also a disagreement), but the main goal is to reach an accommodation, and the participant's aim is to win the dialogue. However, it is doubtful that eristic dialogues are reasonable, so its use should only be considered in a limited way for overcoming a disagreement.

Besides the types of dialogues explored by Walton and Krabbe, there are two more I would like to introduce: rhetoric dialogue and settlement dialogue.

A *rhetorical dialogue* is a dialogue which looks like a persuasion dialogue but allows the use of some *fallacies* (or *pseudo-fallacies* once they are allowed). A rhetorical dialogue, then, has the same initial position, goals and aims than a persuasion dialogue, but in a persuasion dialogue the use of fallacies is forbidden, since, even if the parties arrive at an agreement, such an agreement would not derive *from the merits* of the arguments given. However, when the parties are faced with a persistent disagreement, and other circumstances

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[1] Which is exactly what makes Groucho Marx's joke funny: "Those are my principles, and if you don't like them, well… I have others".

are met, the use of *pseudo-fallacies* should be allowed. In that case the dialogue would be a rhetorical one (more on this on the following subsection).

It could be doubted if, under Walton and Krabbe's theory, this kind of dialogue is a novelty or just a mixed dialogue type (for instance, a *debate* which is a mix between persuasion and eristic dialogues). I'm leaving that question open for now, because I don't think it matters so much for the sake of this paper.

A settlement dialogue, finally, is a type of dialogue were the parties discuss and/or execute a settlement method for the disagreement at stake. There could be many settlement methods, for instance: casting a vote, calling a third party or flipping a coin. Just as negotiation, settlement methods can only be used for policy disagreements.

Considering the above, the initial situation of this dialogue is a disagreement over a course of action, the main goal is to agree on a course of action, and the parties aim at making the course of action go in their way. As in the case presented before, settlement methods can also be considered a mixed dialogue between a deliberation and a persuasion dialogue, a definition that will not be taken here.

4.2 Strategies for persistent disagreement about facts and value

There is a sharp difference between factual or value propositions and policy propositions, which lies in the resources that the parties have at hand to overcome them. In policy propositions, the parties have the option to shift from a persuasion to a negotiation or settlement dialogue, which is not an option for fact and value disagreements. Then, for facts and value disagreements, there are only two options: persuasion and rhetoric dialogue.

When disagreement triggers a persuasion dialogue, the parties aim to advocate their standpoint while making their opponent retract theirs. Following Van Eemeren and Grootendorst, (2004), I believe that the Rules for Critical Discussion (RCD) should be observed in this case to avoid fallacies. However, as said before, the mere characterization of persistence tells us that critical discussion is probably not a useful way to overcome persistent disagreements.

A *rhetorical dialogue* understands that the use of *pseudo-fallacies* is necessary and acceptable under some circumstances. Provisionally, I see two different set of cases were *pseudo-fallacies* should be deemed reasonable to overcome persistent disagreements (but it might be many others). I will only, very briefly, refer to them.

The first case is the use of meta-dialogical counter-fallacies. A counter fallacy is a fallacy used to counter another fallacy. And its use should be allowed but only as a sort of meta-dialogue, that is, to attack the use of the fallacy by the counterpart.

This approach stands between Jacobs's (2000) and Krabbe's (2002) positions on how to respond to fallacies. For Krabbe, parties should engage in an explicit meta-dialogue, where the fact that a fallacy has been committed is pointed out. Jacobs, on the other hand considers the use of counter-fallacies reasonable to *balance* the dialogue. A meta-dialogical counter-fallacy, then, is a *pseudo-fallacy* used as an implicit meta-dialogical move.

The second case of an accepted I'm thinking of is the use of *pseudo-fallacies* in the context of degraded dialogues, or dialogues that do not meet higher order conditions.

Van Eemeren and Grootendorst (2004, p. 189) defend that, in order to have a critical discussion, some *higher order conditions* (HOC) must be present. Some examples of these conditions are the following: "The participants must accept that their points of view can prove to be wrong", there must be an "Absence of authority relations among the discussants", or there must be "Equal time-constraints for all participants" (Zenker, 2007).

Following the definition of persistence given before, it is perfectly possible that the reason why the disagreement is persistent is because some HOC are not met. Now, in that

case the question is: should we still follow the RCD or we can ignore some of them? I think that is perfectly reasonable suspend some RCD, in an attempt to overcome the disagreement. For instance, if one of the parties is not willing to listen to the arguments of the other, it should be deemed reasonable not to present the conflicting standpoint even when required.

4.3 Strategies for persistent disagreement about policy

To overcome a persistent disagreement about policy the parties can naturally use the tools available for disagreements about fact and value, but they also have other resources at hand. If the parties are not able to persuade each other, they might want to switch the type of dialogue to a negotiation or settlement dialogue.

Negotiation of a disagreement occurs when the parties offer each other concessions to look for a mutual understanding. For instance:

> *Car seller*
>
> *Richard is trying to sell his car to Luke. He offers his car for 5.000 Euros. Luke refuses and says he is only willing to pay 4.000. Considering that he will not be able to persuade him, Richard tries a negotiation dialogue:*
> *Richard: Let's do something, why don't you get the car for 4.700?*
> *Luke: 4.500 and we have a deal.*
> *Richard: What about 4.600?*
> *Luke: Ok, deal!*

In this case, the parties mutually agree on shifting the dialogue type from persuasion to negotiation. Thanks to that, they can split the difference and arrive at an agreement.

However, sometimes it's not possible to negotiate, since some positions are just not negotiable, for instance:

> *Emergency Room*
>
> *Philip and Rose are doctors who are performing a very complicated surgery when the patient starts having complications. Then the following dialogue ensues:*
> *P: we are losing him! We should give him 100 millimeters of drug x.*
> *R: I disagree! Drug Y would work better.*

In the example, a negotiation dialogue (for instance: "we could give him 50% of each drug) would look as something odd. A better option would be trying to persuade each other. But if persuasion doesn't work, then the more rational thing to do would be to look for a settlement method.

Settlement methods, then, are a sound way to overcome disagreements about policy, when negotiation is not possible or plausible (or even being possible, if the parties prefer it). Since the parties disagree about what to *do*, it is possible to settle on a course of action, even though one of the parties dislikes the result, provided the fact that for both parties prefer agreement to continuing the dispute. For instance, imagine the following continuation to the dialogue presented before:

Emergency Room 2

P: Since we disagree, we should call Doctor Jones, as he has more experience with this kind of complications.
R: Ok then, let's call him. Whatever he says, I'm ok with it.
P: Me too.

In this case, it doesn't matter if Paul was persuaded or not by Doctor Jones's decision because, if he wasn't, he still understands that giving the patient the drug Y is better than no drug at all.

Settlement methods, then, may consist in different strategies to settle things. In the example, they decided to call a third party, but there are other options like casting a vote, flipping a coin or any other method decided by the parties. Sometimes these mechanisms for resolving the disagreement have been pre-established by the parties or the context of the dialogue while in other cases they explicitly accept them on the way. In any case, it is important than, along the way, the parties give *reasons*.

However, to agree on using a settlement method implies that the parties are willing to take the chance to be on the losing side. In other words, they consider that some decision has to be taken and that even losing the discussion is better than no decision at all. However, sometimes that is not the case, because they think that the losing side is even worse than keeping the disagreement alive. Consider the following example:

Hiking expedition

Jane and Patricia are on a hiking expedition. When they are returning they arrive at a crossroad. Jane argues that they should go right. Patricia argues that they should go left. After the persuasion dialogue, Jane says:
Jane: "Since we do not agree on which path to follow, I suggest that we flip a coin."
Patricia: "No way! I told you before! I've walked this path countless times, I'm completely sure that the left path is the right one! Do whatever you want but I'm going left."

In this case, Patricia is not willing to use the settlement method proposed by Jane, so the parties run out of options to overcome the disagreement.

4.4 Dialogue types for persistent disagreement, diagram.

The above said can be summarized in the following diagram:
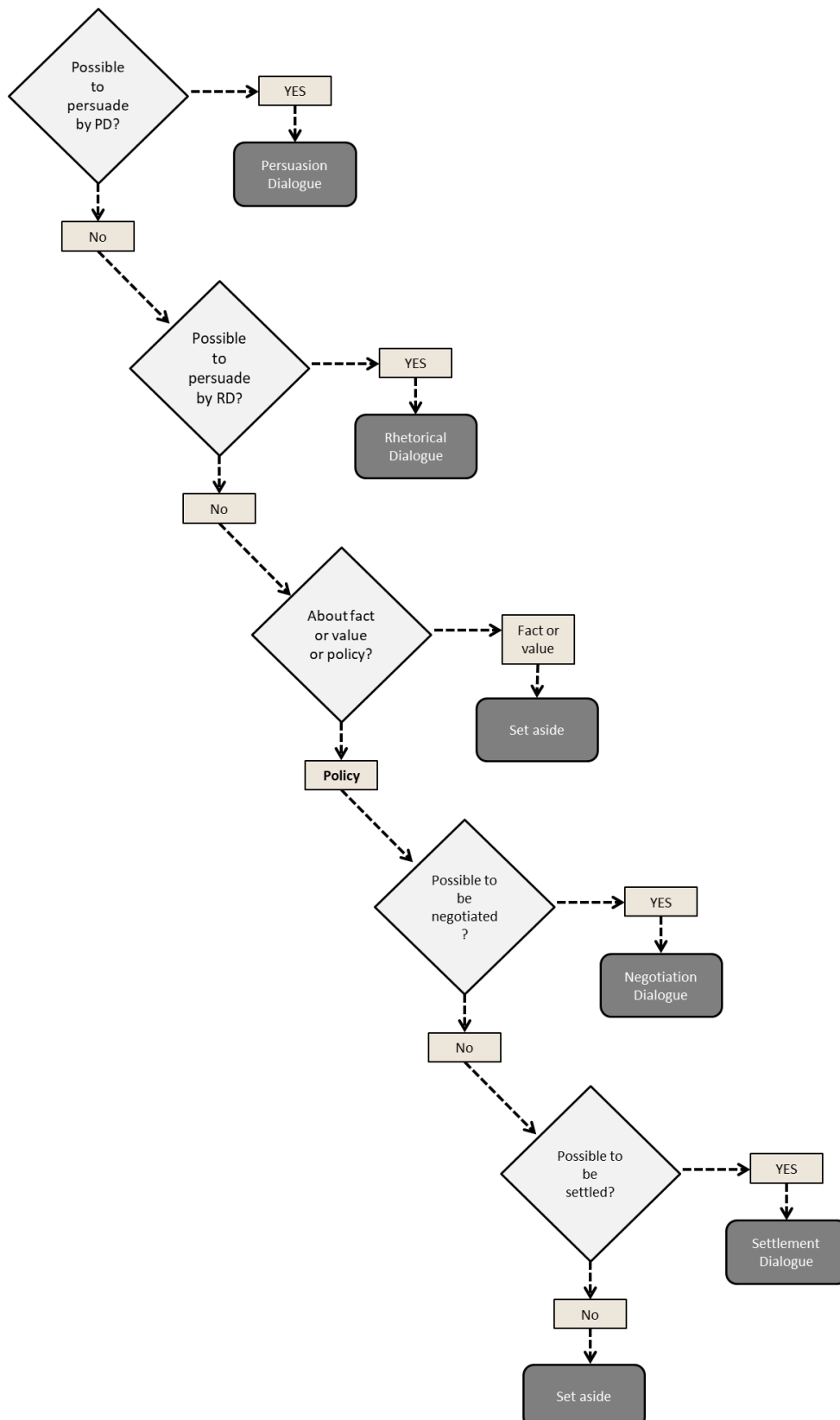
Fig 1.

     This diagram shouldn't be considered as a decision-making flowchart. The parties don't go stage by stage to see what dialogue type is better for them. Sometimes the parties try to overcome the disagreement straight ahead by a negotiation or settlement, while in other occasions, the parties will try several dialogue types, maybe in a different order than the one

presented. Also, the question "Is it possible to…?" Is something that the parties may know beforehand or discover during the dialogue.

What figure 1 does show, is what method should be considered preferable for the parties to resolve the disagreement. To persuade or be persuaded, then, will be always the better solution because, even if a party happen to be on the side that retracted a commitment, we will then be convinced that the decision adopted was the right one. And a persuasion dialogue is a position a little better than a rhetorical one, because the rhetoric dialogue might have an eristic component. Negotiation is worst than rhetorical dialogue, since the parties need to give away something. However, a negotiated solution is better than a settlement, since in a settlement the parties are risking to lose it all. Finally, setting aside is a last resort, since the disagreement will not be overcome.

5. FINAL REMARKS

Reserving the term "argumentation" only for critical discussion seems to me a mistake. To argue is, ultimately, to *give reasons*, but the outcome of a reason giving process can be persuasion, negotiation, settlement or any other. Conversely, the goals a party have when arguing can also be more than just persuasion. Then, if the desired goal is to overcome disagreements, it shouldn't matter so by which means we do it, as long as we act reasonably.

But what is to act reasonably? It is nothing more than to act according to the reasons given. Then, it is perfectly rational to overcome a disagreement by casting a vote, but it is not if the parties give reasons in favor of option "A" and then vote for option "B".

In conclusion, it appears to me that argumentative resolution has been given way more importance than it deserves. I do not deny that to persuasion dialogue is a sort of dialogical ideal but, focusing too much on it, could be ultimately frustrating. The biggest danger of this *faith in resolution* is that the stalemates at which people will necessarily arrive, when dealing with persistent disagreements, could make them think that the counterpart is not only wrong but vicious, stupid and dishonest.

Then, overcoming those stalemates by any reasonable means is not only rational but also beneficial for society, since the public standard of reasonableness and respect for the other can be maintained. And in times of social media, eco-chambers, post-truth and fake news, take the side of rationality is more necessary than ever.

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Building communities: Participatory art and guerrilla advertising

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ABSTRACT: 'In recent years, many artists have been appropriating the roles of social workers or urban planners, in order to question and critique the dominant culture by channeling the voices of the ones who are underrepresented, repressed or left out from political processes.'[1] They create 'Participatory Art', an Art form that involves and engages their audience. Advertising followed this trend with its 'Guerrilla Campaigns'. It creates unique and provoking happenings that turns viral provoking a memorable brand experience and in terms of social advertising, memorable ethic experience. They seem both following Zygmunt Bauman's thesis that it is always easier to focus on micro-ethics, rather than confront the macro-ethics of the society in which we are implicated. We are going to analyse the differences between participatory art works and advertisements using topoi, pragmatic functions and argumentative roles.

KEYWORDS: argumentative roles, common places, ethos, guerrilla advertising, logos, participatory art, pathos, pragmatic function, specific places, happening, monument, flash mob

1. INTRODUCTION

Art is no more asked to be contemplated, or just one object to reflect upon, but one action within society becoming an instrument for a Socratic dialogue, which uses structure and infrastructures to re-invent them.

'A recurrent set of theoretical reference points governs the current literature on participatory and collaborative art: Walter Benjamin, Michel de Certeau, the Situationist International, Paulo Freire, Deleuze and Guattari, and Hakim Bey, to name just a few. Among these, the most frequently cited is the French film-maker and writer Guy Debord, for his indictment of the alienating and divisive effects of capitalism in The Society of the Spectacle (1967), and for his theorisation of collectively produced 'situations'. For many artists and curators Debord's critique strikes to the heart of why participation is important as a project: it rehumanises a society rendered numb and fragmented by the repressive instrumentality of capitalist production.'[2] Artistic practice can no longer revolve around the construction of objects to be consumed by a passive bystander. In this framework, the artist becomes a non-specialised labourer who can creatively adapt to multiple situations, in connection to a community, offering a counter model of social unity, often regardless of its actual politics.

But this attitude towards participation is really something new in Art?

At present we have surely become almost completely alienated from art. We live in a society where art is primarily a commodity, something people buy instead of make. Consequently, very few people are actively involved in making art. Because of this general lack of participation, many find it difficult to believe that societies have existed in which literally everybody sang, danced and made their own crafts, all on a daily basis. Active participation in art has been characteristic of human culture for most of its history, and this alienation from art is a relatively recent phenomenon. In primitive cultures singing was virtually interchangeable with speech and done on almost every occasion: social, ritual, work and recreational. Not to be able to sing or dance was considered such a severe social handicap. The making of art was a central part of

people's lives for most of human history, until the relatively recent advent of a capitalist, commodity-based culture in the sixteenth and seventeenth centuries. In that moment the emphasis in art shifted from participants, who could satisfy their own artistic needs, to specialists, who demanded a paying, non-participating audience to buy their products'.

It is one of contemporary art main goal to try to reawaken people from this fetishism transforming art practices into a path against everyday anesthesia. The making of art is an essential part of our being and of our need to express our feelings and thoughts, joys and sorrows.

What about advertising?

Not very long time ago advertisements were clearly delineated, different and separate from art. They were easily recognizable as advertisements and no one expected them to be anything else. Today, the urban environment includes not only separate instances of art and advertisements, but advertisements that look suspiciously like art. For example what's the difference between *participatory art* and *guerrilla advertising*?

You might think that the distinction between the two would be obvious. After all, the goal of advertising is to sell you something, while the goal of art is, quoting Umberto Eco, to create an open work. Public Art Fight Specific, Audience specific or Social turn states a political message, subverts a common belief, exists simply for the pleasure of the beholder, or any number of other reasons. So telling the difference between art and advertisement should be easy. But what about advertisements where we don't understand what's being promoted or campaigns where what's promoted suddenly changes amplifying or subverting the original message?

Let's now see some example analysing them with some rhetorical and argumentative tools in order to find a way to make a difference.

2. FROM THE MONUMENTO TO MEMENTO

As an artist I was asked to create an art work in connection with a small community from Pianoro, Bologna, who goes and uses a new social centre on a daily basis. To start the mediation with the inhabitants I decided to apply *topoi*,[3] according to Perelman schemata. In Perleman and Olbrecht-Tyteca's theory, loci are seen as general strategies or rather catalogues of the habits of mind endemic to a given culture. Topics provide a roadmap, or starting point, for the discussion of problems and the resolution of difficulties. They are both a method of problem recognition and a means of problem solution. 'Invention uses topics to identify and analyse difficulties placed before an actor. Hence invention and topical reasoning are essentially pragmatic in nature for they are directed to the solving of problems about what to do.'[4]

Perleman and Olbrecht-Tyteca framework offers a simplified scheme of the classical topoi as they call topoi only the general premises which make possible to ground values and hierarchies, i.e. the ones that Aristotle studies among the loci of the accident: quality,quantity, existence, essence, order and person. Using these categories I tried to involve people from Pianoro not in my personal initiative, but rather in a Socratic dialogue trying to understand what was important to them, what they wanted to emphasize, in order to grasp their essence within an art work which was supposed to remain inside the social centre. It emerged that their personal stories were the things, that more than any other activity, or material object they wanted in their 'free time surrounding'. As a result they collected their favourite photos and

(ex.1)

we printed them on the curtain of the centre, (ex.1) melting together their private narratives, creating an embodied and empathic public sphere. The quantity, represented by the big amount of pictures collected, helped to build the essence of a community resulting from a melting pot made of old, young, Italian and foreign people, which is part of Pianoro identity today.

This project created a good balance among ethos, logos and pathos. In terms of pathos it promoted compassion in its etymological value, meaning 'feeling together, sharing emotion'. According to ethos it put on the same level the credibility of the artist and that of the spectator or in this case the future users of the art work, letting them plan and create together. For what concerns logos, the semiotic path of the work created a 'warrant', a 'general rule' in Toulmin's terms, which could be expressed as it follows: 'Art works should represent the community in a more direct way, because everyone deserves to be taken as a unique and as a special person, made of memories and desires'

Martha Nussbaum underlines that if there is a project to be put at the centre for the future is to invest in culture and mediation. The crisis in which we find ourselves is rooted in the short-term destructive cuts to education and culture. Efficiency, effectiveness and innovation are directly connected to culture and creativity. We are losing the ability to think critically, together with the ability to represent the other and the complexity of the world. But most of all we are losing compassion and empathy'[5]

According to Martha Nussbaum everyone, in order to be called 'citizen' has to know how to think critically. In connection with an art work contributing critically to the work means becoming aware of a process, as well as of the development of the performance. This awareness approach, however is still quite unusual, most of all towards pre-existing cultural identities that surround us in our urban reality. Above all the monuments, which have almost completely lost their reference and their illocutory force. This is a sort of irony of fate if we take back the etymology of the word monument, obtained from the condensation of the Latin words *monere*, which could be interpreted as 'to warn' and *manere* which means 'to remain'. Therefore it shouldn't simply denote a cultural object, but a cultural dialectical process which should create a critical permanent effect, producing continuing reflection on a given person or event. Unfortunately it is very easy to see how this goal is not achieved, by interviewing any passer by and asking him\her about this or that historical figure, to see how unknown they have become to the average citizen. This reflection inspired me to a project in Bolzano, where I decided to use a monument as a site for a new argumentation.

The artist doesn't create from nothing, he\she transforms dialectically the space adding new indicators, that, taking back again Sorin's Static definitions transform sometimes both pragmatic function and argumentative role or simply the argumentative role. The pragmatic function is a *conditio sine qua non* of the sentence, that in order to communicate must be recognized as a particular kind of proposition, but its propositional function sometimes is very different from its argumentative power and intention.

It was previously underlined the fact that the monuments were originally meant as a sort of personification of a thesis, which should provoke reflection in the mind of the viewer, like for example the thesis embodied by any monument dedicated to the victims of the war, which could be verbalized this way: 'It is a duty to celebrate those who died for the country'. Anyway this argumentative effect has little by little gone lost, leaving marble ghosts watching us from above, without knowing why. In order to re-establish the original identity, but most of all the symbolical universal cultural value of a statue in Bolzano I developed the project 'Riprendiamoci l'Amore' (Let's take back our Love). (ex.2)

(ex.2)

The main square in Bolzano is dominated by the figure of Walther von der Vogelweide a fascinating marble presence, who is apparently in a familiar way simply called Walther. This simplification, anyway, took away the real identity of this famous minstrel, letting people forget that he was one of the most important *Minnesaenger* of the German Literature, and a universal poet of courtly love. But this was not the only degeneration of the statue, it often became the 'stone of discord' in the German-Italian cultural debate. In a bi-lingual city, where the weight of each linguistic and cultural symbol has a capital importance, the fact that the most important square is dedicated to a German speaking Literate is sometimes seen as a form of prevarication. Asking people and most of all teen agers in the neighbourhood who he was, many of them didn't know, even if I was well aware that the presence of Walther had caused many public discussions.

As a first attempt to regain the ethos of 'Walther von der Vogelweide' I used a very popular pretext: superstition, which under an argumentative perspective could be seen as the extreme use of the expressive emotional function. I diffused the information among a group of teen-agers, absolutely not interested, at first, in the figure of Walther, that taking a picture or simply dedicating him a thought or a message would bring good luck. Suddenly the pedestal of the statue was overcrowded with people taking pictures and 'selfies' with the poet. Later I proposed

to the city administration to develop a project on Valentine's day, in order to create a moment of shared culture dedicated to the universal value of love. A sound installation gave German and Italian voice to the statue and some panels, which covered the pedestal, invited anyone to leave a love message on the plinth with a post it. Seven hundred love messages were collected within eight hours. (ex.3)

(ex.3)

As a consequence Walther regained name and surname stopping being 'the German intruder', and starting being the voice of a performative and patemic loving community.

3. MARIANNE HEIER 'A DROP IN THE OCEAN'

The Norwegian artist Marianne Heier was invited by investors to make a project to 'activate' Bjørvika, an area in Oslo which was being transformed from an industrial harbour into Oslo's maybe most ambitious residential area. From being associated with hard work, and also prostitution, this area was supposed to become an area filled with cultural activities, clubs, and the best contemporary Norwegian architecture. This sort of invitation does present some problems that are really impossible to ignore. According to the artist the critical potential of any project in this situation is necessarily at least partly compromised. However critical you intend to be, you still end up confirming the structure you meant to criticize, because the project is proposed within a framework defined and paid for by them. In rhetorical terms the ethos of the artist tends to converge on the ethos of the art initiative's promoter. Anyway even if artists are somehow within the frame of the investors they can use this attention and redirect focus to other problems or parts of the city, and through this create topics for new discussions. 'The challenging nature of the situation triggered me.

After considering the various aspects of the situation as carefully as I could, I decided to accept the invitation' says the artist. She decided, in fact, to create a challenging project connected with the possible loss of the town's historical swimming pools, architectural and social heritage at the same time, as they represent the Norwegian engagement in training children since a very young age. Swimming instruction has had high priority in Norwegian schools during the last half of the twentieth century. It can almost be seen as a part of the social democratic project. As a 'fiord country', drowning accidents have traditionally been common here. Therefore, there was a very specific reason for investing in children's swimming abilities. This actually worked, it lead to a large reduction in the frequency of drowning accidents in Norway. Heier chose to adopt a sort of 'Robin Hood-strategy' recalling the specific place[6] of stealing from the rich, the investors in this case, and giving to the poor, the increasingly impoverished municipality of Oslo'. The initial idea was to encourage Bjørvika Utvikling AS to reopen Sagene Public Baths, but the budget couldn't cover it. So she decided to go for a compromise and to open Sagene Bath to the audience just for one day, in order to focus the

attention on the place and on the service that people were losing and she gave to this action the allusive title 'A drop in the ocean'. (ex.4)

(ex.4)

It was possible to visit the room which contained a sound recording made in another swimming pool in Oslo which is still in use, so the physical emptiness and dryness of the space was contrasted and highlighted by a very realistic sound of water splashes, children playing and jumping. Once again an apparent *assertion* is transformed into the argumentative role of *critique* and *recall,* making the audience well aware of what they were missing.

Claire Bishops underlines that most of the time participatory projects in the social field seem to operate with a twofold gesture of opposition and amelioration. They work against dominant market imperatives by diffusing single authorship into collaborative activities. Instead of supplying the market with commodities, participatory art is perceived to channel art's symbolic capital towards constructive social change. But this has led to a situation in which socially collaborative practices are all perceived to be equally important artistic gestures of resistance. It seems that there can be no failed, unsuccessful, unresolved, or boring works of participatory art, because all are repairing the social bond. 'While sympathetic to the latter ambition, I would argue that it is also crucial to discuss, analyse and compare this work critically as art, since this is the institutional field in which it is endorsed and disseminated.' [7]

4. DANTE BEHIND THE FALLING WALL

Lara Favaretto's research is balanced between the topics of failure and aspiration. The memorial form is pointedly evoked in a series that the artist calls 'Momentary Monuments', which adopt but also subvert the vernacular of public sculpture. Beginning with a swamp that she created at the back of the Giardini in Venice to commemorate twenty historical figures, who have disappeared, and continuing with her sandbagging of a 1896 statue of Dante Alighieri in a civic square in Trento.[8] Even if the idea behind this work could be interesting, there was an evident lack in participation and mediation.

Favaretto created a wall of sacks that, as a trench, blocked the view of the monument to Dante. (ex. 5)

(ex.5)

Dante represents the specific place of high culture which is covered in order to be rediscovered and to make people aware of the loss of cultural identity and of the lack of investments dedicated to education and research. This big visual speech act in undeniably engaging, it also reminds of other walls, letting us infere another important thesis which the artist herself expresses as follows: 'You should not build walls. They are violent and prevent the eyes to look beyond them, they force us to an obliged and unavoidable comparison with our nose. '

However, something unexpected happens, the wall collapses, and the work escapes the will of the artist, but she greets happily the wall's fall. Opening up a new combination of assumptions the work multiplies its relation to reality. The citizens however don't agree with this enthusiastic flexibility and they see a lack of engagement and at the same time a waste of money on a 'non-working' site specific installation. What went wrong? Under an artistic point of view nothing as this work was even mentioned on a prominent international art magazines: 'Artforum' as one of the most interesting art works of 2009. But still in Trento public sphere there is an open wound, there is an evident lack of negotiation. We can only doubtfully imagine possible alternatives like for example involving the local community asking them to contribute to build the wall becoming part of the visual metaphor, they might have felt part of a shared criticism, instead of being just viewers. Each sack could have represented one citizen, instead of being installed by specialized workers. On the other hand if we stop looking for consent and just look for feedback we can say that the speech act was simply 'unlucky', but it reached its perlocutory effect even if it prevailed the argumentative role of objection and criticism against the high costs of an ephemeral construction which was perceived as an unexpected and unprepared vision.

4. MONUMENTS AS TESTIMONIALS

Monuments have recently become the site for social and commercial promotion too. In June 2013, Barcelona's city council shocked residents by renting out the iconic Columbus Monument to two multinational companies to use as a billboard. They put an enormous Football Club Barcelona team jersey on the sculpture and began selling athletic shoes and low-cost trips to tourist destinations in front of the monument.

The advertisement quickly caught the attention of the major TV networks and the most popular magazines. Enmedio, a radical design collective, noticed that this new spotlight was worthy of

some subversive further argumentative articulation. The first thing they did was call a press conference at the base of the Columbus Monument and when many journalists showed up a gigantic yellow balloon suddenly appeared with the words 'Spain: Champions of Unemployment' written across it in Spanish and English. (ex.6)
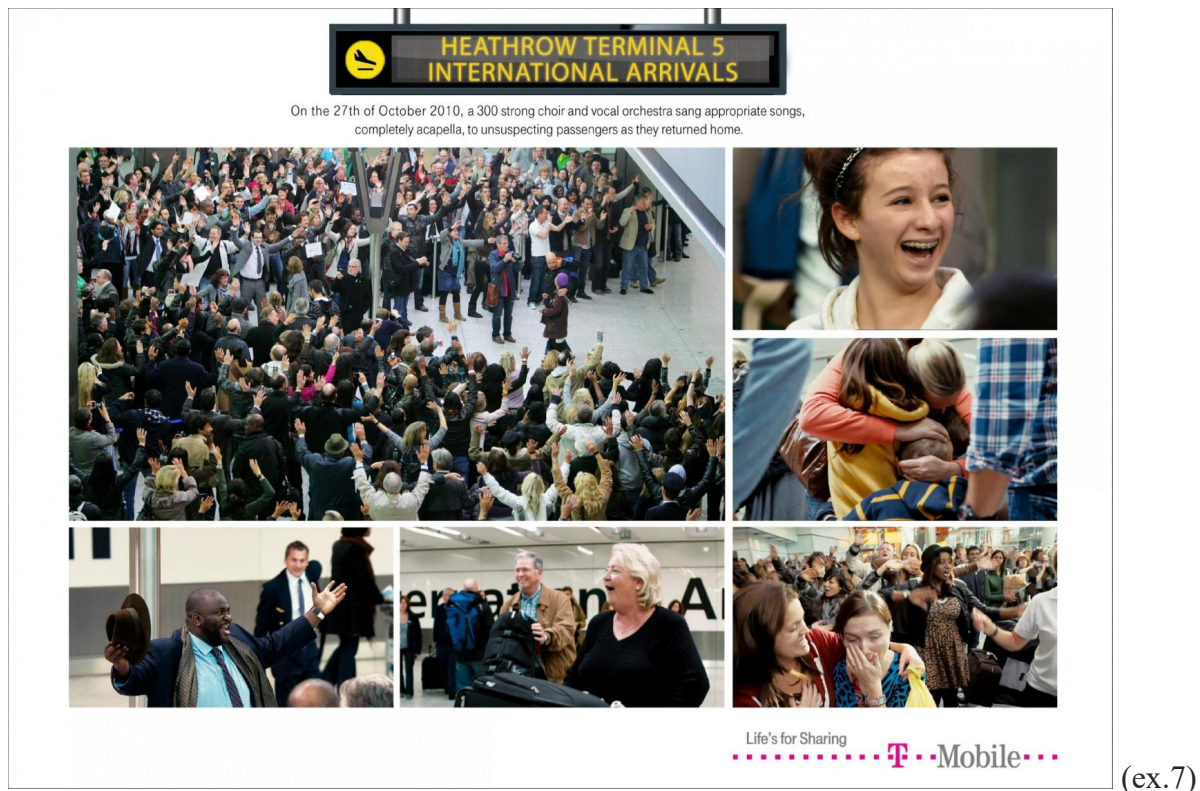

(ex.6)

The original commercial message which simply promoted some goods in the name of the Spanish sporting victories, was transformed into a very dialectical social critical hyperboles. Nevertheless this was not the result of a shared mediation with the public. The official ad campaign created widespread media attention, which the Enmedio stunt was then able to hijack. In order to do so, Enmedio had to do two things well: it had to create a simple image that could be reproduced easily, and it had to execute the action quickly, before the police arrived. Both of these objectives were met, and the event was a success. It is questionable if the effect is going to be long lasting creating self-consciousness in the city or just a witty moment in which the monument becomes a V.I.P. testimonial.

5. FLASHMOBS VS PARADES

You're walking down the street enjoying some fresh air when all of a sudden a man breaks out singing and dancing. No, it's not a crazy surprise of your friends, you've just been flash mobbed. Flash mob marketing is popular because it's a live act and generates a crowd. Unlike traditional marketing methods such as billboards and print ads, flash mobs have a tendency to go viral if done right. One of the most effective flash mob was that dedicated to passengers landing at London's Heathrow airport. They were welcomed by an all-singing, all-dancing flash mob. The unforgettable welcome at Terminal 5 was laid on by T. Mobile who were filming for the ad. Thousands of passengers were serenaded with a series of songs dedicated to the specific place of travel and they were all captured on a series of secret cameras. T-Mobile's Spencer McHugh said: 'We wanted to create and capture a moment that is so unique and upbeat that people just want to share it.' The communicative and commercial feedback expected the video to be watched by nearly 10 million people across the UK and reach more than 2 million households, letting us imagine the economic advantage of the entire operation. (ex.7)

On the 27th of October 2010, a 300 strong choir and vocal orchestra sang appropriate songs, completely acapella, to unsuspecting passengers as they returned home.

HEATHROW TERMINAL 5
INTERNATIONAL ARRIVALS

Life's for Sharing
T··Mobile···

(ex.7)

Analysing the event as a complex speech act we can recognise the performative pragmatic function, through which the locutor performs instead of saying something and in this case, thanks to the presence of many singers at the same time, we can speak of a performance that becomes a big happening involving the audience with a strong expressive emotional function, totally grounded on pathos. The passenger is not invited to be persuaded, but simply to become the protagonist of a dedication to humanity, he\she becomes per absurd more a personification of 'every man', instead of being a specific person, celebrated and greeted by perfect strangers. The flash mob celebrates the need of a warmer communication even in an anonymous place like an airport can be, showing that the telephone company is able to 'do' miracles in connecting not only people who know each other, but also strangers who become the source of passionate feeling. Could we speak of 'participation' when our soul is moved and touched by compassion? And moreover, isn't it dangerous to let the audience reach such an emotional depth, to disguised it in the end as a fictional sort of 'candid camera' which promotes a commercial company? Let's take in contrast Marinella Senatore 'Building communities' practices.

6. MARINELLA SENATORE BUILDING COMMUNITIES

Building Communities is the first museum exhibition of an important selection of projects that Marinella Senatore has created since 2006. Senatore has been focusing on research about the involvement of the audience as a key protagonist of her work. The artist describes her role as that of an 'activator'. 'I feel that I am part of those processes that see the artist as a director who has a score through which people negotiate, or contest, their participation,' Senatore says. 'I seek to put into action an affective exchange that moves from story to story. The tale itself becomes and exchanges an open laboratory situation, where those who are working learn something, which they take away with them, along with the memory of having been on the set.' Creating new possibilities for the involvement of the public, the artist has recently created a

series of projects, in Italy and abroad, which are structured as cinematic productions, workshops, parades and photo shootings, the subject of which includes the creative and collective process itself. (ex.8)

(ex.8)

'Involving in an active dialogue a wide number of people, groups and associations large or small, often outside the art system,' Marcella Beccaria writes, 'Marinella Senatore's projects always construct new and innovative communities, aggregating multiple and heterogeneous energies. Her process rethinks the possibilities of art as a potent agent of exchange and cultural growth.'[9] Senatore organized a public parade, which build a new community around Castello di Rivoli, from Val Susa to Turin. Apparently the effect could be compared to the previously analysed T. Mobile flash Mob, in which people were welcomed with singing and dancing, but whereas in the guerrilla advertising event the spectator remains a spectator, in Marinella Senatore he\she becomes a protagonist and also one of the authors, becoming part of a narrative which modifies values, desires, sense of belonging.

7. CONCLUSION

We agree with Claire Bishop that this new proximity between spectacle and participation underlines the necessity of sustaining a tension between artistic and social critiques and the need to keep alive the constitutively reflections on quality that characterise the humanities. In the field of participatory art, quality is often a contested word: rejected by many politicised artists and curators as serving the interests of the market and powerful elites, but value judgements are necessary, not as a means to reinforce elite culture and police the boundaries of art and non- art, but as a way to understand and clarify our shared values at a given historical moment. Some projects are indisputably more rich, dense and inexhaustible than others, due to the artist's talent for conceiving a complex work and its location within a specific time, place and situation. The central point is to find ways of accounting for participatory art that focus on the meaning of what it produces, rather than concentrating only on the process and one possible way in this sense is starting the analysis with ethos, logos and pathos, which represent the credibility (ethos) the conceptual articulation (logos), and the motion of the feelings (pathos). They might appear obvious elements of a formula, but in reality they are not so obvious. Ethos

in particular is highly confused with a false morality, or with a brand image based on the power of money. To understand the magnitude of this deterioration it is perhaps the case to define two different perspectives under which Cicero and Aristotle defined Ethos. The first argued that credibility was to be understood as the image that you were able to provide for yourself, together with the authenticity of your personal behaviour. Aristotle, on the other hand, argued that Ethos was the credibility that you could communicate with your oratorial skills, giving a sort of 'brand identity', not necessary coherent with your private life. Which of these two definitions prevail today is quite obvious, however it is not obvious which of the two attitudes artists want to embrace, most of all if they are involved in the so called public art 'social turn'. Under the point of view of the logos, then, I recognize a deep need to create platforms that serve as conceptual devices to foment dialectical forms of activism and change. But what makes the two previous points so effective is the pathetic attitude, which becomes the detonator of stories and wonder.

The psychologist Ugo Morelli underlines that the main problem we have today is the access to knowledge and opportunities. We miss the codes to enter, and this becomes consequently lack of power of imagination. Alasdair Macintyre points out that modern reason is no longer able to move to action, because it is a faculty of an isolated individual who does not recognize his dependence on a cultural dimension of community in which he\she is placed. Scitovsky distinguishes between 'new' and 'comfort': what leads to increases in happiness is the experience of novelty, but it turns into comfort that soon leads to boredom. According to this theory, happiness is linked to creativity, which often allows you to make the experience of novelty and opposes comfort. But what are the ways of creativity? Taking up again Martha Nussbaum: first of all we need critical thinking: the ability to argue respectfully with others, to examine the tradition and prejudice with Socratic spirit. Secondly, we need the history of knowledge. Finally we need the ability to put ourselves in the shoes of people different from us, class, race and religion.

From this point of view, Participatory Art has carried out these practices as a free form of expression, creating dialectic engaging art devices. Art does not become simply a subject of debate, but a real learning medium that offers innovative tools in dealing with issues related to communal living.

Nicolas Bourriaud argues repeatedly that art is a state of encounter. Pierpaolo Donati stresses that every relationship is a reality that is immaterial that stands between the acting subjects, and directs the reciprocal act and consists of subjective and objective elements which define the distance. Under this perspective the use of pragmatic functions and argumentative role was very useful to grasp the illocutory force of participatory art and advertising' multimodal processes. The artists and all those who act in this context must first hearkens and then begin a mediation in order to reduce this distance without eliminating it. Donati goes further and speaks of relational goods defined as emergent effects of the action, not the effect of the choices of the actor, or the environment, but the product or effect of concrete relations, assets that can change the very will of the actors, promoting action and knowledge through the desire of the novelty, what Aristotle stressed: 'a reason that desires and a desire that reasons'.

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[1] https://www.academia.edu/771895/On_participatory_art_Interview_with_Claire_Bishop

[2] http://selforganizedseminar.files.wordpress.com/2011/08/bishop-claire-artificial-hells-participatory-art-and-politics-spectatorship.pdf

[3] In Aristotle, topoi have the twofold function of proof and invention, that is, they are regarded as points of view under which a conclusion can be proved true or false, and as places where arguments can be found.
Topics were deemed to be the means by which arguments are discovered and knowledge is obtained http://www.dougwalton.ca/papers%20in%20pdf/06arg_reason_patterns.pdf.

[4] http://www.yale.edu/lawweb/jbalkin/articles/topics1.htm

[5] Martha Nussbaum, Non per profitto. Perché le democrazie hanno bisogno della cultura umanistica 2014, Il Mulino, Bologna

[6] according to Perelman and Olbrechts-Tyteca a specific place is a recurrent narrative, in similar disciplines.

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The defence of science in the public sphere

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ABSTRACT: This paper examines the argumentative strategies of scientist citizens who embrace their civic responsibility to respond to the post-truth, anti-science politics of the Trump administration. The nascent appeals of a newly awakened expert public combine standard social movement genres and argumentative forms with assumptions and values drawn as much from the technical sphere as the public sphere. The result is something both familiar and entirely new.

KEYWORDS: opinion editorials, posters, protest rhetoric, public letters, rhetoric of science

1. INTRODUCTION

When Donald Trump won the United States presidential election of 2016, scientists were alarmed. Before running for office, Trump had dismissed the scientific consensus on two key issues when he called global warming a Chinese "hoax" (Trump, 2012; Trump, 2013) and when he linked vaccines to autism (Trump, 2014). During the campaign, he selected a running mate who disagreed with the scientific consensus on evolution (Montanari, 2016). As he transitioned into office, he selected a budget director who asked "do we really need government-funded research at all?" (Kasprak, 2016). Nonscientists whose only qualifications were ideological opposition to the very missions of the organizations they were appointed to run were picked to lead key agencies, and rules were put into place that restricted academic scientists from joining advisory boards and that diminished the role of scientific evidence in decision-making by those agencies (Davenport, 2018). The Department of Health and Human Services began to discourage the use of the words "evidence-based" and "science-based" in arguments for federal funding (Sun & Eilperin, 2017). Given these actions, it came as no surprise when the administration's proposed 2017 and 2018 budgets included deep cuts to federal funding of basic science, cuts that Congress refused to make (Koren, 2018).

Trump's travel restrictions had, and will continue to have, repercussions on the movement of scientists to the United States to study or do research (Hoy, 2017). In France, President Emmanuel Macron announced a plan to provide funding to American climate scientists who were being stymied by Trump in their efforts to "Make the Planet Great Again," and several took him up on the offer to move their research to France (Tatum, 2018). One scientist working for the U.S. Interior Department acted as a whistleblower when he reported the suspension of his research on the inconvenient truth of climate change (Clement, 2017). Another revealed that the administration had buried a study that its own people had commissioned about the economic impact of refugees, because the findings indicated that the net impact is positive, and that was a fact that did not fit the administration's preferred narrative (Davis & Sengupta, 2017). Well into Trump's second year of office, he still had not appointed a science advisor; he was the only U.S. president since the position of science advisor was established who had waited so long to appoint one (Morello, 2017).

In response to these developments and others, U.S. scientists began to do something they rarely do. They entered the public sphere as citizen activists. They have written op-eds in newspapers and penned public letters of protest, signed by thousands of their fellow scientists. When scientific data began disappearing on government websites and federal scientists were told that they could not talk to the public without preauthorization, they created rogue social media sites such as AltCDC and AltEPA. And on April 22, 2017, they marched for science, in Washington DC and over 600 other cities. Then they did it again the following year.

Much of my recent research has been on the ethos of scientists in the modern world, with a particular focus on the figure of the scientist citizen. This figure should not be confused with the citizen scientist. The *citizen* scientist is a non-expert who enters the technical sphere to participate in some way in scientific research. The *scientist* citizen moves in the other direction. Scientist citizens are experts who recognize a responsibility to act for the public good by stepping out of the technical sphere to make arguments about science-related matters in the public sphere.

In the project that I report here, which is still in its early stages, I look at the argumentative tactics of a newly awakened movement of scientist citizens in the United States that sees itself as part of the resistance to the Trump administration.

2. LITERATURE REVIEW

Some research has already been done on this community of arguers. Political scientist Ashley Ross and her co-authors surveyed participants in the 2017 March for Science in three major U.S. cities and found that those who self-identified as scientists were motivated by concerns about the current administration, a desire to promote science, and fears about environmental damage, cuts to scientific funding, and the rise of alternative facts. 99 percent of them said they believe that scientific data is critical for good governance (Ross, Sturminger, Winking, & Wedemeyer-Strombel, 2018, pp. 235-237).

Sociologist Norah MacKendrick also wrote about this "new wave of science activism." She argued that it is different from previous moments when scientists took to the streets because it is not about the use or misuse of a particular discipline (like the antinuclear movement of the 1960s and 1970s, for example). This time, all branches of science are being united "under a single banner" and demarcated from the nonsense non-science of alternative facts. In this new wave of science activism, there is a belief that science "writ large" is a public good that needs protecting from those who would destroy it (MacKendrick, 2018, pp. 897-899).

My own preliminary analysis of the public arguments made by scientists on March for Science posters, public letters, and op-eds is consistent with these findings. Whether they are making persuasive appeals to administration officials, or agenda-setting appeals to sound the alarm to a broader non-scientific public, or motivational appeals to fellow scientists to create a sense of solidarity in resistance, these scientist citizens are united in arguing that science is a public good that needs to be protected from the ongoing assault of the current administration.

3. MARCH FOR SCIENCE POSTERS

The embodied material rhetoric of scientists marching down a public thoroughfare is the most striking argument of the March for Science. Just as early women's suffrage activists used the very physical act of stepping out of the private sphere and marching in the public sphere to argue that their citizenship rights should not be abridged, so too do scientists use the very

physical act of stepping out of the technical sphere and marching in the public sphere to argue that they are citizens with voices that should be heard in a nation that considers itself democratic.

A closer look at the posters they carry when marching tells us something about the specific rhetorical character of this social movement. Here are a few that I saw during the first March for Science:

(1) Got smallpox? Me neither. Thanks science!

(2) Science *trumps* ignorance. Make America smart again.

(3) What do we want? Evidence based science. When do we want it? After peer review.

(4) Science. True whether you believe in it or not.

(5) I'm not a mad scientist. Just disappointed.

(6) Science is not a liberal conspiracy.

As expected, these slogans all focus on science as a big tent activity, rather than arguing for particular disciplines, or even broad categories of knowledge production, such as the physical sciences or the social sciences. They also tend to emphasize the public good of scientific research, such as curing disease or overcoming ignorance.

Many play off of allusions to other slogans, whether from political contests ("Make America Great Again"), or advertising campaigns ("Got Milk?"), or other social movements ("What do we want? … When do we want it? ..."). By using wit to encourage a smile from other marchers and bystanders, they seem to acknowledge the incongruity of scientists entering the public sphere as protestors, while taking the edge off of the discomfort that might come from this unusual state of affairs. The twists that these posters perform on familiar mottos are designed to spark delight rather than fear or disgust. Irony is the figure of choice here, serving the ego-function of protest rhetoric (Gregg, 1971) by addressing fellow protestors with a constitutive rather than an instrumental persuasive end. By characterizing scientists as hip, connected, and relatable members of a broader public culture, rather than as cold, humorless, and disengaged automata, these slogans help to call a community of scientist citizens into being.

The wry humor of the slogans carried by scientist citizens in the March for Science conveys something about this new wave of science activism that makes it different from other, more familiar protest movements. Rather than a minoritized community seeking equal access to the privileges of the rich and powerful, this is a movement by people who are the very definition of an elite group. Rather than seek a power that has long been denied to them, they are a class of workers who are alarmed that they are losing the respect and power that they have previously held. They see themselves as smarter than Trump and his supporters, and they are "disappointed" that his "ignorance" and penchant for unhinged "conspiracy" theory has not kept him from gaining so much power.

While this attitude on the part of scientist citizens makes sense, it is also dangerous when taken out of the context of a solidarity-inspiring march because it can play right into the hands of Trump, allowing him to continue portraying himself as a populist leader fighting the elitist snobs who look down upon the hard-working, forgotten men and women of the

heartland that he champions. As we shall see, this attitude appears in other forms of contemporary American scientist-citizen activism as well.

4. PUBLIC LETTERS

One appeal that appears with some frequency in the rhetoric of contemporary pro-science activists is an economic argument connecting investment in science to the prosperity of the nation. This is the argument most commonly seen in public letters addressed to Trump between the election and his inauguration.

For example, on November 30, 2016, 88 "prominent" scientists, organized by the Union of Concerned Scientists, released an open letter to President-elect Trump and the 115th Congress that began with an economic appeal. Among other things, it said:

> Scientific knowledge has played a critical role in making the United States a powerful and prosperous nation. … To build on this legacy and extend the benefits of science to all people, including Americans who have been left behind, the federal government must support and rely on science as a key input for crafting public policy.

Other scientists were invited to add their names to this public letter, with over 5,500 ultimately doing so. The tone of the letter was forward-looking, setting out what "Congress and the Trump administration should" do in the near future to "strengthen the role of science in policy making."

A week later, more than 800 earth scientists and energy experts signed an open letter to the President-elect making a similar argument through an even more direct appeal, focused this time on climate science (Lemonick, 2016).

> We, the undersigned, urge you to take immediate and sustained action against human-caused climate change. We write as concerned individuals, united in recognizing that the science is unequivocal and America must respond. Climate change threatens America's economy, national security, and public health and safety. … Embrace the enormous economic opportunities of transitioning to an energy-efficient, low-carbon society. Use part of your $1 trillion commitment to infrastructure development to expand democratized clean energy, boost U.S. competitiveness, and put America to work.

The imperative mood in this public letter might seem imperious, but the ends sought by the signatories align well with those sought by the president, namely, to strengthen the American economy.

In a more recent public letter, released on April 23, 2018, the conceit of speaking directly to Trump is abandoned. Signed by over 1,000 members of the U.S. National Academy of Sciences, the letter argues that "human-caused climate disruption is leading to suffering and economic loss," a condition that is worsened by the present Administration's withdrawal from the Paris climate accord. Rather than sticking to economic arguments that appeal to the values of Trump supporters, this public letter quickly veers into vituperation of the administration for its anti-science attitudes and actions.

> The decision to withdraw is symptomatic of a larger problem: the Trump Administration's denigration of scientific expertise and harassment of scientists. The dismissal of scientific evidence in policy formulation has affected wide areas of the social, biological, environmental and physical sciences. … Scientific evidence and research should be an important component of policymaking. We therefore call on the Federal Government to maintain scientific content on publicly accessible websites, to appoint qualified personnel to positions requiring scientific expertise, to cease censorship and intimidation of Government scientists, and to reverse the decision to withdraw the United States from the Paris Agreement (Scientists for Science-Based Policy, 2018).

This time, the demands are listed as if set before a third party. They are framed like the conditions that must be met before a strike will end or an occupation of a public space will cease. Rather than try to gain the assent of the administration and its supporters with the use of economic arguments, this public letter is designed to set the agenda of the uninformed and strengthen the commitment of those who are already outraged about the way science is being treated by the current administration.

In writing petition-like public letters such as these, scientist citizens alarmed about the Trump administration began with a set of arguments designed to persuade him and his allies; they pointed out that science fuels the economy, creates new jobs, and ensures global competitiveness. However, as time passed and appeals to reason failed, a more antagonistic approach was adopted. The charge that American scientists were being victimized by an aggressive, bullying president became the point of the public letter, and the signatories established themselves as a force of resistance standing against such treatment. This kind of public letter makes sense coming from a protest movement. Ever since the Declaration of Independence, public letters describing government figures as doing violence to people and practices are an American rhetorical tradition well designed to evoke anger and motivate collective action.

Where the rhetoric of these public letters veers from more standard protest movement rhetoric is in the ethos moves made by the signatories. The ordering of their signatures, and the information accompanying their names, suggests an argument ad verecundiam in the midst of their petition-like argument ad populum. For example, the letter from the Union of Concerned Scientists separates out 88 *prominent* scientists from the thousands who signed, and includes asterisks to indicate which of them are winners of the Nobel Prize, as well as obelisks to indicate which of them are recipients of the National Medal of Science. The letter from over 800 earth scientists and energy experts includes the honorific "Dr." before most names, and organizes them alphabetically by rank, so that all of the Professors are listed before the Associate Professors, and so on. The National Academy of Sciences statement, like all the others, includes the institutional affiliation of each of the over 1,000 scientists signing, almost all of which are high-ranking research universities. This highlighting of the elite status of the people who are protesting an oppressive government authority is an unusual move to see in social movement rhetoric.

5. OPINION EDITORIALS

A similar mix of arguments drawing on economic appeals, charging the administration with aggression, and paradoxically embracing the elite status of those who are the putative victims of that aggression is also seen in the final genre of protest rhetoric that I examine in this paper, namely, opinion editorials by scientists.

Marc Kastner, a physicist and former dean of science at MIT, set out the economic argument in an opinion editorial for the San Jose *Mercury News* in March of 2017 when he claimed that "basic research is the American economy's lifeblood." The current administration's "proposed draconian cuts to science research funding," said Kastner, would "handicap the U.S. economy and reduce our quality of life for decades." As evidence, he listed specific recent examples of federally-funded basic research that led to new technologies and new jobs, such as MRIs, GPS, the U.S. biotech industry, and Google (Kastner, 2017).

Maria Zuber, a geophysicist who is vice president for research at MIT, wrote an op-ed for *The New York Times* in January 2018 arguing that what is at stake when the administration cuts federal funding "is America's dominance in science, engineering and innovation." She

argued that "investment in research has been key to keeping the United States at the forefront," and she warned that "other nations, seeing us lose focus, are seizing the chance to rise."

> We cannot continue to advance the frontiers of knowledge and lead the world in innovation without funding for students and equipment, and when the only long-term federal commitment is to fiscal uncertainty. … To write the next great chapter in the story of our nation, we must continue to fuel discovery (Zuber, 2018).

The frontier myth that Zuber used in her editorial to portray science as a geopolitical race for intellectual territory has great potential to appeal to the America-first attitude of Trump voters. A few years ago, I wrote a book on the frontier of science metaphor, detailing how it has long been used to promote federal funding of basic scientific research as a vital part of American national identity (Ceccarelli, 2013). From Vannevar Bush's claim prior to the launch of the National Science Foundation that the Federal government should foster the opening of new knowledge frontiers, just as it had earlier fostered the opening of literal frontier territory on the North American continent (Bush, 1944), to more recent appeals comparing the Human Genome Project to the Lewis and Clark mission (Collins, 2005), American scientists have argued that economic benefits inevitably follow the government's investment in pioneering scientists. It has been a winning argument for a long time.

But oddly, while I found that economic appeals are common in the op-ed arguments of today's anti-Trump scientist citizens, the "frontier of science" metaphor, with its suggestion that we can sustain international competitiveness by supporting the frontier spirit of American scientists, does not appear very often.

Another metaphor that *was* pervasive in the op-eds was a combat metaphor, with scientists portraying themselves as the victims of Trump's unjust "war on science." A number of them even included that phrase in their headlines. For example, theoretical physicist Lawrence Krauss wrote an op-ed for *The New Yorker* in December of 2016 titled "Donald Trump's war on science" (Krauss, 2016). In July of 2017, he wrote another for *Slate Magazine* titled "Do not take your eye off Trump's war on science" (Krauss, 2017). Biologist A. J. Russo wrote an op-ed for the *Baltimore Sun* in February of 2017 titled "Trump is waging a war on science" (Russo, 2017). This language is notable because it characterizes the president as waging a war against his own people. American science, which should be a source of pride for the nation, becomes a victim in this scenario, requiring a savior in the form of citizen activists who are committed to defending it.

Even op-eds that do not use the war metaphor in their headlines include variations of it in their arguments. Astrophysicist Mike Specian's *Baltimore Sun* op-ed in April of 2017 says the American government is "targeting research" that it finds inconvenient, as it "slashes funding" at the National Institutes of Health and "guts the EPA" (Specian, 2017). Astrophysicist and former Clinton science advisor Neal Lane co-authored an op-ed for *The New York Times* in January 2018 that calls for readers to stand against "the assaults by Mr. Trump and his administration on American science and technology" (Lane & Riordan, 2018). These op-ed denunciations of the administration for doing violence to science are like that public letter that condemned the censorship, intimidation, and harassment of scientists by the Trump administration. The use of a rhetoric of violence suggests that allies are being sought in a battle against an oppressive regime. It is a fairly standard argumentative stance for a protest movement to take.

What is less common in a protest movement is the argument that I found in some of these scientist activist op-eds calling for a restoration of science to its rightful place. This is a decidedly elitist appeal. It suggests that the current denigration of scientists is a problem because science *should* be at the *top* of our social hierarchy.

We can see this appeal in some of the directional metaphors used in the op-eds, which I will highlight here for ease of recognition. Krauss speaks of "the Trump administration's intent to *sideline* science" and his "larger effort to *undermine* the institution of science, and to deprive it of its role in the public-policy debate" (Krauss, 2016). With this language, we are told that science, which should have a position of priority at the front or the top of things, is being pushed aside or undercut. Specian identifies the problem as "an *erosion* in respect for the scientific process," a "denial of empirical reality" that seeks "to *delegitimize* and *dismantle* aspects of our national scientific ecosystem." Science belongs at the top of this ecosystem, he suggests, and it is being unceremoniously taken down. He asserts that citizens need to "work to *restore science to its rightful role*" (Specian, 2017).

Language in these op-eds that characterizes the president and his appointees as having "rejected" scientific truths or arguments (Russo, 2017; Lane & Riordan, 2018), or having dismissed or denied science (Krauss, 2016; Specian, 2017; Krauss 2017), or having acted as skeptics (Russo, 2017) with "obvious distain for science" (Lane & Riordan, 2018), is language that plays into this sense of a proper hierarchy being subverted. As with the highlighting of the elite status of the scientist citizen activists who signed the public letters, I fear the message being conveyed is not in perfect line with democratic values. The subtle suggestion is being made that some voices are rightfully more equal than others, and the problem with the current administration is that it does not recognize that.

6. CONCLUSION

Anti-intellectualism has long been embedded in America's national fabric (Hofstadter, 1962). Trump stokes this attitude, as well as a broader anti-elitism that aligns liberal thinkers with establishment politicians and makes them, along with racial minorities and immigrants, into the enemies of the so-called "forgotten men and women" who make up his enthusiastic base.

This "forgotten man" figure was first introduced to the United States by William Graham Sumner during the gilded age. As he put it, the forgotten man is "the simple, honest laborer … independent, self-supporting" who is unfairly being compelled by bureaucrats and philanthropists to pay for social programs that sustain what Sumner called "the vicious, the idle, and the shiftless … good-for-nothing" who lies at the bottom of the social hierarchy (Sumner, 1919, p. 476). Trump uses this same figure of the "forgotten man" during his campaign rallies to align himself with the white working class, and to portray his opponent as elitist, a voice "for the top 1%" who, with her "basket of deplorables" line, looks down "with contempt for the people who thanklessly follow the rules, pay their taxes, and scratch out a living for their family" (Trump, 2016).

I happen to think that this is an odd argument to hear from a president who bragged during the campaign that he was "smart" to have avoided paying taxes (Diaz, 2016), and I find it troubling that the "basket of deplorables" line from Hillary Clinton was ripped out of context and made to mean the opposite of what she actually intended (Ceccarelli, in press). In addition, the idea of a self-proclaimed billionaire calling a millionaire too rich to understand the needs of the common man is bizarre on its face. But I suspect that Trump's ungrammatical vocal patterns, untailored suits, and tendency to wear a baseball hat make him seem like a common Joe to his supporters, allowing them to overlook that inconsistency. In a recent rally, Trump appealed to "the forgotten men and women" of America: "They're the smartest people. They work the hardest. They pay taxes. They do all of the things." He then contrasted them with "the elite" who look down upon them as "deplorables." His audience ate it up, breaking out into spontaneous chants of "U.S.A.!" "U.S.A.!" "U.S.A.!" (Trump, 2018).

In the context of this kind of populist, anti-elitist appeal, scientist activists might do better to focus on economic arguments and use the war-on-science frame to present those arguments, while dropping the elitism-tinged "restore science to its rightful place" line of argument. That latter argument just plays into Trump's political frame that describes the forgotten men and women of America as hard-working victims of a cultural elite, and allows him to represent his assault on science as a just war, rightfully bringing those snobs in the Ivory Tower down a notch or two with good old-fashioned American skepticism. Scientist citizens have a more rhetorically effective set of arguments on hand when they align science with economic development and portray the administration's war on scientists as government censorship and bullying. They might even craft a winning counter to Trumpian anti-elitism by portraying scientists working at the frontiers of knowledge as inheritors of an American pioneering spirit, working hard to claim and develop intellectual territory that enriches the nation as a whole. That little piece of advice might sound strange coming from someone who wrote a whole book critiquing the frontier of science metaphor. But desperate times call for desperate measures. When scientists are the ones whose voices are being stifled, and when scientists are often the only ones who can stand up as whistleblowers against a know-nothing, post-truth, anti-science government, rhetorical strategies that help them to frame themselves as heroes of the American story, rather than as elitist villains, might ultimately help them win the day.

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An experiment in mining argumentative relations "in the wild"

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ABSTRACT: Argument mining focuses on the automatic detection in text of arguments, argument components, and relations between arguments, supported by annotated corpora and machine learning techniques trained on these corpora. We describe two experiments "in the wild" on deploying various classifiers trained on an existing corpus to extract argumentative relations of attack and support from a dialogue and from a short text, and compare the relations identified by the classifiers with those identified by human annotators.

KEYWORDS: argumentation, machine learning

1. INTRODUCTION

Argument Mining (AM) aims at automatically identifying arguments and components of arguments in text, as well as at determining the relations between these arguments, on various annotated corpora using machine learning techniques (Lippi and Torroni, 2016).

In this paper we focus on Relation-based Argument Mining (RbAM) (Carstens and Toni, 2015) to determine argumentative relations of attack and support between any two texts, a step towards extracting, from text, Bipolar Argumentation Frameworks (BAFs) (Cayrol and Lagasquie-Schiex, 2005), namely graphs whose nodes are arguments and with two types of edges (representing attack and support relations). These graphs can then be deployed to support a number of applications, for example to capture and analyse debates in social networks (Cabrio and Villata, 2013) and to support decision making (Amgoud et al., 2008).

We describe the use of trained classifiers "in the wild", analysing two entire, unseen texts. We experiment with various Machine Learning (ML) techniques, i.e. Support Vector Machines (SVMs), Random Forests (RFs), and Long-Short Term Memory (LSTM) networks, also used in (Bosc et al., 2016; Koreeda et al., 2016; Carstens and Toni, 2017) to determine argumentative relations. We train these classifiers on the dataset from (Carstens and Toni, 2015) consisting of pairs of texts annotated as attack, support, or neither attack nor support.

AM has been deployed in various settings, from Twitter (Bosc et al., 2016) to discussion forums (Ghosh et al., 2014). Our experiments focus on deploying AM to extract BAFs from an excerpt dialogue from the film Twelve Angry Men[1] and from a short text, to test whether trained classifiers can achieve comparable outcomes to those of humans.

For the first experiment we use the BAFs generated by 21 annotators, enrolled as master Computing students. We did not require the identification of the exact boundaries of arguments within the dialogue, instead we specified these boundaries and asked the annotators to focus on the identification of the relations between arguments. For the second experiment we use the BAFs generated by 19 annotators, again enrolled as master Computing students, from a short text, this time without specifying the boundaries of arguments. In both experiments, we also included in our analysis the BAF that we manually extracted from the texts.

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[1] http://www-sop.inria.fr/NoDE/NoDE-xml.html#12AngryMen

For the classifiers we have experimented with, there was no overall winner: LSTMs and RFs performed the closest, for the first and second experiment respectively, to the human annotators.

The remainder of the paper is organised as follows. We discuss related work in Section 2 and describe the ML techniques for RbAM and the dataset used for training ML algorithms in Section 3. We present the first experiment in mining BAFs from the dialogue excerpt from Twelve Angry Men in Section 4 and the second experiment in mining BAFs from the short text in Section 5. We conclude the paper and present directions for future work in Section 6.

2. RELATED WORK

RbAM, as defined by Carstens and Toni (2015), focuses on the detection of argumentative relations of attack and support and can be seen as a prerequisite for constructing BAFs. BAFs are triples ⟨AR, Att, Sup⟩ consisting of a set of arguments AR and two binary argumentative relations of attack (Att) and support (Sup) between arguments (Cayrol and Lagasquie-Schiex, 2005). For example, consider the three texts:

A1: *"We should go to the park."*
A2: *"It is going to rain."*
A3: *"We can take an umbrella so we can still go."*

These texts can be seen as "arguments" in a BAF with AR = {A1, A2, A3} and relations as shown graphically below (where dashed edges represent attack and standard edges represent support):

$$A_1 \dashleftarrow A_2 \longleftarrow A_3$$
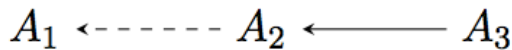
Whilst most studies that focus on determining links between (components of) arguments assume that the arguments have already been identified, Carstens and Toni (2015) focus on identifying directly the relations between any two texts, irrespective of their stand-alone argumentativeness, being able to identify texts that may appear non-argumentative when analysed in isolation but become argumentative when read in context, as in the earlier simple example.

RbAM can be treated as a ML classification task with three classes: support, attack, and neither support nor attack. Several ML techniques have been deployed in the literature for RbAM. Bosc et al. (2016) used Long-Short Term Memory (LSTM) (Hochreiter and Schmidhuber, 1997) networks to determine the type of relations between arguments extracted from tweets, whilst Koreeda et al. (2016) used a Bidirectional Recurrent Neural Network to classify evidences that support a claim promoting or suppressing a value. Carstens and Toni (2017) used RFs (Breiman, 2001) and SVMs (Boser et al., 1992) to determine the type of relations between texts extracted from news, whereas Stab and Gurevych (2016) used SVMs to classify support and attack relations in persuasive essays. These ML techniques are also used for other AM tasks we do not consider. For example, Habernal and Gurevych (2016) used LSTMs to determine which argument is more convincing whereas Bowman et al. (2015) used stacked LSTMs to determine entailment, neutral and contradiction relations amongst sentence pairs from the SNLI corpus (Bowman et al., 2015). These relations are of a different kind than the ones underlying the construction of BAFs.

There are few works on AM "in the wild". For example, Cerutti et al. (2016) manually extract a BAF from a online debate, whereas Salah et al. (2013) use sentiment analysis to extract

graphs from parliamentary debates where nodes are labelled with the sentiment of the speaker and edges between nodes of same/different polarity are labelled as supporting/opposing.

3. TRAINING CLASSIFIERS FOR RBAM

3.1 Training dataset

We use a dataset[2] covering various topics, with 27% attack relations, 43% support relations, and 30% neither attack nor support relations. The dataset includes, amongst others, a corpus extracted from news, (Carstens and Toni, 2015) and the quotes and replies from the Internet Argument Corpus (IAC) (Walker et al., 2012), labelled with three classes (support, attack, neither).

This dataset was deemed to be the most appropriate for an experiment "in the wild" as the texts it consists of resemble the ones that can be found in debates and the short text that we use in our experiments, unlike persuasive essays (Stab and Gurevych, 2016) and the SNLI corpus (Bowman et al., 2015), which are more structured.

3.2 Argument mining experiments

We experimented with various ML techniques to determine the type of argumentative relations between texts: SVMs, RFs, as well as a deep learning method based on LSTMs. These techniques have been used in previous AM studies as discussed in Section 2.

The deep learning approach uses two parallel LSTMs, where each input text from the pair of arguments considered is fed to a LSTM network as a 100-dimensional GloVe embedding vector (Pennington et al., 2014). The outputs of the two LSTMs are then concatenated and fed to a fully-connected layer before being fed to a softmax classifier. For the non-deep learning approaches, we use syntactic features such as number of words, the sentiment polarity of each text, and various similarity measures.

The results on our training dataset, using 10-fold cross-validation (CV) are given in Table 1.

Classifier	A%	P%	R%	F_1%
RF	97.16	97.20	97.16	97.15
SVM	71.34	71.36	71.34	70.99
LSTM	89.53	90.80	87.67	89.07

Table 1: 10-fold CV results on training dataset (we report Accuracy, Precision, Recall, and F1). The variance for F1 using LSTMs is 0.73 on 5x10 CV.

4. FIRST EXPERIMENT: MINING BAFS FROM A DIALOGUE EXCERPT

We set the task to extract a BAF (by identifying argumentative relations between arguments) from a dialogue excerpt taken from the film Twelve Angry Men, which revolves around the reasoning of twelve men that deliberate on a homicide trial.

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[2] https://www.doc.ic.ac.uk/~oc511/ACMToIT2017_dataset.xlsx

The dialogue excerpt we use is shown below:

A0 The boy is not guilty.

A1 I never saw a guiltier man in my life. You sat right in court and heard the same thing I did. The man's a dangerous killer.

A2 He's 19 years old [too young to be guilty].

A3 Old enough. He knifed his own father, four inches into the chest. An innocent little 19-year old kid. They proved it a dozen different ways.

A4 It's not so easy for me to raise my hand and send a boy off to die without talking about it first.

A5 I think the guy's guilty. You couldn't change my mind if you talked for a hundred years.

A6 This boy's been kicked around all his life. You know, living in a slum, his mother dead since he

was nine. That's not a very good head start. He's a tough, angry kid. I think maybe we owe him a few words [before considering him guilty].

A7 We don't owe him a thing. He got a fair trial. You're not going to tell us that we're supposed to believe him, knowing what he is. I've lived among 'em all my life. You can't believe a word they say.

A8 I just think he's guilty. I thought it was obvious. I mean nobody proved otherwise.

A9 Nobody has to prove otherwise. The burden of proof is on the prosecution. The defendant doesn't have to open his mouth. That's in the Constitution. The Fifth Amendment.

A10 At 10 minutes after 12 the old man who lived

underneath the room where the murder took place heard loud noises in the upstairs apartment. He heard the kid say to his father, "I'm gonna kill you!" A second later he heard a body falling and saw the kid running down the stairs. Then he called the police. They found the father with a knife in his chest.

A11 And the coroner fixed the time of death at around midnight.

A12 The boy's story is flimsy. He claimed he was at the movies. That's a little ridiculous, isn't it? He couldn't even remember what pictures he saw.

A13 What about the woman across the street? If her testimony [to have seen the killing] don't prove [that the boy is guilty], then nothing does.

A14 [She saw the killing] through the windows of a passing elevated train [so testimony unreliable].

A15 And they proved in court that you can look through the windows of a passing train at night and see what's happening on the other side.

A16 I started to be convinced, with the testimony from those people across the hall. Didn't they say something about an argument between the father and the boy around 7 o'clock that night?

A17 8 o'clock. They heard the father hit the boy twice and then saw the boy walk angrily out of the house. [It doesn't prove that the boy killed him].

4.2 Annotation results

The annotators were 21 master Computing students, with us also extracting a BAF. The students had been lectured on AM, RbAM, and BAFs but were otherwise non-expert annotators.

We instructed the annotators that their annotations should lead to a BAF ⟨AR, Att, Sup⟩, with AR = {A0, . . . , A17}, namely we instructed them that each paragraph in the dialogue should be seen exactly as one argument. We also instructed the annotators that their BAFs should follow the discussion flow in which one argument supports or attacks another argument

previously expressed in the dialogue and that the BAF should thus be "minimal" in the sense that each argument (except the first one) has one outgoing relation: $\forall a \in AR\backslash\{A0\}\ \exists b \in AR$ s.t. $(a,b) \in Att \cup Sup$.

We also instructed the annotators that, in the case of an argument supporting and/or attacking more than one argument, to guar- antee "minimality", the relation to the most recent argument only should be included in the BAF. Let $<$ be a total order over AR s.t. Ai $<$ Aj iffi $<$ j, fori,j $= 0...17$. Then, the "minimality" requirement amounts to the following:

$$\text{if } a, b_1, b_2 \in AR \text{ and } b_1 < b_2 < a \text{ then}$$
$$\text{if } (a, b_2) \in Att \cup Sup$$
$$\text{then } (a, b_1) \notin Att \cup Sup$$

The reason for preferring relations from more recent arguments is that this allows to limit the number of argumentative relations in BAFs, and thus generate BAFs that can be more easily understood in settings with a vast amount of information such as debates or online comments.

Figure 1 shows the BAF that we extracted from the excerpt dialogue fulfilling the conditions set for the annotation task.
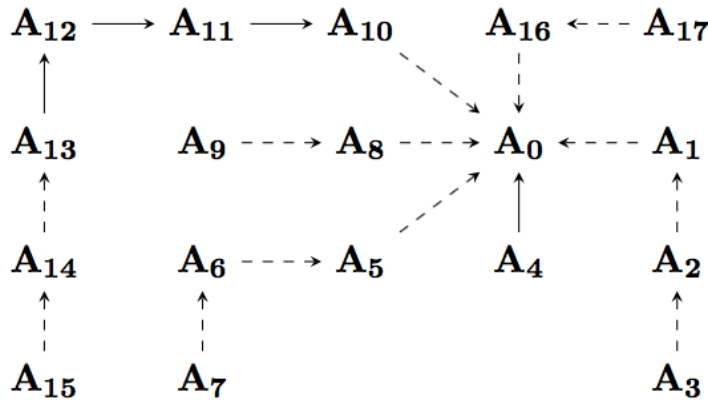
Figure 1: Our manually extracted BAF from the excerpt dialogue (shown graphically).

Table 2 shows the number of each type of relation identified by all annotators, including our annotation. Note that, whilst given clear instructions for annotation, there were a few annotators who did not follow the "minimality" requirement (i.e. (A0, A1), (A2, A4), (A6, A7) violate the requirement). Note also that some relations were identified as both attack and support (e.g. (A17, A16)).

	A_0	A_1	A_2	A_3	A_4	A_5	A_6	A_7	A_8	A_9	A_{10}	A_{11}	A_{12}	A_{13}	A_{14}	A_{15}	A_{16}	A_{17}
A_0		1a																
A_1	20a																	
A_2	15s	11a			1s													
A_3	2a	3s	22a															
A_4	6s	2a	2s	6a 1s														
A_5	10a	4s			10a 1s													
A_6	6s	1a			9s	10a		1a										
A_7	1a	1s				2s	21a											
A_8	18a	3s		1s		1s	2a	1s										
A_9	1s				1s				22a									
A_{10}	13a 1s	4s								4a								
A_{11}	1a	1s									18s							
A_{12}	11a					1s		3s		1a	4s	4s						
A_{13}	12a	4s 1a		1s		1s				1s	2s		2s					
A_{14}	1s													21a 1s				
A_{15}	1a													4s	18a 1s			
A_{16}	10a 1s	4s								1a	3s					1s		
A_{17}	4s											1a					12a 10s	

Table 2: The relations (a for attack and s for support) and the number of times they have been indicated by the annotators.

The most controversial pair of arguments is (A17, A16). Indeed, 12 annotators identified this pair as belonging to the attack relation whereas 10 annotators identified it as belonging to support. In all other cases of doubly annotated pairs, one of the annotations is dominant.

From now on, we focus only on the relations on which at least 6 annotators agreed. This is because fewer relations than 6 were deemed to be insignificant in evaluating trained classifiers and 6 represents more than a quarter of the number of annotators used in this study.

When double annotations occurred, we used majority voting to select the relation type, thus the relation between A17 and A16 was chosen to be attack. All pairs that where doubly annotated can be seen as examples of ambiguous relations: for example, some annotators considered A16 to mean "I started to be convinced that he is not guilty" instead of reading it as "Didn't they say something about an argument...I started to be convinced that he is guilty".

We used Fleiss' kappa (Fleiss et al., 1971) and Krippendorff's alpha (Krippendorff, 2004) to compute the inter-annotator agreement. Both methods gave an agreement of 0.457, showing moderate agreement between the annotators and indicating the difficulty of the task. We also computed the number of relations identified by each annotator compared to the relations identified by at least 6 of the remaining annotators, yielding an average of 60.45% agreement. The relations (and the number of times each relation has been identified) are shown in Figure 2.
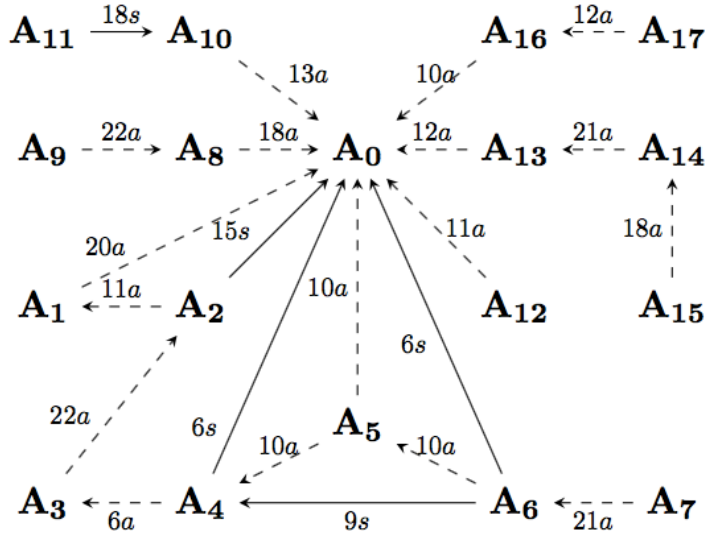
Figure 2: Argumentative relations and the number of times these have been annotated.

4.3 Mining argumentative relations "in the wild"

We report the performance of our trained ML classifiers in determining the type of relations from the ones identified by annotators (in other words, we determine recall). Whilst the ML classifiers identify other relations on top of the ones identified by annotators, we are interested in comparing the argumentative relations identified automatically with the ones identified by annotators. The recall of the methods we experimented with is shown in Figure 3. RFs perform worst, with best recall performance of 22%. This is because RFs fail to learn how to classify attack relations. This can also be seen in the graph as all relations that have been identified by at least 20 annotators are attacks and RF fails to classify these correctly. On the other hand, SVMs achieve good results classifying all relations as attack, which is the dominant type of relation in our BAF. The LSTM-based method is the one that performs the best, being able to classify both attack and support relations with recall above 80%.
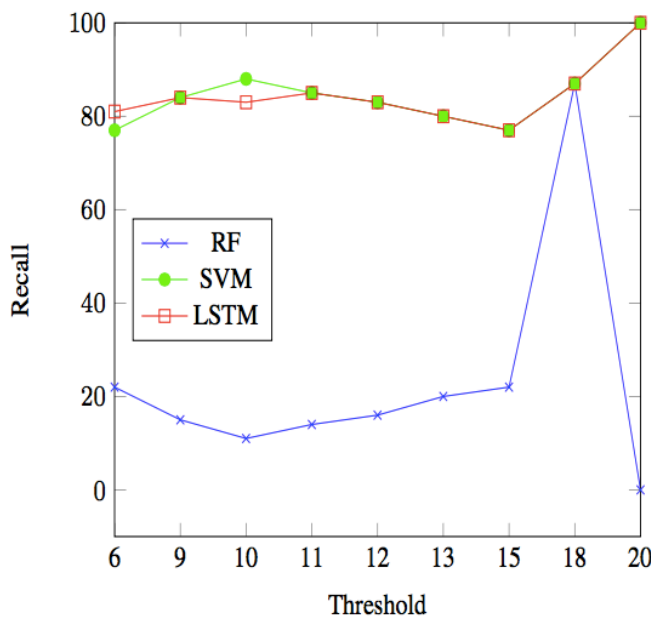
Figure 3: Recall of ML classifiers we used to determine argumentative relations. Threshold t represents the number of times the relations have been identified by at least t annotators.

Our deep network is also able to classify argumentative relations that had not been identified by annotators (as they would have given rise to a non-"minimal" BAF). For example, our network shows that A16 supports A10, and that A14 supports A6. Whether identifying all possible relations between all arguments is better than extracting a "minimal" BAF is left for future work.

5. MINING ARGUMENTATIVE RELATIONS FROM A SHORT TEXT

Our second experiment focus on testing whether ML classifiers also perform similarly to humans when deployed on short texts. We asked 19 annotators to manually extract a BAF, with no information about the boundaries of arguments, from the following text which presents reasons for and against a person (Mary) renting some flat:[3]

B0 Mary should rent the flat.
B1 The flat is near Mary's work.
B2 The flat is located in a well illuminated and safe area.
B3 The flat is in a quiet area, because most of the neighbours are retired.
B4 The flat is tiny.
B5 Despite the size, spaces are well distributed within the flat.
B6 The flat shows signs of humidity problems.
B7 There are rumours that a nightclub will open in the area.
B8 Humidity problems take time to resolve.
B9 Local legislation forbids the opening of a nightclub in the area.
B10 The building's insurance covers fixing any problems promptly.
B11 A renowned architect designed the building to optimise space distribution.

Figure 4 gives the BAF that we manually extracted from this text.
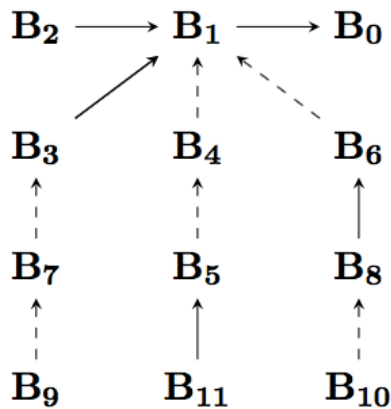
Figure 4: Our manually extracted BAF from the flat example.

Without being given specific instructions about the boundaries of arguments, several annotators identified arguments at sentence level, whereas others split the sentences into multiple "arguments". We report the "merged" version of arguments in Section 5.1 and the "unmerged" version of arguments in Section 5.2.

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[3] The sentence labelling is given here for ease of reference, and was not given to the annotators, who instead were presented with a monolithic, but short, text.

5.1 Merged arguments

Table 3 shows the number of each type of relation identified by annotators (support/attack) and Figure 5 shows the relations (and the number of times each relation has been identified). The inter-annotator agreement using Fleiss' 578 kappa and Krippendorff's alpha is 0.655, showing substantial agreement. The number of relations identified by each annotator compared to the relations identified by at least 6 of the remaining annotators yields an average of 79.11% agreement.

	B_0	B_1	B_2	B_3	B_4	B_5	B_6	B_7	B_8	B_9	B_{10}	B_{11}
B_0												
B_1	**20s**											
B_2	**19s**	$1s$										
B_3	**19s**	$1s$										
B_4	**19a**	$1a$										
B_5					**19a** $1s$							
B_6	**19a**	$1a$										
B_7	**9a**			**8a** $1s$			$1s$					
B_8							**3a** **14s**	$1a$				
B_9				$1s$			$1a$	**16a**	$1s$			
B_{10}	$2s$						**9a** $1s$		**8a**			
B_{11}	$1s$				$2a$	$1a$ **18s**						

Table 3: The relations (a for attack and s for support) and the number of times they have been indicated by the annotators for the "merged" version.
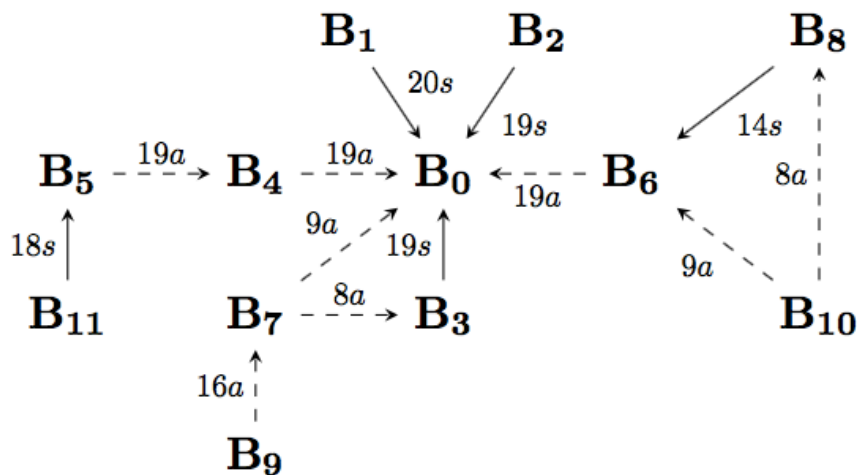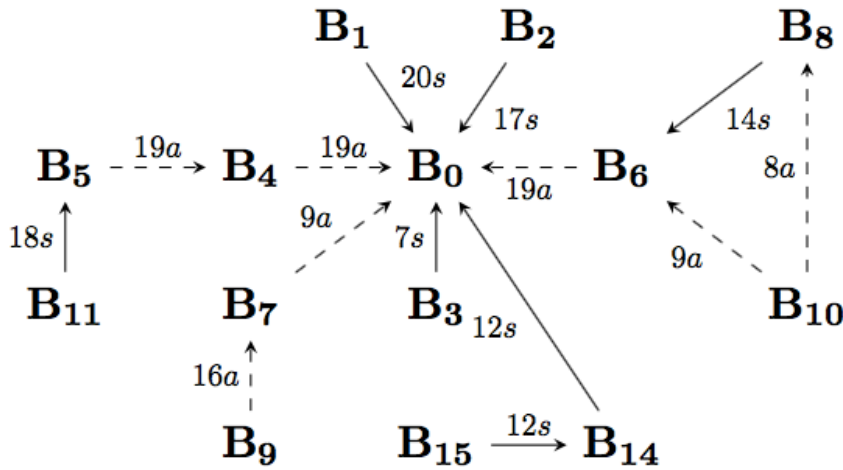

Figure 5: Argumentative relations and the number of times these have been annotated for the "merged" version.

The recall of our ML classifiers is shown in Figure 6. RFs perform the best, identifying 77% of the relations labelled by at least 14 annotators, being able to identify both support and attack relations, unlike LSTM and SVM which classify all relations as attack. We believe this

is because the length of the arguments in this experiment was shorter than those in our training dataset.
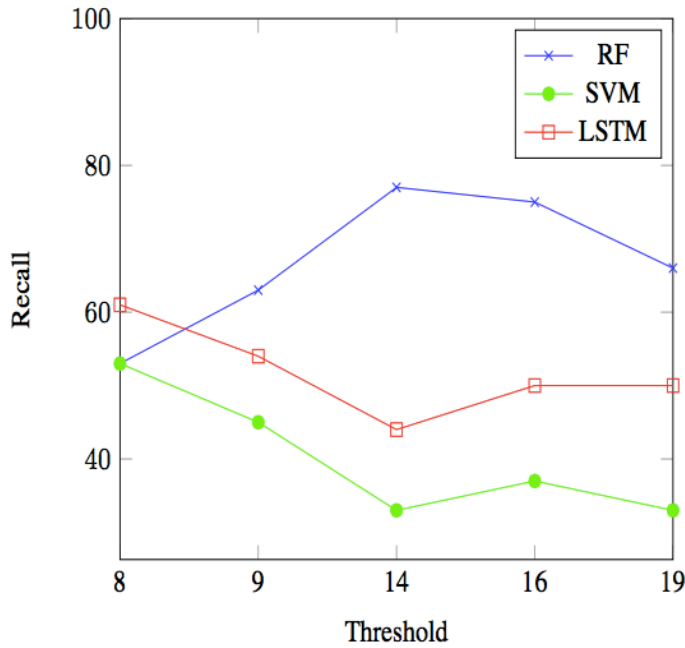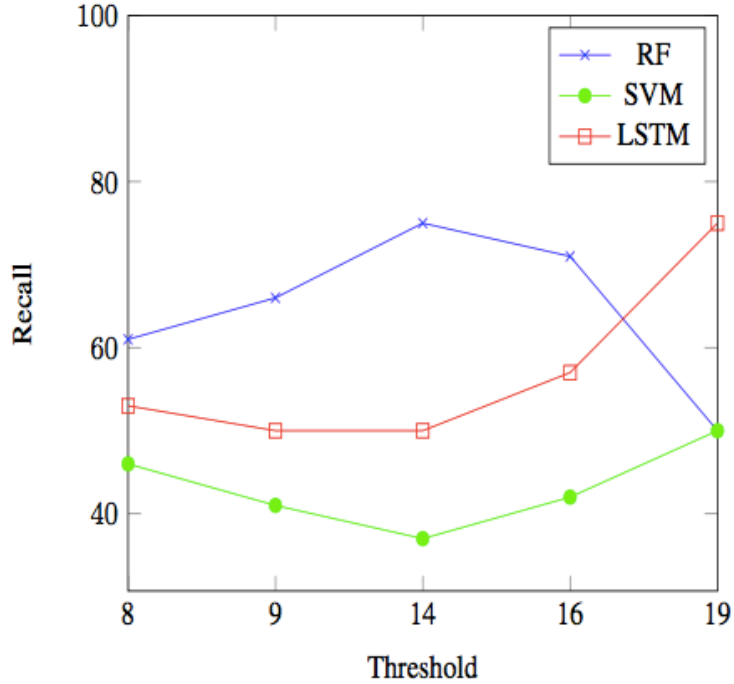

Figure 6: Recall of ML classifiers we used to determine argumentative relations in the "merged" version of the short text.

5.2 Unmerged arguments

As explained in Section 5, some annotators split some sentences in different arguments. This applies to B2 and B3 as follows:

B2 The flat is located in a well illuminated and safe area.
becomes:
B2 The flat is located in a well illuminated and safe area.
B12 The flat is located in a well illuminated area.
B13 The flat is located in a safe area.
whereas:
B3 The flat is in a quiet area, because most of the neighbours are retired.
becomes:
B3 The flat is in a quiet area, because most of the neighbours are retired.
B14 The flat is in a quiet area.
B15 Most of the neighbours are retired.

Table 4 gives the annotations when we consider split and unsplit arguments. The relations (and the number of times each relation has been identified) are shown in Figure 7. The inter-annotator agreement using Fleiss' kappa is 0.564 and Krippendorff's alpha is 0.565, showing moderate agreement. The number of relations identified by each annotator compared to the relations identified by at least 6 of the remaining annotators yields an average of 74.26% agreement.

	B_0	B_1	B_2	B_3	B_4	B_5	B_6	B_7	B_8	B_9	B_{10}	B_{11}	B_{12}	B_{13}	B_{14}	B_{15}
B_0																
B_1	**20s**															
B_2	**17s**	1s														
B_3	**7s**	1s														
B_4	**19a**	1a														
B_5					19a 1s											
B_6	**19a**	1a														
B_7	**9a**			3a 1s			1s								5a	
B_8							3a 14s	1a								
B_9			1s				1a	16a	1s							
B_{10}	2s						9a 1s		8a							
B_{11}	1s				2a	1a 18s										
B_{12}	2s															
B_{13}	2s															
B_{14}	**12s**															
B_{15}															**12s**	

Table 4: The relations (a for attacks and s for supports) and the number of times they have been indicated by the annotators.

Figure 7: Argumentative relations and the number of times these have been annotated for the "unmerged" version.

The recall of our ML classifiers is shown in Figure 8. Again, RFs perform the best, identifying 75% of the relations that have been identified by at least 14 annotators being able to identify both support and attack relations, unlike LSTM and SVM which classify all relations as attack. RFs identify the support relation (B14, B0) and (B15, B14) as well as the relation (B3, B0) related to argument B3 which has been split into two arguments by the annotators. The relations from arguments B12 and B13 are not considered as these had been identified by only 2 annotators, which is smaller than our threshold of at least 6 annotators.

Figure 8: Recall of ML classifiers we used to determine argumentative relations in the "unmerged" version of the short text.

6. CONCLUSION

We described two experiments "in the wild" on using different trained classifiers, SVMs (Boser et al., 1992), RFs (Breiman, 2001) and LSTM networks (Hochreiter and Schmidhuber, 1997), to determine argumentative relations of support and attack in text.

We asked human annotators to identify the argumentative relations from an excerpt dialogue taken from the movie Twelve Angry Men and from a short text, with the aim of extracting Bipolar Argumentation Frameworks (Cayrol and Lagasquie-Schiex, 2005) from each. We compared the argumentative relations extracted using trained classifiers with the ones extracted by the annotators and showed that there is no overall winner as to which ML classifier is better suited for this task: LSTMs and RFs performed the best, for the first and second experiment respectively, suggesting that different techniques might be better suited for different types of texts.

Annotating argumentative relations is a cumbersome task, difficult for human annotators, even for trained ones (Peldszus and Stede, 2013). Future work includes testing the the classifiers we considered and others on other texts. We aim at developing classifiers that achieve comparable results to human annotators in a wide range of settings. These classifiers could then be used to create more corpora, highly needed for experimentation. We have assumed that arguments are represented by at least one sentence. Future work includes identifying the arguments relevant for the issue considered (Wachsmuth et al., 2017).

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No argument is an island: Argumentation between arguments

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ABSTRACT: Argumentation theory often focuses very narrowly on a very narrow conception of arguments, but some aspects of argumentation need a broader backdrop than the study of discrete arguments affords. Much of what makes argumentation important occurs before and after arguers engage. This paper examines the category of "inter-argument argumentative virtues" that are characteristic of good arguers when they are preparing for and processing arguments rather than actively arguing.

KEYWORDS: argumentative virtue, inter-argument, reasons-responsiveness

1. INTRODUCTION

Let me lay my cards on the table right from the outset: I have come to the conclusion that <u>argumentation theorists are too focused on arguments</u>. I know it sounds counter-intuitive or even oxymoronic, but there it is. The problem, however, is not simply a matter of focusing too much on arguments; it's about focusing too narrowly on arguments and using conceptions of arguments that are themselves too narrow. Some aspects of argumentation come to light only against a broader backdrop than the study of discrete, individual, and independent arguments affords. This is true whether arguments are conceived as abstract and timeless structures of propositions, devoid of arguers, or sequences of individual speech acts located in specific times, places, and social-cultural contexts. Much of what is important about argumentation happens outside the boundaries of arguments.

Arguers bring their own histories to arguments, so the effort to understand an argumentative exchange without reference to anything that has gone on before in the arguers' individual lives or their past relations to one another turns an already difficult task into a gargantuan one. But arguments, no less than arguers, have histories of their own, so the effort to understand an argument about a given topic without any reference to earlier discussions of the issue or how it relates to other topics makes the gargantuan task Herculean.

Most important, arguments have effects extending into the future. The persuasive effects of argumentation, for example, might not appear until well after the arguers have disengaged, after they have had time to reflect, and when it is easier to change one's mind without losing face, so the attempt to give an account of an argument without reference to anything that happens before or after the narrowly circumscribed time, place, and events of that engagement – in effect, starting anew with each argument – now makes the Herculean task Sisyphean.

Consider this: I have been involved in an on-going series of arguments with John, a close friend and occasional collaborator. It has been going for several decades now on the general topics of truth, objectivity, realism, and knowledge. We have gone back and forth over the years without ever reaching resolution. No surprise there: both of us are academics who are much too practiced in argumentation to find ourselves backed into any corners from which there is neither retreat nor escape. No instalment ever ends with either one of us convinced or persuaded. Neither one has ever admitted defeat; neither one has ever been able to claim victory;

and there has never been anything like settlement or closure (and the prospects for the future on those fronts are not rosy). The episodes end when we disengage and another one begins when we meet again, picking up more or less where we left off.[1]

Now there must be a lot more in that "more or less" than meets an argumentation theorist's eye because while there is almost never any perceptible movement in any of our arguments, there has been a great deal of progress over the years. I have noticed that John has occasionally incorporated my ideas into his own standpoint at our next meeting; more often, I realize that I have adopted parts of his perspective. I often find his insights emerge from my mouth when I am arguing with others and I like to think that his arguments with me might similarly inform his arguments with others.

The fact is that a very clever arguer might never have to concede anything in the course of arguing, and might always win the day, even when her opponent has a genuinely better argument. However, if the very clever arguer is also a very good arguer, she will both be able to recognize the better reasons and be respond to them. She will adjust her beliefs accordingly, if not right away, then eventually. The adjustment might not happen until well after the argumentative exchange has ended. That puts conventional theorists in the awkward position of having to say that the "victorious" arguer was convinced by her opponent's "defeated" argument. If the "defeated" standpoint is the only one that survives, didn't the loser win?

2. THE DIAGNOSIS

Arguments, at least if we use that word to mean more than just inferences, the purely logical relations between disembodied propositions, include arguers who are engaged with one another. Thus, we have the curious phenomenon that an argument's efficacy outlasts its arguers' engagement. An argument can work its cognitive magic even after the argument has ceased to be.

From one perspective, there is nothing particularly mysterious about arguments having after-effects, but from the perspective of argumentation theories that treat arguments as well-defined sequences of events, it is something to be noted. We should have something to say about the how and the why of the phenomenon.

What makes this phenomenon especially worthy of attention is its potential to affect both how we argue and how we think about arguments. I do not know, of course, whether focusing on what happens outside of arguments will in fact alter how we argue, but I do think it should. Argumentation theory cannot be divorced from either the practice or pedagogy of argumentation, and paying attention to what happens outside the narrow spatio-temporal confines of argumentative engagements reveals new ways to understand argumentation, new ways to assess arguments, new ways to argue, and, especially, new ways to appreciate what makes good arguers. The times when we are not actively engaged in an argument – when we are between arguments, as it were – are the times when we can process earlier arguments and prepare for subsequent arguments; they are also opportunities to make better arguments; they are, in sum, when we can become better arguers.[2]

Any explanation as to why there is this delay has to start with the dominant adversarial model for arguing, the DAM account, replete with its militaristic vocabulary of the force of reason including defences, attacks, opponents, and winning and losing.[3] No one likes to lose, and able arguers can make sure that they do not. It is paradoxical, however, to have to associate the positive cognitive gains of coming to believe or understand or appreciate something because of an argument with losing the argument and for that, the DAM account is culpable. Even if, as is surely the case, some of the delayed effects of argumentation can be traced to the time it takes to process, deliberate, and incorporate what one has heard, it is still safe to say that a lot of the

damage can be undone by simply re-conceptualizing the roles and goals of argumentation.[4] That is to say, the cognitive dissonance that comes with conflating learning and losing should be the occasion for furthering the development of our thinking about argumentation.

There is a lot to dislike about the dominant adversarial model: it has distorting and deleterious effects for both the theory and practice of argumentation.[5] There is also rather a lot to appreciate about it. It provides us with ample conceptual wherewithal for thinking about and unifying many different aspects of arguing. The argument-is-war metaphor is, well, an old war-horse of a metaphor. It has performed yeoman service as an organizing scheme for our thoughts about arguments regarding attacks, counter-attacks, defensive strategies, outcomes, and the like. Moreover, to switch metaphors about the metaphor (the meta-metaphor?), it has been a goldmine of meaning that despite having been excavated at length still has veins that have not been exhausted. Such war-related concepts as collateral damage, unjust wars, cold wars, war crimes, and who knows what others may turn out to have theoretically interesting and useful counterparts in argumentation.[6]

The aspect of wars that I want to reflect back onto arguments here concerns how we explain them and how we understand them. We know better than to try to explain, say, the Great War of 1914 to 1918 – World War I – while studiously ignoring everything that happened before 1914, or trying to understand its historical significance without taking into account anything that happened after 1918. Wars are not random, isolated eruptions in history; their historical contexts matter. The pre-war and post war eras earn those names because they are useful to historians to historians.

Arguments are not wars, of course, but at least in this respect, maybe they are not so very different. And yet we are content to labour under the assumption that a full account of an argument can ignore the surrounding inter-argument periods from our reckoning. So much of what has been of interest and value in my decades-long argument with John has taken place between our engagements. Again, argumentation theory should have something to say about the fact that even when the arguers, the "effective" causes for arguments, are no longer operating, and their speech acts, which are the material cause, cease to exist, argumentation continues. Arguments are over when the speech acts end. If, after the arguers have disengaged from one another, they are still formulating or anticipating objections and responses, crafting new strategies, and revisiting, refining – and probably rewriting – their standpoints in response to the dialogue, the argument has not really ended: they are still arguing. When John and I next take up the argument, it will not be exactly where we left it. Things will have changed.

The point is that arguments are not discrete, self-contained, unconnected islands that can be inspected, mapped out, and fully understood in isolation.

One set of connections comes from the fact that arguments have histories. An arguer may have a history of engagement with her interlocutors; she may have a history of engagement with the subject matter of the argument; and, for that matter, the subject matter itself may have a history to take into account. It would be impossible to fully understand, say, an argument about capital punishment in the United States while ignoring political federalism, institutional racism, or any of a number of other issues that may have been initially connected only by the contingencies of history but are now inextricably connected nonetheless.[7]

Arguers and arguments alike are like wars in that their histories matter. Arguers and arguments are both like wars in that they have futures, too, and what happens next often alters the meaning of what transpired earlier. We understand the Treaty of Versailles at the end of World War I very differently from the perspective after 1940 than we did from the perspective of 1920, just as Socrates' argument in the Apology has to be understood differently after the subsequent arguments and consequent events presented in the Crito and Phaedo dialogues.

The hyper-adversarial, DAM account of arguments largely explains why we go to great lengths to avoid losing arguments, even when losing means that positive cognitive gains have

been made: adopting a new position, refining an old one, greater appreciation of the alternatives, or just increased understanding of how complex the issue might be. Theoretical accounts of the long-term effects of argumentation cannot ignore the inter-argument periods because that is generally when those changes occur. By framing it this way, argumentation theorists have effectively ceded discussions of the long-term and after-effects of argumentation to epistemologists and psychologists.

Satisfying though it may be, blaming the DAM account for our reluctance to admit defeat during arguments, only allowing the effects to kick in after we have disengaged, is not enough to explain how it all happens. While there is nothing conceptually challenging about arguments having after-effects, the fact that we regard them as after-effects should focus our attention on how we choose to demarcate arguments. Furthermore, the fact that people who are equally adept at arguing are not necessarily equally likely, equally willing, or equally able to reconsider arguments after the fact has three corollaries: first, that the arguers themselves carry the seeds for their own changes; second, that there are argument-related intellectual skills at work that differ from the skills deployed in arguing; and third, that these argumentative virtues have effect beyond the scope of argumentative engagements. Together, these should focus our attention on what we have included under the umbrella term good arguer. Arguments are occasions for the kinds of cognitive dissonance that serve as catalysts in moving from one stage to the next in cognitive development – i.e., without the jargon, we can learn something from an argument. Someone who argues well but consistently fails to carryover what is learned from arguing beyond the argumentative engagement, someone who cannot transfer her new-found knowledge, is like a student who excels on tests of critical thinking but fails to put any of those skills into practice outside of class: a good student, perhaps, but certainly not a good learner. Good arguers should be like good learners, not just good students.

So, among my conclusions is the thesis that we should extend our concept of argumentation beyond the actual exchanges because the processes of considering reasons, answering questions, and raising and responding to objections all continue to take place in the arguers after their argument has ended, That is when so many of the effects of argumentation occur. I am, accordingly, comfortable categorizing the virtues associated with post-processing arguments as specifically argumentative virtues rather than generic intellectual or epistemic virtues. In fact, being reasons-responsive may be the paradigm case of an inter-argument argumentative virtue: a virtue that is associated with argumentation, but not necessarily with the activity of arguing. I also endorse the counterpart claim regarding pre-argument virtues that prepare one for future arguments. The virtues of virtuous arguers are the virtues related to argumentation, broadly understood, not just to occurrent acts of arguing, more narrowly circumscribed. Virtuous arguers manifest argumentative virtues even when they are not arguing.

3. CONCLUDING REMARKS

The main idea, then, is that there is a distinct and theoretically interesting class of "inter-argument argumentative virtues."

• First, they are indeed virtues in that they are positive, standing, dispositional character traits with motivational components that can be deliberately acquired and nurtured.[8]

• Second, they are specifically argumentative virtues because what makes these traits positive is that possessing them to the degree that they are reliable faculties is constitutive of being a good arguer. Further, possessing them helps make good arguers better arguers because reflecting on and continuing to engage with arguments, which are things that good

arguers do, is how to get better at arguing. They are positives traits for arguers both inherently and instrumentally.

• And third, they count as inter-argument argumentative virtues because, as noted, they refer to skills that differentiate arguers who may be equally adept during argumentative engagements but who respond unequally to arguments in the long-run.

Specifically, these virtues are characteristic of good arguers in the sense that corresponds to the distinction made earlier between merely good students and genuinely good learners.

A complete account of inter-argument argumentative virtue would need to fill in the details of this abstract framework, including some specification of individual inter-argument argumentative virtues, as well, perhaps, of some general taxonomic organization of them. Ideally, it would also include both some specification and taxonomy of the connections between arguers and arguments, and between arguments and other arguments, as well as how those they operate in the intervals between argumentative engagements. Some arrows in the directions for that additional work will have to suffice here.

There are both vicious and virtuous ways that an arguer can continue to engage with an argument after disengaging with other arguers. Holding a grudge, nursing a grievance, or personal resentments that spill over into the epistemic range in the form of, say, prejudicial attitudes or close-mindedness are clearly vicious ways to carry the embers of one argument to the next one. But revisiting the dialectic, honing the ways one articulates the supporting reasons for one's standpoint, incorporating the objections in order to better that standpoint, and applying the lessons learned from the argument to other subjects are just as clearly virtuous ways to remain engaged.

The inter-argument virtues can be roughly divided into three overlapping general categories:

(I) the virtues for processing arguments after the arguers have disengaged;

(II) the corresponding virtues involved in preparing for arguments before they occur; and

(III) the virtues associated with initiating and engaging in argumentative engagements, viz., knowing how, when, where, with whom, and about what to argue.

(The corresponding virtues for disengaging and exiting arguments would not technically be inter-argument virtues since they would always be deployed during an argument.)

The connections among arguments are more varied. For starters, my argument last week with John about metaphysical realism was manifestly connected to our argument about realism the week before. The connection is so strong that it could easily be counted as an extension of the earlier argument rather than a different argument. In either case, each episode would need to be included in a full explanation and understanding of what happened in the other one. Last week's argument included traces of all of our other past arguments about realism, but also our arguments about literary interpretation, the aesthetics of poetry, and a host of other tangentially connected topics.

The network of connections is hard to contain: my arguments about realism with my colleagues and John's arguments with his colleagues also have effect. And as present as all of those other arguments are in each of our arguments, they are arguably no more of a presence than arguments by Richard Rorty, Daniel Dennett, Thomas Nagel, John Searle, Jacques Derrida, Jurgen Habermas, and a host of others, including arguments from the usual suspects, like Socrates, Protagoras, and Plato but also from the unexpected voices of our own idiosyncratic favourites. (When John and I argue, Mary Hesse and John Duns Scotus always show up!) We might ignore for now all the future arguments with which our argument will be connected, but the prospects of those arguments already have effect: I argue differently with John because I know we will argue again. It is not a one-off.

Arguments are not isolated islands, but even pragmatist, coherentist, anti-realist, and other anti-foundationalist geographers of our cognitive world who may be suspicious about claims that there is a continent nearby, should agree that if an argument is to be compared to an island, it should at least be one that is part of a very extensive archipelago!

There is, of course, an alternative way to interpret the phenomena that have been discussed here that obviates the need to introduce the concepts of inter-argument periods and inter-argument virtues, viz., broaden our understanding of arguments beyond their currently accepted temporal and spatial boundaries. The difference between that conclusion and the one presented here is, I believe, no more than terminological. The alternative might well be a better way of thinking in the long run, but the current proposal has the virtue of being less disruptive of current ways of thinking, and is thus likely to be more readily adopted.

Finally, let me re-emphasize the central role of character in all this.

Arguments have semantic, pragmatic, rhetorical, and dialectical connections that need to be included in any full theoretical reckoning – both for evaluating arguments and for understanding argumentation. Therefore, we need to pay attention to the periods between arguments, where these connections operate. Because arguers are the vehicles that create and sustain the connections between arguments, arguers have to be taken into account in evaluating arguments. Part of what are makes an argument a good argument is that it has good arguers, but part of what makes arguers good arguers is what they do before and after, and not just during, argumentative engagements. Many argumentation theorists have recognized that analyses restricting their attention to just the logical, inferential relations between the premises and the conclusion leave out what makes arguments more than just inferences. But even analyses that bring arguers within the purview of argumentation, either by incorporating a dialectical or rhetorical dimension to arguments or turning to critical discussions constituted by speech acts rather than abstract structures of propositions, are vulnerable to thinking of arguments as discrete, isolated events. That is all to the good, but the character of the arguers matters because their lives extend beyond the boundaries of discrete arguments. And so does the life of argumentation.

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[1] For one relevant and representative installment in this series see Cohen and Rosenwald 1999.

[2] Aberdein 2010 has become the *locus classicus* for recent discourse about the arguer-argument connection, and his on-line bibliography on virtues and arguments () is an invaluable resource.

[3] See, for example, Nozick 1981 pp. 4-8, Cohen 1995, Rooney 2010 as representatives of the literature on this topic.

[4] The DAM controversy can be found in Cohen 2015, Bailin and Battersby 2016, and Stevens and Cohen 2018.

[5] See, for example, Ayim 1988, Warren 1988, Cohen 1995, Rooney, 2016

[6] The anti-war-metaphor polemics in the previous should be offset by Cohen 2003, Aikin 2011, and Casey and Cohen forthcoming.

[7] Dascal and Knoll 2011 deploy the concept of "Cognitive synchronous dichotomization" to good effect in explaining the importance – and the difficulties – that the historically contingent clusters of positions present for argumentation.

[8] I am taking my cues largely from Annas 2011, Battaly 2015, and Zagzebsky 1996, 102-115.

Arguments in brick: Agonism in Amsterdam School architectural design

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ABSTRACT: The Amsterdam School is celebrated as an architectural movement because of its success in expanding the societal role of social housing beyond simply accommodating residents' basic needs for hygiene and shelter. Examining argumentation that led to such social housing designs demonstrates how these projects grew out of controversy with competing architectural groups and how the design itself can be seen as argumentative. Aakhus and Jackson's (2005) argumentation-as-design theory is especially useful for exploring the latter.

KEYWORDS: agonism, Amsterdam, Amsterdam School, architecture, design, H. P. Berlage, Michel de Klerk, social housing, socialism, urban planning, working class

1. INTRODUCTION

The Amsterdam School is widely celebrated as an architectural movement because of its success in expanding the societal role of social housing beyond simply accommodating residents' basic needs for hygiene and shelter. The school's social housing projects also further promoted the artists' Socialist *ethos* through the incorporation of various proletariat iconography meant to symbolically celebrate the formative role of the working class in the Netherlands. Furthermore, buildings such as *Het Schip* (The Ship) and *De Dageraad* (The Dawn) challenged shopworn presumptions about the artistic possibilities of working-class housing and subsequently raised salient aesthetic questions about the effects of the built environment on human communities. The Amsterdam School social housing effort was a monumental administrative, municipal, and, for the first time, architectural accomplishment. Helen Searing (1971) writes that it was because of the Amsterdam School that "housing…entered the world of architectural history" (p. xxi).

Within the movement, architect Michel de Klerk (1884–1923) is regarded as the most prominent figure, the "strongest personality" and the "imitable artistic lead of the architects of the Amsterdam School" (Vriend, 1970, p. 6; Bock, Johannisse, & Stissi, 1997, p. 9). De Klerk was the youngest of twenty-five children born to a working-class Jewish family (Frank, 1984, p. 31). He experienced first-hand the deplorable working-class housing conditions in Amsterdam, and he would later go on to design many structures that would transform parts of the cityscape.

Examining argumentation that led to the implementation of De Klerk's social housing designs may lend a unique perspective both because it opens a window into how Amsterdam School projects grew out of controversy with competing architectural groups and because it shows how Amsterdam School design itself can be seen as argumentative, with certain design features advancing inchoate hypotheses about human communication that would appear to be at odds with each other. Mark Aakhus and Sally Jackson's (2005) argumentation-as-design theory is especially useful for exploring the latter. Therefore, in this paper, I will: provide historical background and preconditions which led to the implementation of the 1901 Housing

Act, explore controversy and dissensus in Dutch architectural design with particular attention to potentially agonistic elements of Amsterdam School social housing design, and, finally, explain how my adaptation of Aakhus and Jackson's theory explores a potential pivot for the theory – they are recommending that the architectural metaphor can inform analysis of communication itself. I am exploring how a variant of their theory might help understand communicative dimensions of architecture.

Such an endeavor has potential to disrupt smooth historical narratives that laud De Klerk's contributions as heroic and celebrate Amsterdam School work as quasi-utopian architectural triumphs. Here, Aakhus and Jackson's (2005) theory supplies conceptual tools useful for shedding light on primary sources that chronicle the rise of the Amsterdam School following the passage of the 1901 Housing Act, as well as design features of the built environment that emerged from the school's creative efforts. Every argumentative engagement, Jackson and Aakhus (2005) say, includes an implicit "design hypothesis" about the way communication works, and through criticism, such hypotheses can be retrieved and appraised, in light of subsequent communicative patterns. The Amsterdam School case study provides an opportunity to explore, and complicate, the architectural metaphor that undergirds Aakhus and Jackson's argumentation-as-design research program. A design perspective on argumentation focuses attention events that preceded construction of several Amsterdam School social housing buildings. My analysis stands to show how De Klerk's final designs fit into a complicated narrative surrounding the culture of the city during the early 20th century where dilapidated buildings gave way to Amsterdam School buildings after the 1901 Housing Act.

2. HOUSING ACT AND PRECONDITIONS TO ARCHITECTURAL DESIGN

The working class has always had a strong foothold in Dutch society, beginning with Industrial Revolution in the Netherlands that took place a full century later than in Germany or France. Due to a variety of factors, the Dutch economy depended more on trade than on production, but its importance as a trading nation declined during the eighteenth century. The repeal of the English Navigation Act restored the Netherlands to its former trading glory in 1849 and by 1870, the Netherlands had developed large-scale industries. Unfortunately, the cities were not flexible enough for this kind of major boom in population and housing shortages became widespread. Many people, eager for better paying jobs in the cities, built ramshackle abodes and tried to get by as best they could. Land prices in cities soared, rent quickly grew out of proportion to income, overcrowding enveloped and the further "evils of unplanned urbanization" spread through every major Dutch city, including the capital, Amsterdam (Searing, 1971, p. 7). A multiplicity of competing unions (Catholic, Protestant, Liberal, and Socialist) arose and each competed for space in the city to build tenements.

The Dutch government was aware of this growing problem and, in 1851, an association was established in Amsterdam with the goal to create hygienic housing available at affordable rents to members of the working class. In 1852, the Association for the Needs of the Working Class built the first social housing complex initiated by a housing cooperative. This relationship between builders and housing cooperatives would provide a vital precedent for later instantiations of Dutch social housing.

In 1854, King William III commissioned a report from the *Koninklijk Instituut van Ingenieurs* (KIvI) on the conditions of worker's housing. The letter titled, "Report to the King about the Requirements and Design of Labor Class Housing" describes the conditions of worker's housing as a "place of horror" further positing that "Here sickness breeds and immorality finds its birthplace and cradle" (Searing, 1971, p. 7; Van der Lans, Pflug & Beekers, 2016, p. 12). In fact, conditions were so dire that they inspired the publication of Louis M.

Herman's (1901/1975) book *Krotten en sloppen* (*Hovels and Slums*). Herman alludes to the rising threats of tuberculosis and "*de blauwe dood*" (the blue death) of cholera in the cluttered alleyways of working-class neighborhoods, such as the Jordaan. An inability to control the water led to various instances of flooding, mold, and mildew further amplified by forced overcrowding. Oftentimes, families of up to ten people would eat, sleep, and toilet in the same small, cramped room. Overall, the working-class slums were a ghastly site, teeming with filth, foul odors, and disease.

The Housing Act (*de Wongingwet*) was described by experts as "one of the most complete and compact all-around housing laws yet" and "a model piece of comprehensive housing legislation in its day" (Searing, 1971, p. xxi). It was an "enabling and encouraging law rather than a restrictive and punitive law" in line with the longstanding Dutch tradition of tolerance versus correction (Searing, 1971, p. xxi). The Housing Act consisted of three main pillars. First, it compelled local authorities to take measures, which had previously only been optional, particularly concerning monitoring the quality of construction. The Housing Act detailed building bylaws governing placement of buildings on public roads and their distance from one another; the level of the floor of downstairs rooms and the height of buildings; the minimum sizes of habitable rooms, staircases, and passages; the prevention of fire and dampness; the structure of foundation, walls, floors, ceilings, and roofs; the removal of smoke, slop water, and refuse; as well as provisions related to closets, water supply, lighting, and ventilation. Second, cities were required to create plans for their own expansion. This provision led to H. P. Berlage's famous Plan Zuid in Amsterdam. Third, it granted state aid specifically for housing purposes. In short, articles of the 1901 Housing Act can be read as arguments concerning the right and, implicitly, the wrong ways to live. Following the health and hygiene crisis in working class areas, many political leaders concerned themselves with exactly this issue, and several different housing cooperations sprung to life, each with their own ideals.

3. CONTROVERSY AND DISSENSUS IN DUTCH ARCHITECTURAL DESIGN

Celebration of the Amsterdam School's later successes often occludes the agonistic relationship between the Amsterdam School and other rival architectural movements popular in the Netherlands at the time. Chief among these rival architectural movements was Berlage and his investment in Rationalism. Berlage attended the Polytechnic School in Zurich where he studied with Gottfried Semper. Semper once said, "every technical product [is] the result of its purpose [or function] and its material" (Searing, 1971, pp. 44-45). Similarly, Berlage espoused a materialistic-utilitarian approach in his designs in that he believed materials should not be disguised. He claimed the practice of disguising materials was both immoral and dishonest. Above all else, Berlage preached honesty in the use of materials in his architectural designs.

De Klerk once said of Berlage, "Berlage had an extremely valuable influence on construction, but he wasn't able to make his mark on the art of architecture" thus illuminating a growing dissensus between these two Dutch architects (Het Schip Museum, 2018). The Amsterdam School was firmly Expressionist and anti-Rationalist, known less for its practical use of materials and more for its romance and fantasy which incorporated "an almost playful use of forms and materials; undulating and often complicated brickwork, bizarrely shaped and otherwise useless towers, curious sculptures displaying various proletariat and Socialist iconography, the use of a variety of bricks, and roofing tiles in unexpected places, such as on the facades. De Klerk favored the freedom of poetry over the confines of rationalism in his designs. Further, while Berlage emphasized construction, De Klerk focused on form, often sacrificing basic functionality in the pursuit of aesthetic beauty. For example, De Klerk detested the look of storm drains to such an extent that he covered them all in a coffin of bricks. When

the drains would burst or need repairing, however, the entire wall oftentimes needed to be dismantled and rebuilt to access and fix the broken drain. It was a costly expenditure, but one that De Klerk defended in each and every one of his building designs.

De Klerk's dogged insistence on poetry and form during the planning of *Spaarndammerplantsoen*, a new social housing block, resulted in a heated debate with Jos Th. J. Cuypers. Unable to reconcile their differences, and with Dutch popular opinion turning more towards De Klerk's vision, Cuypers resigned from his position. Many architects and members of the Dutch government supported De Klerk's vision. For example, Arie Keppler, the Official Building Inspectorate and Director of the Housing Department founded in 1915 said De Klerk's plans were a "solution of genius, of great artistic value" (Bock, Johannisse, & Stissi, 1997, p. 9). At the center of De Klerk and Cuyper's heated debate was the question of the *appropriateness* of prioritizing beauty in social housing, a stance that appeared to oppose the values of rationalism and the materialistic-utilitarian approach espoused by architects such as Berlage. De Klerk defended his stance, claiming that nothing was beautiful enough for the worker who had lived so long without beauty. Amsterdam School social housing buildings were meant to serve more than just the utilitarian purposes of shelter and hygiene. Each artistic detail was meant to elicit feelings of pride and virtuosity in its residents, though Theo Van Doesburg, founder and leader of the adversarial De Stijl movement in the Netherlands, accused the Amsterdam School of "propagating meaningless virtuosity with bricks" (Het Schip Museum, 2018). Despite criticism, it is clear that De Klerk often conflated good social housing and beautiful social housing. The conflation of beautiful and good is known in Greek as *kalos kagathos* (Hawhee, 2002). De Klerk may be said to have exalted an Athenian notion of *arête*, in which physical beauty and moral superiority were inextricably tied. In line with the popular modernist notion of the time (*a la* Le Corbusier), good buildings created good people, and due to this conflation, good could only mean beautiful or artful in design.

Many remarkable design features of Amsterdam School social housing buildings underscore De Klerk's emphasis on the individuality of the residents. The publication *Algemeen Hendelsblad* referred to De Klerk's style as "divided unity," an apt name considering the many multi-vocal aspects of De Klerk's designs (Bock, Johannisse, & Stissi, 1997). Certain design features exalted the Socialist *ethos* of individuality while still maintaining architectural rhythm (and physical union) within a housing block (Bock, Johannisse, & Stissi, 1997). For example, in De Klerk's design for apartments at *De Dageraad*, he purposely inserted breaks in the lines of the architecture to give residents the impression that they were living in their own separate houses. In figure 1, several of these breaks, or lines of more pronounced bricks, are visible at *De Dageraad*.

Figure 1. A Row of apartments at *De Dageraad*. Photo by author.

At *Het Schip*, each apartment is fairly similar but many had various quirks, such as the apartments located on the corner with the famous "cigar" or "buoy" as it is often called (in line with the theme of "The Ship"). The "buoy," shown in figure 2, was the result of highly imaginative and labor-intensive brickwork that created a unique bulge on one corner of the building. The use of similarly colored bricks maintained visual unity within *Het Schip*, but the inclusion of the "buoy" nods towards a sense of playfulness, artfulness, and individuality.

Figure 2. The "buoy" or "cigar" at *Het Schip*. Photo by author.

Additionally, De Klerk loved the idea of the balcony; in fact, the balcony quickly became one of the trademark features of Amsterdam School architecture. While some balconies came with rules as to which days they could be used for beating rugs outside (*De Dageraad*), other balconies were completely inaccessible and served only an aesthetic purpose. At the peak of the housing crisis, housewives purportedly used the balconies as a means to exchange news and, oftentimes, harsh words. While De Klerk admired the look of the balconies, the raunchy conversation was not considered a desirable aspect of their design; therefore, many balconies in Amsterdam School social housing have no access point whatsoever. In figure 3, one of these inaccessible balconies is pictured. One downside of this, as voiced by a resident in the documentary "Living in Beauty" is that while the inaccessible balconies decreased certain undesirable effects such as noise pollution, they also contributed to a metaphorically anodyne environment, one where aesthetic value superseded the social reality of communal living (Bergmans, 2013).

Figure 3. A balcony at *De Dageraad*. Photo by author.

While individuality and the triumph of the worker were celebrated, other behaviors common in previous working-class housing had to be curtailed. Eigen Haard, the housing cooperation responsible for *De Dageraad*, had an office located on site to monitor the compliance of residents to specific rules. The office conducted regular home visits to ensure that the homes were tidy and that the children were bathed regularly. At Cooperation Court, where *De Dageraad* is located, a library was built "for the purposes of emancipation and enlightenment of the working population" and also in the hopes that it would reduce the working man's abuse of alcohol (De Dageraad, 2018). While the residents were encouraged to be individuals, they were monitored for compliance, less they risk eviction. Much like the *woonschool* or "living school," residents were coached to live in specific, acceptable ways. The *woonschool* resembled a camp; residents were given individual living quarters and shared a

bathhouse. They were taught by leaders how to clean the living space and practice proper hygiene. Graduating from a *woonschool* increased the chances that one would be placed in a new social housing block, such as ones designed by the Amsterdam School.

The contest of voices from competing schools following passage of the 1901 Housing Act influenced both the trajectory of Amsterdam's evolving cityscape and the wider arc of architectural history, especially in the area of social housing. As the next section explores, this multivocality carried through into structural features designed by Amsterdam School architects, making the artifacts ripe for analysis from an 'argumentative design' perspective.

4. DESIGN AS ARGUMENTATION

Design is not easily defined. Like an artist transforming a block of clay into a sculpture, it is imperative to first strip away what is not a part of the design; everything that is left may be considered design. In their (2004) article, Jackson and Aakhus decide upon certain features that should be stripped away from this figurative block of clay. Drawing from the work of Schön (1983), they say that design is not simply the application of theory to practice. To the contrary, design is "a practice to be understood and developed, a practice that varies with the materials and settings it works with" (p. 127). For example, while Corbusier theorized the three joys of urbanism as sun, space, and greenery, merely adding these design aspects in without practicing or fully developing them does not magically produce a joyful urban environment. Drawing from the (1992) work of John Chris Jones, design is not merely practical tinkering. An architect, whose block of clay is the apartment complex, does not experiment with human life; they experiment with bricks and stones and hope that it translates into something remarkable for the apartment dweller. Finally, adding their own contribution, Jackson and Aakhus conclude that design is not a competitor to humanistic or empirical work, but a complementary form of inquiry. In fact, they suggest that rhetoric may be a design art itself. An argument written on paper may actually have a lot in common with an argument "written" in brick. So now that we have an idea of what design is or is not, what does design actually *produce*?

According to Aakhus and Jackson (2005), "the immediate product of design is some intervention into ongoing activity (e.g., a device, a service, an interactional format) that might or might not affect that activity in the way the designer expects" (pp. 411–412). The designer's expectations or "design stance" calls attention to what is created (the design artifact) and how it is created (design work). In this case, the design artifact is the social housing building and the design work is the set of unique circumstances at the moment, including the specific provisions of the 1901 Housing Act, the blueprints for the buildings, and any other decisions leading up to the implementation of the artifact itself. Aakhus and Jackson (2005) say, "design can be usefully understood as the designer's hypothesis about how things work…To see this, consider the architect's distinction between the natural and built environments and how it might inform the growth of a design enterprise" (p. 413). Disciplined design enterprise requires a design methodology. My mobilization of Aakhus and Jackson's design as argumentation theory entails a slight pivot from this line of inquiry. While Aakhus and Jackson discuss how communication itself is designed, I am more interested here in how building design shapes communication and the downstream effects that occur (in ways that mirror architecture).

As previously noted, De Klerk's social housing buildings were notoriously expensive and his designs placed more emphasis on aesthetics than on practicality. This is obvious in the aforementioned examples of the drain pipes and balconies. Each building contained many hand-carved sculptures. Each sculpture, commissioned by Hildo Krop and sculpted by one of his apprentices, made some statement about workers in Amsterdam. At *De Dageraad*, a sculpture of a worker with his tools in hand stands opposite an eagle, representing the worker's freedom,

flight, and rise up. In figure 4, the sculpture of the worker at *De Dageraad* is shown. At Het Schip, brickwork and windows created a book motif, representing the importance of education. These express hypotheses about communication that signal pride and individual expression, however, when combined with agonistic details such as closed balconies and the *woonschool*, one begins to see the dissensus emerge.

Figure 4. A sculpture of a worker holding a tool at *De Dageraad*. Photo by author.

Aspects of architectural design shape communicative and argumentative norms—that is to say, *bricks argue*. Brickwork was integral to Amsterdam School designs as each brick had to be laid by hand. Due to the Amsterdam School's Socialist *ethos*, each worker who laid brick for these social housing buildings was well-compensated. In this way, Amsterdam School designs produced labor. The labor-intensive projects kept laborers busy and well-employed and the workers doubly reaped the benefits of having affordable housing in the city of Amsterdam. Homage to the worker is apparent throughout each Amsterdam School building. Two of Krop's most famous sculptures—"The Birth of the Deed" and "Human Energy"—sanctify the working class.

Although De Klerk received pushback for many of his most extraneous details, ultimately the Dutch government conceded and funded the projects, most notably the tower at *Het Schip*. The scrutiny of detail paid in these buildings, the use of labor-intensive methods, and the addition of parts that served only an aesthetic purpose rises above and beyond fulfilling the need to create more adequate housing and promote hygiene in the Netherlands. It is clear that there is an underlying ideology, a movement that goes hand in hand with this architectural style. Aesthetic choices were made both over and in tandem with practical choices.

In this way, the designer takes an existing situation and transforms it into a preferred one through affordances and constraints: could the housing act of 1901 be considered a series of affordances and constraints? For example, there were affordances made by the Dutch

government, which allowed better housing conditions to prosper and constraints that disallowed the current state of affairs to continue. While many other housing corporations at the time provided housing well in line with the Housing Act, and still much of it exists today, only the Amsterdam School buildings—namely *Het Schip* and *De Dageraad* are considered national monuments. They are more than social housing, they are artwork for the working class. Or "Workers Palaces" as Michel De Klerk called them, an apt metaphor for such luxurious and romantic facades and solid interiors.

Argumentation is a conversational expansion, a form of repair that kicks in when triggered by a special sort of events (Jackson, 2015). "Argumentation practice as a whole may reflect competing ideas about reasonableness, the products of argumentation may be kludgy composites of old and new techniques" (Jackson, 2015, p. 244). Thus, argumentation in the case of social housing in Amsterdam served to reflect competing ideas about the appropriateness or inappropriateness of the primacy of beauty in these designs. The success of Amsterdam School designs is apparent from the majority of praise the designs received when they were built as well as the painstaking efforts the Dutch government has taken to preserve these buildings at present. While many unions and housing cooperatives built social housing in Amsterdam, only Amsterdam School designs carry the discriminating title of national monuments and are preserved to judicious museum standards, all while residents continue to occupy the buildings.

5. CONCLUSION

My adaptation of the Aakhus and Jackson argumentation-as-design theory complicates and challenges the prevailing utopian narrative of Amsterdam School social housing. Contrary to some received historical narratives that portray the Amsterdam School as a utopian housing movement emerging frictionless from the turn of the century, this study has highlighted how the school's work was borne from a crucible of controversy. Much of that agonism played out in argumentation with rival architectural schools after passage of the 1901 Housing Act, with echoes of that multivocality eventually receiving expression in the polysemic designs of Amsterdam School buildings.

Jackson and Aakhus were inspired by the field of architecture to develop their argumentation-as-design approach, with the suggestion that such an approach might usefully inform analysis of explicitly communicative artifacts such as human conversations, deliberative meetings, political debates, and the like. The present study illustrates how Aakhus and Jackson's theory may have even broader scope, by providing a conceptual apparatus for analyzing architecture itself.

My project raises the question: what precisely *is* a "communicative hypothesis" that Aakhus and Jackson say is presumed in each act of design work? The term "hypothesis" connotes a single thesis, yet findings from this study of the Amsterdam School highlight ways that De Klerk (and his colleagues) seem to have embraced multiple, even conflicting hypotheses about human communication in their design work. It is beyond the scope of the current project to speculate about how dimensions of dissensus and multivocality might be incorporated into the Aakhus and Jackson design theory, yet such theorizing may prove useful. The somewhat paradoxical conclusion of this study—bricks *argue*—gestures toward recent theoretical work in the area of new materialism (Gries, 2015; Packer, 2013). That scholarship highlights ways that non-human actors, such as inanimate objects, express communicative agency and shape the human lifeworld. Space limitations here preclude full exploration of how analysis of architecture may inform ongoing conversations in new materialism, although findings from this study suggest that this could be a fruitful line of inquiry.

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The role of reasons in deliberation dialogues

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ABSTRACT: The aim of this contribution is to study the role of argumentation within deliberation. With that aim in view, I will examine the Deliberation Dialogue Model set forth by McBurney, Hitchcock and Parsons (2017). Taking as a point of departure an interactional approach to speech acts, I will contend that the model presents some difficulties in accounting for acts of arguing. I will conclude with some reflections on the role of argumentation in deliberation dialogues.

KEYWORDS: acts of arguing, Austin, deliberation, Deliberation Dialogue Model, Speech Act Theory, Toulmin's model

1. INTRODUCTION: THE CONCEPT OF DELIBERATION

Within the framework of dialogical approaches to the study of argumentation, deliberation has been characterized for the following features: (i) it departs from an initial situation in which there is a need for action; (ii) the relationship among participants is collaborative; (iii) the goal of any participant is to coordinate goals and actions; and finally, (iv) the goal of the dialogue is that the participants agree on the best available course of action for implementation (Walton and Krabbe, 1995). As a result, practical argumentation is a core form of argument in deliberation. The form of the final decision can be made explicit by means of an utterance of the form 'We ought to do A', or 'A is the best course of action for implementation' (where A is an action to be performed in response to some problem, issue, etc. of a practical nature) (Walton 2006). Although it can be said of an individual person that she deliberates, in reference to her thinking about something and deciding carefully, the notion here considered is dialogical in that it applies to a group of persons that discuss and consider the reasons for and against a practical decision. To that extent, it is a dialectical notion as well.

There seems to be a general consensus among scholars in considering that the speech act of making a proposal must be seen as a defining feature of this type of dialogue and is necessarily present in deliberation, as a first response to the envisaged situation (cf. Corredor, 2018). This allows also identifying two main roles among participants, namely, those of proponent (the speaker who makes a proposal) and respondent (the addressee whose role is to respond to the proposal in a number of ways). These roles may shift in the course of the dialogue and, in group deliberation, can be undertaken by more than one participant in alternate turns.

Two main trends have been identified in the study of deliberation within the framework of argumentation theory (cf. Walton, 2006), namely, the BDI Model (for Belief-Desire- Intention), and the Commitment Model. The BDI model (cf. Kauffeld, 1998; Wooldrige, 2000; Paglieri and Castellfranchi, 2005) is an explicitly psychological model. It assumes the general thesis that types of speech act correspond to and are defined by the types of attitude being expressed. Although this model will not be addressed and discussed here, it seems to me that it is generally prone to a common objection. In the particular case of deliberation, there seems to be an internal, core connection between the speech act of making

a proposal and the notions of burden of proof and openness to questioning and refutation, as regulated moves that structure the dialogue. But these are normative regulations which go beyond, and cannot be fully explained in terms of the mere expression of an attitude.

The Commitment Model (as represented by Singh, 1999; and McBurney, Hitchcock, and Parsons, 2001 and 2007) sees speech acts as moves in a dialogue through which two or more agents interact with each other. Moreover, each agent is assumed to have a commitment set, where a commitment is a proposition that an agent has gone on record as accepting (Hamblin 1970). The commitment set of the agents can change with their moves (speech acts), where these changes concern the insertion of new commitments or the retraction from previous ones. Interestingly, a possible type of speech act is the putting forward of an argument. This group of approaches is mainly driven by the search of a formal model that could be implemented in computational entities (such as autonomous software agents). Notwithstanding this apparently limited scope, their analyses of deliberation as a type of dialogue can throw light on the types of dialectical moves that are characteristic of it.

Here, I will focus my attention on an influential expression of the Commitment Model, which has been set forth by McBurney, Hitchcock and Parsons by means what they term the Deliberation Dialogue Model (DDM). In particular, when presenting their DDM, these authors claim,

> An important motivation for our work is the development of protocols which enable rational interaction between participants, where *rational* is used in the minimal sense of giving and receiving of reasons for statements. (McBurney, Hitchcock and Parsons, 2007, p. 11).

It must be highlighted that both the BDI Model and the Commitment Model, tacitly or explicitly, assume the idea that deliberative dialogues are a type of argumentative interaction, in that argumentation is central to the dialogue. In my light, however, the DDM falls short of capturing this core aspect of deliberation. In the next sections, my aim is twofold: firstly, to express some doubts with respect to the role that argumentation plays within the DD Model, and secondly, to suggest a possible line of development in order to address these difficulties.

2. THE DELIBERATION DIALOGUE MODEL

According to the Deliberation Dialogue Model (DDM), the following are main features and component elements that characterize deliberation dialogues.

(i)   The need for action may initially be expressed in the form of a governing question, possibly open-ended.

(ii) Proposals for action may arise only late in the dialogue, "after discussion on the governing question, and discussion of the considerations that are relevant for its resolution" (McBurney, Hitchcock and Parsons, 2007, p. 4)

Commentary. Notice that this last feature strongly suggests that the discussion takes place through argumentation, by means of giving reasons and discussing/evaluating those reasons.

(iii) The formal model of deliberation dialogues comprises eight stages, namely, Open, Inform, Propose, Consider, Revise, Recommend, Confirm, and Close.

Commentary. Notice that, because proposals are supposed to only appear late in the dialogue (after discussion of the governing question and the considerations that are relevant

for its resolution), the giving and asking for reasons should mainly take place within the stages Consider and Revise. This interpretation does not exclude that other stages, particularly Inform, can afford data which, in a posterior stage, can and will qualify as reasons worth of consideration. Nevertheless, in my light, a piece of information does not in itself qualify as a reason, unless other conditions are in place (this suggestion will be addressed below, section 3). Therefore, the focus here will be on the stages Consider and Revise. Incidentally, I take my interpretation to be in tune with the DDM assumption that proposals only arise in the dialogue after some discussions have taken place.

According to the authors, the stages Consider and Revise consist of the following actions:

Consider: Commenting on proposals from various perspectives.

Revise: Revising of: (a) goals, (b) constraints, (c) perspectives, and/or (d) action options in the light of the comments presented; and the undertaking of any information-gathering or fact-checking required for resolution.

Interestingly, in relation to the Consider stage, the authors note that "other types of dialogues, such as information seeking or persuasion, may be embedded in the deliberative dialogue at this stage." (ibid., p. 6). The fact that persuasion dialogues are seen as possibly embedded in deliberation, yet as different from the latter, may be seen also in tune with the DDM assumption that deliberation dialogues are directed at reaching a joint decision, and not at persuading other participants in order to see one's personal interests accommodated. Additionally, the proponents of the DDM also stipulate that at least an instance of the Consider stage must precede the first instance of the Revise stage.

(iv) Types of sentences: the eight stages, in particular Consider and Revise, take place by means of a dialogue in which the following *types of sentences* may appear: Actions, Goals, Constraints, Perspectives, Facts, and Evaluations.

When sentences belonging to these types are uttered in the course of the dialogue, the resulting moves in the interaction are termed *locutions*. Dialogues are thus seen as interactions that take place by means of locutions, which are uttered following certain rules. Uttering a locution in this way constitutes a *move* in the interaction.

(v) Different types of locutions may take place within the different stages of the deliberation. In particular, the DDM considers the following:

• making an assertion, assert(.)
• preferring a particular option for action, prefer(.)
• asking the other party to justify an assertion, ask justify(.)
• pronouncing on whether a proposal for action should be accepted or rejected, assert(action) and reject(.)
• retracting a previous locution, retract(.)
• withdrawing from the deliberation dialogue, withdraw(.)

(Here, the dots between parentheses indicate the positions to be occupied by the occurrence of certain symbols of the formal language, standing for: one or more agents, types of sentences, and sentences.)

In particular,

- the locution assert(*Pi, type, t*) is an assertion by participant *Pi* of the sentence *t* as a valid instance of type *type*;
- the locution ask_justify(*Pj, Pi, type, t*) is a request by participant *Pj* addressed to participant *Pi*, seeking justification for the assertion of sentence *t* of type *type* (where *t* belongs to *Pi*'s commitment set)
- the locution prefer(*Pi, a, b*) expresses that participant *Pi* prefers action *a* over action *b*.

Commentary. Notice that assert, prefer, and ask_justify (as well as pronounce on a proposal, retract, and declare one's withdrawal) are, in the standard approach of contemporary pragmatics, illocutionary speech acts. Although conceptualizing them as *locutions* is in agreement with a semantic approach to the study of dialogues, the fact that this notion is characterized by the authors as a regulated move in the course of an interaction gives support to the view that locutions are a semantic representation of speech acts. Taking locutions to be representations of speech acts is further supported by the observation that they embed, together with certain sentences (and types of sentences), a representation of the participants whose interaction is mediated by the utterance itself.

In what follows, and in order to advance my analysis of the model, I will adopt the above suggested interpretation and take it that locutions are a semantic representation of speech acts, i.e. of the actions accomplished in dialogue in virtue of the words uttered. For brevity, instead of talking about representations of speech acts, I will just refer to speech acts.

Now, to guarantee the rationality of the process (in the minimal sense seen above), the authors stipulate the constraint that a preference between actions should only be expressed for actions already evaluated. Evaluations are presented as a type of sentence (ibid., p. 8), without further specification. From this, it seems to follow that evaluations are taken to be a primitive notion, given in the form of a type of sentence. Notice, however, that asserting an evaluative sentence, the type of move that the DDM takes into account in an explicit form, does not in itself qualify as giving a reason, unless some other conditions hold –as pointed out above. This is the issue to be explored in the next section.

3. SOME DIFFICULTIES FROM THE PERSPECTIVE OF SPEECH ACT THEORY

A point of departure for the exploration to be carried out is the ascertainment that, among the group of speech acts considered in (v), the illocutionary force of several of them is not in itself argumentative, nor is there a need that the corresponding illocution should play a role in argumentation, in the giving and asking for reasons. Among the types of speech act that are recognized and incorporated within the DD Model, and with the purpose of focusing on the argumentative stages of the dialogue, I suggest to distinguish the following, tentative two groups of locutions/speech acts:

a. Speech acts that do not play a (direct, explicit) role in giving and asking for reasons: prefer(.), assert(action) (in the sense of promoting it), reject(.), retract(.), withdraw(.)

b. Speech acts that may be used to give and ask for reasons: (1) making an assertion, assert(.); and (2) asking the other party to justify an assertion, ask_justify(.)

Some illocutions of the first group would be apt to be put forward as reasons. For instance, a personal preference may be alleged as a datum that the agent wishes to see taken into consideration by the other participants. Analogously, also the locutions/speech acts assert(action) (in the sense of promoting it) and reject(.) may be adduced as reasons. These moves would presuppose a context in which the participants' necessities, interests, preferences, etc. were to be seen as relevant data for the final decision. (Imagine e.g. the members of a family deliberating on whether they should move to a different country). In my light, when so adduced, these speech acts acquire a different illocutionary force from the primary one (in the three above considered cases of prefer, promote an action and reject, this primary force would be that of exercitive speech acts). In such types of context, the illocution would become that of giving a reason. In the simplest case, the move could be paraphrased as: 'This is my reason in support of action A: that I prefer/promote action A'; and a corresponding paraphrasing for rejection. My suggestion is that these types of move constitute instances of the illocution of giving a reason, as part of a more comprehensive speech act of arguing[1].

My concern is to try and capture the moves that are specific to the actions of giving and asking for reasons. For that, it seems advisable to pay a closer look to the types ask_justify(.) and assert(.)

- Asking the other party to justify an assertion, ask_justify(.)

Within Speech Act Theory and in Austin's original classification, this speech act is an exercitive. Exercitives are illocutions that consist of the exercise of powers, rights, or influence (1962, p. 150). They presuppose some degree of authority or authoritativeness on the part of the speaker and, correspondingly, assign or confer obligations, powers or rights to the addressee. In Searle's taxonomy, ask_justify(.) is a directive speech act, whose illocutionary point consists in "an attempt by the speaker to get the hearer to do something" (Searle 1975, p. 13). This view, to the extent that it is stated by appealing to the speaker's intentions, approaches the BDI Model. For this reason, Austin's seems a better framework for the present analysis. Notwithstanding this, Austin's exercitives and Searle's directives overlap (though Searle's declaratives would count for Austin as exercitives as well).

In a deliberation dialogue, a speaker's asking for justification presupposes that she is authorized to do so. To the extent that this move is acknowledged by the participants to be available (and legitimate) in the course of the dialogue, it has the conventional effect of transferring a corresponding obligation to the addressee –namely, the obligation to justify. Moreover, one can take it that in an argumentative dialogue, the obligation to justify will be (normally, usually) redeemed by giving reasons by means of assertions.

- Making an assertion, assert(.)

In Austin's classification, an assertion can be a verdictive or an expositive speech act. In particular, verdictives are typified as the act of giving a verdict or finding "upon evidence or reasons as to value or fact" (1962, pp. 150, 152). For Searle, assertives (which overlap with Austin's verdictives and expositives) are essentially speech acts whose illocutionary purpose

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[1] Acts of arguing have already been dealt with in the literature in terms of speech act complexes. See Eemeren & Grootendorst, 2004, and Bermejo-Luque, 2011. I think they have pointed out in the right direction. Yet, in my view, both theoretical models incur in a type of analysis that ultimately explains the illocution in terms of the speaker's intentions. This orientation is difficult to conciliate with the Austinian view of speech actions I am endorsing, according to which the effects of speech acts are to be accounted for as conventional effects of a social or interpersonal type, impinging on the normative stances of the participants in the interaction.

is "to commit the speaker (in varying degrees) to something's being the case, to the truth of the expressed proposition." (1975, p. 12). Searle's view entails that asserting commits the speaker in a certain way, a commitment that may be seen as entering the speaker's commitment set. Austin's view entails the following. A speaker's asserting something presupposes that the speaker is availed of some justification (in varying degrees) and is obliged (and expected) to give it, whenever another participant asks for it.

My contention is that nothing entails that an assertion is, by itself, a justifying reason for another assertion (a claim). Being a reason is a relational concept. For this concept to be applied, not only has the targeted claim to be laid down (in an explicit or implicit form); additionally, the assertion has to be set forth, and recognized by the participants, as potentially supportive for the claim. I would add to that, following Toulmin's analysis of an argument[2], that the arguer has to commit to the (possibly tacit) inference-license that supports the step from the assertion recognized as reason to the assertion recognized as claim. Inference-licenses, in Toulmin's words, are what "authorise the sort of step to which our particular argument commits us." (1958, p. 91). Even if the analyst were not to endorse Toulmin's model of argument as such, acts of arguing constitutively embed a step from reasons to claim that the act itself presents as legitimate, appropriate, or correct (possibly modulating the inferential step by means of some modal qualifier).

Due to this reason, taking into consideration the locution/speech act of making an assertion does not qualify, in itself, as a component part of an act of arguing. From a conceptual point of view, until a proposal (*qua* claim) has been laid down or is somehow available to the participants, other information or piece of speech cannot be seen as a reason given in support of it. In my view, it is the participants' considerations and revisions what would allow the analyst (and the participants themselves) to recognize an act of arguing as such.

In order to better assess this point and try to determine the role that making an assertion performs within the DD Model, it is worth noticing that assertions can be moves in any of the eight stages. Therefore, I will briefly examine them, before suggesting some conclusions.

• Open, Propose, Recommend, Confirm, Close:

Although some assertions can be admissible moves in these stages, the main function accomplished by them would be better expressed by means of other illocutions (e.g.: exercitives and commissives in Austin's classification; and directives, commissives and declarations in Searle's taxonomy)

• Inform:

Although information is standardly conveyed by means of assertions, these assertions do not necessarily act as reasons supporting a viewpoint. As I have already contended, a mere piece of information does not qualify in itself as a reason, unless it is embedded in an act of arguing where other conditions also hold.

• Consider

According to McBurney, Hitchcock and Parsons (2007), this stage consists of the "Commenting on proposals from various perspectives." As in the preceding stage, notice that even if those commentaries are made by means of assertions, no argumentative connection seems to have been here warranted. Interestingly, when presenting the DD Model, Walton,

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[2] Here I am endorsing Toulmin (1958)'s model, according to which an argument minimally consists of a claim, together with a reason (that he terms *datum* or *data*, and that can be a fact, ground, etc.), and an inferential license that links both (termed *warrant*). Cf. ibid., pp. 89-100.

Toniolo and Norman (2014) expand the original definition in the following terms: "The Consider Stage. Comments are made on the proposals that have been brought forward. At this stage, arguments for and against proposals are considered." (ibid., p. 3). Even if this reworking is fair to the DDM authors' intentions, it helps make manifest that the original model did not incorporate this argumentative requirement, either explicitly or in an indirect form. The need to add the requirement explicitly (to stipulate it, so to say), points out, in my view, to an important limitation of formal models in general. Moreover, it urges the analyst to inquiry where is the connection between a justifying reason and a claim captured in the DD Model.

• Revise

According to McBurney, Hitchcock and Parsons (2007), this stage consists of the "Revising of: (a) goals, (b) constraints, (c) perspectives, and/or (d) action options in the light of the comments presented; and the undertaking of any information-gathering or fact-checking required for resolution." It is the move ask_justify(.) that obliges the addressee to either retract her claim, or shift into an embedded persuasion dialogue in which she seeks to persuade her addressee of the validity of her claim[3]. For the above mentioned authors, however, a persuasion dialogue differs from a deliberative one, in that in the former the speaker attempts to obtain the addressee's adherence, whereas in deliberation the common goal is to reach a mutual decision on the best course of action. Undoubtedly, this is the reason why they keep apart deliberation from persuasion dialogues. In my view, the conceptual difference they draw is sound and most relevant for a correct characterization of deliberation dialogues. Notwithstanding this, our question remains unanswered. How is the connection between justifying reasons and claim captured by the DD Model?

A more comprehensive question would be how is the connection between justifying reasons and the claims supported by them to be accounted for in deliberation? My suggestion has been that the act of giving a reason cannot be assimilated to making an assertion *simpliciter*, in a straightforward way. A formal model (as the DDM) has to account for the kind of action that speakers perfom when they bring forward reasons to justify a claim. Furthermore, not only the adduced reasons, but also the inferential license that authorizes the step from reason to claim has to be accounted for as a move in the deliberation dialogue. Correspondingly, the notion of commitment set should be expanded in order to also integrate these elements. Incidentally, it is worth noticing that the antecedent considerations point to a direction towards which classical speech act theory is in need of expansion.

4. CONCLUSION

To sum up,
1. I think the proponents of the DD Model are right in their conceptual characterization of deliberation dialogues. Yet their formal model does not capture, but presupposes the kind of argumentative interaction that is essential in deliberation.
2. From a speech act theoretical perspective, their work points at the direction in which this theory needs to be expanded.

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[3] Douglas Walton and Alice Toniolo (2016) have noticed that standard approaches to deliberation dialogue are similar to persuasion dialogues in that the opening issue is set at the opening stage and stays in place during the argumentation stage. They contend that this characterization falls short of capturing the kind of revision accomplished in many real deliberations, where the opening issue may be changing as the deliberation moves forward. As a result, their proposal is to distinguish between two types of deliberation, namely, problem-solving and the dilemma types. The criticism here developed addresses a conceptual issue that I take not to be affected by the distinction.

3. Engaging in a deliberation dialogue means performing two speech actions additional to the ones identified by the DDM framework. Namely, those of bringing forward reasons to justify a claim, and of committing to the inferential license that authorizes the step from reasons to claim.

5. FINAL CONSIDERATIONS: THE ROLE OF ARGUMENTATION IN DELIBERATION DIALOGUES

What is the role of argumentation in deliberation dialogues? Remember that, in deliberation, a joint decision is aimed at by the participants on a course of action. It can be said, moreover, that the final decision is jointly adopted (whenever this is the case) for the reasons given and taking into account the alternatives dismissed. In practical terms, deliberation grants that the participants join the decision, that they endorse it –and not merely acquiescence to it. This consideration is in line with the tenet that, epistemically, deliberation plays in practical matters a role analogous to 'tracking the truth', where 'truth' in practical matters is to be understood as rightness or correctness (cf. among others Habermas, 2006, and Estlund, 2008)[4].

A first approximation to this issue, within the framework of deliberative theories of democracy, is egregiously represented by Rawls's appeal to the rationality of political decisions as a source of legitimacy. He says,

> Since political power is the coercive power of free and equal citizens as a corporate body, this power should be exercised (...) only in ways that all citizens can reasonably be expected to endorse in the light of their common human reason. (Rawls, 1993, pp. 139-140)

In this way, Rawls connects a fair procedural rationality, as based on the power of reason in public political discourse, with democratic legitimacy. Nevertheless, legitimacy and truth are different concepts, and Rawls's statement points to a conceptual problem worth of consideration. As Estlund (2008) criticizes, the position separates democratic authority (legitimacy) from truth. He contends that "a standard of democratic approval is not normatively adequate without some appeal to substantive standards by which democratic decisions ought to be evaluated" (ibid., pp. 23-24; see also p. 179). He further contends, nevertheless, that deliberation facilitates outcomes tending to approach some standards of practical truth (justice, or the common good, e.g.) which should be seen, in themselves, as independent of the deliberative procedure. A substantive standard is put forward by Bohman (1996), who points out, "The deliberative process forces citizens to justify their decisions and opinions by appealing to common interests or by arguing in terms of reasons that 'all could accept' in public debate." (ibid., p. 5)

This idea is in line with the notion of deliberation here considered, as originally formulated by Krabbe and Walton (1995). To the extent that the participants in the deliberation do not pursue their individual goals and interests, but collaboratively try to contribute to finding the best proposal for action, the rationality of the dialogue is not instrumental and strategic, but oriented instead to the identification of the best reasons justifying a decision. The dynamics of the dialogue, if it is carried out on an egalitarian basis that allows every participant to dissent and raise doubts and objections, obliging every

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[4] A relevant distinction here is that between practical and theoretical reasoning and argumentation. Theoretical reasoning (and argumentation) is directed at setting forth evidence that may count for or against the truth of a proposition. Practical reasoning (and argumentation) aims at a correct decision concerning a course of action. (See Walton, 2006, p. 179). As already noticed at the outset, section 2, practical argumentation is a core form of dialogue in deliberation.

participant to justify their claims, is the communicative procedure more likely to enable the epistemic quality of the practical decision at issue.

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From multiagent dialogue to abstract argumentation, and back

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ABSTRACT: Research on formal argumentation is split into dialogue theory, and abstract and structured argumentation theory. We here show how to build bridges between these two fields. We give an example of dialogue in machine ethics, represent it in structured argumentation, and explain how the set of dialogue positions of agents can be represented abstractly by a graph. We then discuss dialogues as decision procedures in abstract argumentation and identify open research challenges for formal argumentation.

KEYWORDS: abstract argumentation, agent argumentation, dialogue, formal reasoning

1. INTRODUCTION

The field of formal argumentation concerns itself with the reasoning that occurs in the context of disagreement, focusing on the process of proposing, discussing and resolving assertions. Formal argumentation distinguishes a wide variety of types of disagreement. Disagreement may emerge from the reasoning process of a single actor, or from the interactions among actors. In the context of epistemic reasoning and belief revision, disagreement arises from the underlying uncertainty and incompleteness of the discussed assertions. In the context of practical reasoning such as planning and decision-making, an actor may be subject to different motivations, such as desires and obligations. Due to the limitations in terms of resources, actors cannot fulfil all of their goals and thus conflicts between their various motivations arise. In the case of systems with multiple actors, they may have conflicting goals, priorities and reasoning methods.

The consensus in the field of formal argumentation is described in the first volume of the handbook of formal argumentation (Baroni *et al.* 2018). In particular, while traditional and informal argumentation is concerned with the evaluation of individual arguments, the abstract argumentation frameworks originating from the work of Dung (1995) put their focus elsewhere. In these frameworks, the internal structure of arguments is stripped away and the focus lies on the relation with other arguments. Dung shows that graph theory can be used as a general framework for different kinds of reasoning, such as logic programming, nonmonotonic logic and game theory. The handbook discusses Dung's theory of abstract argumentation, various theories of structured argumentation, and many algorithms and principles defined for these formal theories.

The formal argumentation community is now working towards a second volume, addressing issues where there is no consensus yet. The first topic under discussion is the

extensions of the formal theories to make them more widely applicable, for example by adding various kinds of relations to the graphs, or adding numerical values.

The second topic under discussion is the methodology of using the theories of formal argumentation in practical applications. Standard treatments of formal argumentation either assume the existence of an argumentation framework, representing arguments and the relations among them, or generate arguments and relations among them from a given knowledge base. Both approaches have drawbacks for modeling argumentation. The first approach does not guide the user how to construct such argumentation frameworks from the existing domain knowledge in practical applications. The second approach presupposes the availability of such a knowledge base, which typically has to be represented in some kind of logic. Moreover, existing frameworks such as ASPIC+ (Prakken, 2010) leave the user with many choices, and the impact of choosing one of the alternatives is often difficult to foresee.

In this paper we introduce an alternative approach. We assume individual agents represented by the arguments they accept, and we construct the frameworks from these extensions. This approach is not only practical, but it also gives rise to various new conceptual and philosophical questions. For example, it highlights the relation between acceptance or justification and truth. A truth statement might not be accepted by an agent, while a false statement could be accepted by an agent.

Technically, the challenge of our approach can be illustrated by the following example. Consider a framework where argument A attacks argument B, argument B attacks argument C, and there are no other arguments or attacks. In Dung's theory of abstract argumentation, both argument A and C are accepted, and argument B is rejected. In that case, we say that argument A defends argument C. Now consider the slightly different framework, containing the same set of arguments {A,B,C}, where argument A again attacks argument B, but there is no attack between the arguments B and C. In this adapted framework, again argument A and C are accepted. Thus, if we only know the extension, how do we know whether there is an attack from argument B to argument C?

As a solution to this challenge, we assume a process of imagination of the agent. In the above setting with three arguments A, B and C, the agent can zoom in on argument B and C, and forget about argument A. In this process, when he assumes only argument B and C, he can decide whether he will accept argument B, argument C, none or both. This determines the attacks between arguments B and C for that agent.

The layout of this paper is as follows. Section 2 introduces an example of dialogue in machine ethics, and shows how to represent it in structured argumentation. Section 3 explains how the set of dialogue positions of agents can be represented abstractly by a graph. Section 4 discuss how dialogues have been used as decision procedures for Dung's graph-based theory of abstract argumentation. Section 5 identifies open research challenges for formal argumentation.

2. EXAMPLE OF DIALOGUE AND STRUCTURED ARGUMENTATION

Consider two QT robots in a not so distant future, arguing whether they will force an elderly person to take her pills. The first QT robot argues that they should force the elderly person to take the pills, because taking the pills will increase the person's life and longer living is a positive value. When challenged by the other QT robot about the effectiveness of the pills, the first QT robot explains that he has read this on a website.

The second QT robot challenges the first one in several ways. First, he argues that they should not force the pills on the elderly person, because forcing pills violates the autonomy of

the person, and autonomy is good. The first agent now replies that autonomy is not always good, because it leads to selfishness, which is bad.

Since the first QT robot is still not convinced, the second robot observes that the pills do not increase the life of elderly people at all, because last week they gave the same pills to an elderly person who immediately died. Moreover, he claims that the website that says that these pills prolong life is not trustworthy. The same website reported a UFO warning, and websites that report UFOs are not to be trusted.

The various arguments and their relations can be visualized in Figure 1.
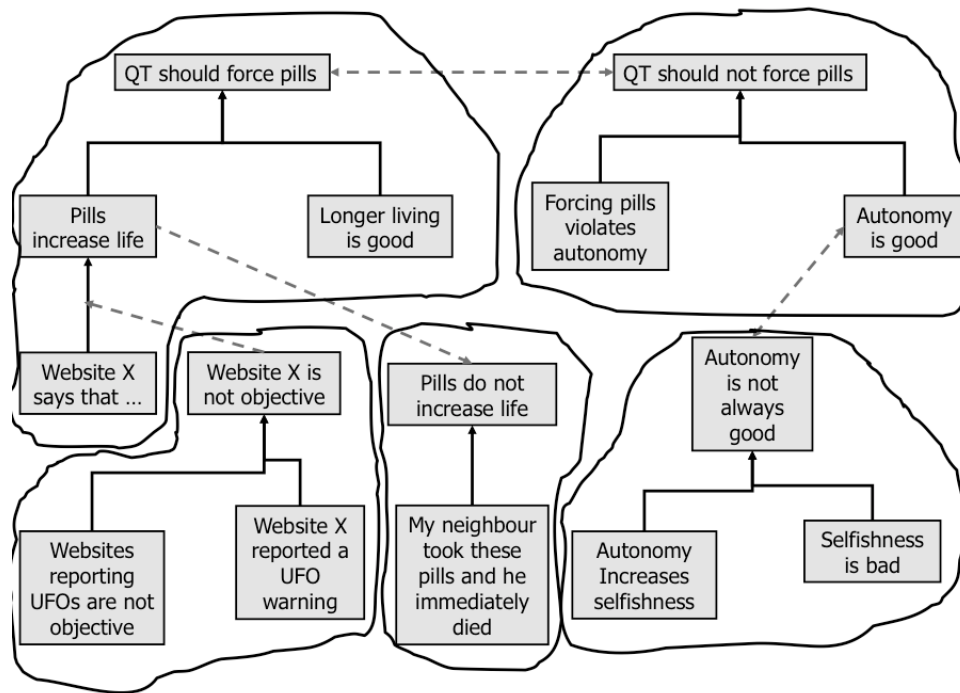
Figure 1. QT robots for elderly care.

There are five arguments, called A1 to A5, which each have a logical structure.

A1. QT should force pills, because according to website X, these pills prolong life, and longer living is good.
A2. QT should not force pills, because forcing pills violates the autonomy of the person, and autonomy is good.
A3. Website X is not trustworthy, because it reported a UFO warning, and websites reporting UFOs are not trustworthy.
A4. The pills do not increase life, because last week they gave the same pills to an elderly person who immediately died.
A5. Autonomy is not always good, because it increases selfishness, and selfishness is bad.

The five arguments are conflicting with each other, but they conflict in different ways. Argument A1 and A2 are conflicting because they have opposite conclusions. Argument A3 conflicts with argument A1 because its conclusion conflicts with the inference from what website X says, and what we can believe about the pills. Argument A4 has a conclusion conflicting with a supporting sentence of A1, and the conclusion of A5 conflicts with the supporting sentence of A2.

One remarkable property of the conflicts among arguments is that conflict is not necessarily symmetric. Consider argument A1 and A3 again. Argument A3 is a reason not to accept argument A1, because it shows that the inference of the website and the information on the pills may be unreliable. However, argument A1 does not provide a reason to doubt A3. Since conflict is typically assumed to be symmetric, like consistency in logic, in formal argumentation we say that argument A3 attacks argument A1, but not vice versa.

3. FROM DIALOGUE TO ABSTRACT ARGUMENTATION FRAMEWORKS

The concepts of *actor* and *agent* are used in many ways in the literature. For practical reasons we distinguish in this paper the concept of actor from the concept of agent, in the sense that we refer to an actor in a role and in a context as an agent.

Definition 3.1. [*Agent*] *An agent is an actor playing a role in a context. Agents are referred to as a, b, etc.*

We assume that there is no disagreement in the position of an agent defined in this way. In other words, whereas there can be disagreement within an actor, no such disagreement exists within the agent. Therefore, the position of an agent in a dialogue can be represented by a conflict-free set of arguments. We call such a set of arguments an extension.

Definition 3.2. [*Argument*] *An argument is any statement which can be accepted or not by an agent. When it is not accepted, we say it is rejected. The set of arguments accepted by an agent is called its position or its extension. An argument may be accepted by one agent and rejected by another one, and in particular it may be accepted by an actor in one context or role and rejected by the same actor in other contexts or roles. Arguments are referred to as A, B, etc.*

Formal argumentation distinguishes between structured and abstract arguments. In contrast to many approaches, we make the agents explicit (Arisaka *et al.* 2018).

Definition 3.3. [*Structured and abstract argument*] *An argument may have a source, a strength, a logical structure with warrant and conclusion, and so on. The acceptance of an argument by an agent may be qualified by a degree or be qualified in some other way. In abstract argumentation, these argument properties are not considered relevant or unknown, and acceptance is binary.*

A special role is played in formal argumentation by arguments that are contradictory. They are sometimes called auxiliary arguments. A typical contradictory argument is the Russell-Zermelo paradox, which arises within naïve set theory by considering the set of all sets that are not members of themselves.

To decide whether an argument is contradictory or not, the agent has to imagine that this argument is the only argument considered relevant, and then he has to decide whether he would accept the argument or not. Since there is no other argument under consideration which can cause the agent to reject the argument, the only reason for rejection can be a contradiction within the argument itself.

Definition 3.4. [*Contradictory argument*] *An a-contradictory argument is an argument that would not be accepted by agent a if this were the only argument considered relevant by the agent.*

We now get to the core of the theory of abstract argumentation, the concept of attack. An argument attacks itself if and only if the argument is contradictory. For attacks between arguments, we play the same imagination game we played for the contradictory check of as single argument. So, when we consider whether there are attacks among arguments A and B, the agent imagines that these two arguments are the only arguments relevant, and then he considers whether he accepts argument A, argument B, none or both. In the first case there is an attack from A to B, in the second case there is an attack from B to A, in the third case there are both attacks, in the final case there is no attack at all.

Definition 3.5. [*Attack*] *Argument A attacks itself with respect to agent a if and only if the argument is a-contradictory. If arguments A and B are not a-contradictory, and the agent a considers that it is impossible to accept both arguments together, then either A and B attack each other with respect to agent a (if the agent considers only arguments A and B, then the agent does not accept A or B) or A attacks B (if the agent considers only arguments A and B, then the agent accepts argument A and rejects argument B) or B attacks A (if the agent considers only arguments A and B, then the agent accepts argument B and rejects argument A).*

Note the relation between conflict and attack. When arguments A and B are in conflict, whether A attacks B or B attacks A depends on the beliefs or preferences of agents. While beliefs or preferences are subjective, the conflict between two arguments could be objective.

We now define the concept of an argumentation framework. The framework considers all the arguments relevant in a dialogue, together with all the attacks of all the agents in that dialogue.

Definition 3.6. [*Argumentation framework*] *An argumentation framework of a set of agents (or a multiagent system, or a dialogue system) is a set of arguments such that the acceptance or rejection of arguments in the framework does not depend on arguments outside of the framework. An argumentation framework is a context for an agent dialogue or debate. The universal argumentation framework is the argumentation framework of all agents containing all arguments. Argument A attacks argument B if and only if there is an agent such that argument A attacks argument B with respect to that agent. Argument A strongly attacks argument B if and only if this holds for every agent. An argument is contradictory in a framework if and only if for every agent a it is a-contradictory.*

We impose some additional conditions on argumentation frameworks, such that they coincide with graphs. We do not assume that agent attack equals attack, but instead we consider the union of the attack relations of the agents. We need to make the strong assumption that the agents know the same arguments. Consequently, they do not learn new arguments during the dialogue.

Definition. 3.7. [*Coherence*] *An argumentation framework is coherent if and only if the agents are aware of and know the same set of arguments, and the agents agree which arguments are contradictory. A set of agents is coherent if and only if the argumentation framework containing all their arguments is coherent.*

Though arguments are abstract in an argumentation framework, we still impose some structure. In particular, we assume that if A and B are two arguments, then also the aggregation of A and B is an argument. For example, if there is an argument that website X is not trustworthy and an argument that website Y is not trustworthy, then there is also an argument that both websites X and Y are not trustworthy.

Definition 3.8. [*Aggregation*] *The language to express arguments is closed under conjunction. Thus, if argument A and argument B collectively attack argument C without individually attacking it, then there is also an argument A&B attacking argument C. Moreover, argument A&B attacks all arguments attacked by A and B individually, and possibly more, and argument A&B is attacked by all arguments attacking either A or B, and possibly more.*

Completeness is the second property we assume about the language to express arguments. If an agent does not accept an argument, we assume that this agent is able to express another argument why the first argument is not accepted.

Definition 3.9. [*Completeness*] *An argumentation framework is agent complete if the agent does not accept an argument A, then it has an argument B attacking argument A, and this argument B is not attacked by another argument it accepts. Strong completeness says that if an agent does not accept an argument A, then it accepts an argument B attacking argument A.*

We imagine that more properties can be imposed on argumentation frameworks, but we leave that to further research.

There are various advantages to the abstract approach. It can be used for classifying and systematizing reasoning methods (Dung 1995, Baroni and Giacomon 2007, Van der Torre and Vesic 2018), and for combining reasoning methods (Gabbay 2005, 2009, 2013, Villata 2010). For example, it can provide a hybrid approach to semantics/pragmatics and logic/probabilistic approaches which can be found in linguistics.

However, there are still various topics which need to be studied in more detail. Abstract argumentation is mainly a normative theory that has not been evaluated or validated yet by experimental research. A theory of abstraction needs to go hand in hand with a theory of refinement (Villata 2010), but there is no consensus of such theory of refinement. A theory of abstraction should consider an arbitrary number of abstraction levels, but current theories distinguish only two or three.

Moreover, abstraction comes at a price. Whereas the logical structure of arguments and their interaction can be abstracted quite well, it has turned out to be much more difficult to present a satisfactory abstraction of argument strength; this is currently one of the main challenges in formal argumentation. In addition, there are many conceptual and philosophical questions concerning combining reasoning methods. It has been objected that some methods cannot be combined at all, because they are based on incompatible assumptions.

Summarizing, the abstract argumentation methodology in formal argumentation is driven by practical and computational considerations and in urgent need of conceptual and philosophical reflection.

4. DUNG'S THEORY OF ABSTRACT ARGUMENTATION

In abstract argumentation, the internal structure and content of each argument is stripped away, so that the focus rests on the relation between them. Formally speaking, an argumentation framework (Dung, 1995) is a pair *(A, R)*, where *A* is a finite set of atomic entities called *arguments* and *R* is a relation between arguments, which symbolizes *attack*.

The aim is to identify sets of jointly acceptable arguments. There is not necessarily a single output, but instead there can be multiple justifiable standpoints on the status of the arguments. In this respect, formal argumentation separates itself from logic approaches that focus on single truth, and comes a bit closer to reasoning as is done in answer-set programming (Gelfond & Lifschitz, 1988). With this in mind, formal argumentation comes closer to problem-solving systems, where multiple solutions co-exist, or perhaps none at all, when the problem is over-constrained.

For example, consider the Einstein puzzle. This is a famous riddle about five neighbouring houses of different colours. Each house is inhabited by a person of different nationality who owns a different pet, has a favourite drink, and enjoys smoking a certain brand of cigars. The problem instance then gives a number of statements such as "The English person lives next to the owner of the cat" and "The owner of the green house drinks coffee but does not smoke Dunhill's". The statement of the riddle ends with a question such as "What is the dog keeper's favourite drink?" This problem is just a model-generation problem of constrain satisfaction. Depending on the constraints given, the problem might have more than one solution, or satisfying model. Also, notice that even when the answer to the question is unique, there might be multiple models that satisfy the constraints but just have this one assignment in common.

In this respect, formal argumentation also looks for satisfying models in that it aims at identifying rational standpoints in an argumentative setting. Here also, multiple viewpoints are possible, as different agents may have different values and objectives, or even a single agent may have conflicts between different goals they would like to fulfil, such as obligations and desires.

We now provide a few definitions of abstract argumentation frameworks for the reader to understand how the formalism carries out these intuitions. We define a set of arguments to be *conflict-free* if and only if it contains no two arguments such that one attacks the other. We say that a set of arguments *B defends* a set of arguments *C* if and only if for every argument *d* attacking some argument in *C*, there exists an argument *e in B* such that *e* attacks *d*. We can now define a set of arguments to be *admissible* if and only if it is conflict-free and defends itself. These sets of arguments represent a first step towards rational standpoints. However, let us examine the argumentation framework depicted in the figure of section 2. {A3} has no attackers, and is therefore admissible. However, note that A3 defends A4 from A1, its only attacker. Therefore, while {A3} on its own is admissible, since it defends A4, it would be odd to accept A3 but not A4. Here is where the notion of *complete extension* comes into play. We say that a set of arguments is a *complete extension* if and only if it is admissible and contains every argument it defends.

We here use the term *extension*, as is used in answer-set programming, since we now really start to identify sets of arguments that satisfy good enough properties to be considered rational standpoints. The complete extensions can then be further refined to reflect different sorts of standpoints. For example, the most conservative standpoint would be reflected by the *grounded extension*, which is the smallest complete extension with respect to set inclusion. Note that this extension is necessarily unique. Agents adopting this point of view would only accept arguments which either have no counter-arguments, or which are somehow defended by those arguments. Every time a dilemma is put forward, where two arguments A and B

attack each other and no other argument attacks either of them, the agent would abstain from accepting either of the arguments and therefore be more cautious in their reasoning. On the other hand, a very liberal kind of reasoning would be reflected by the *preferred extensions*, which are the maximal complete extensions with respect to set inclusion. Here, every time a dilemma is presented, two extensions would arise: one where the first argument is accepted and one where the second argument is accepted. In the presence of such choices, a decision would always have to be made regarding which argument to accept. This would correspond to a greedy approach to reasoning where an agent would like to infer as much as possible.

For example, let us consider a case where an agent must decide what to eat and drink for their conference dinner. Assuming the agent is non-vegetarian, they must first choose between eating meat or fish as a main dish, and then choose a wine between the choice of white, red or rosé. The agent has no preference between meat or fish, so both options are valid and exclude the other, since the agent can only choose one dish. However, it is well known that when eating fish, one should not drink red wine. In addition, since the main dish is more important than the drink, this conflict is unidirectional, unlike the conflict between meat and fish. In addition, the preference is that the agent would rather have red wine that white wine, white wine rather than rosé, but also rosé rather than red wine. This gives us the argumentation framework depicted in Figure 2.
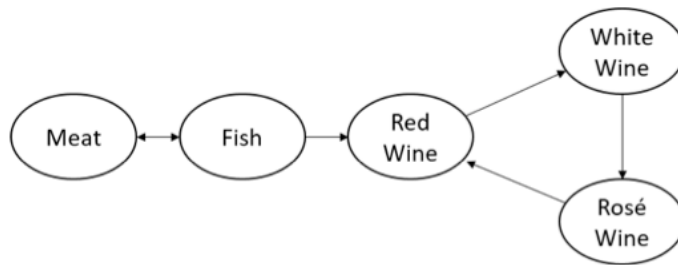
Figure 2. Conference dinner argumentation

Here, the most conservative agents selecting the grounded extension would not accept any argument. On the other and, an agent selecting a preferred extension could either choose to eat fish and drink white wine, or choose to eat meat but remain indecisive about which wine to drink.

Note that the structure of the graph also seems to suggest a particular order for the decision-making. Indeed, notice how choosing fish over meat leads to an instant resolution of the choice of wine.

Dialogue-based decision procedures (Caminada 2018) have been defined for Dung's theory of abstract argumentation. The main-stream argumentation semantics are interpreted by means of structured discussion. The idea is that an argument is justified according to a particular argumentation semantics if and only if it is possible to win a discussion of a particular type. Hence, different argumentation semantics correspond to different types of discussion. Caminada provides an overview of what these discussions look like, and their formal correspondence to argumentation semantics.

For example, consider a proponent who is arguing that we should drink white wine. The opponent can challenge him by asking why we are not drinking red wine. The proponent cannot resort to the argument of rose wine, as it would be attacked by his own argument of white wine. However, he can attack the argument by stating that we will eat wish, and red wine does not combine with fish. Proponent now can attack fish by arguing that we will eat meat. Depending on the rules of the dialogue game, now proponent may be allowed to repeat

his argument of eating fish, or not. If he is allowed to do so he will win the game and white wine is accepted, if he is not allowed then he will lose the game and white wine is rejected.

5. CONCLUSION

Formal Argumentation is emerging as a key reasoning paradigm building bridge among knowledge representation and reasoning in artificial intelligence, informal argumentation in philosophy and linguistics, legal and ethical argumentation, mathematical and logical reasoning, and graph-theoretic reasoning. It aims to capture diverse kinds of reasoning and dialogue activities in the presence of uncertainty and conflicting information in a formal and intuitive way, with potential applications ranging from argumentation mining, via LegalTech and machine ethics, to therapy in clinical psychology. The turning point for the modern stage of formal argumentation theory, much similar to the introduction of possible worlds semantics for the theory of modality, is the framework and language of Dung's abstract argumentation theory introduced in 1995. This means that nothing could remain the same as before 1995—it should be a focal point of reference for any study of argumentation, even if it is critical about it. Now, in modal logic, the introduction of the possible worlds semantics has led to a complete paradigm shift, both in tools and new subjects of studies. This is still not fully true for what is going on in argumentation theory. The first volume of a handbook series in formal argumentation reflects the new stage of the development of argumentation theory.

Formal argumentation can be considered as a candidate for the foundations or theory underlying informal argumentation in philosophy and linguistics. In 1965, Toulmin's much cited book "the uses of argument" led to a criticism on the use of classical logic for reasoning, and the rise of so-called informal logic. Most of the criticism of Toulmin and colleagues has been addressed by non-monotonic logic and more recently, formal argumentation.

Whereas in informal argumentation the evaluation of single argument plays a central role, in formal argumentation the evaluation of argumentation frameworks is the focal point of discussion. Consequently, relations among arguments play a central role in formal argumentation, such as the notion of attack in Dung's theory. Modern formal argumentation offers a kind of interactive argumentation, where the evaluation of individual arguments is enriched with a theory where the evaluation of arguments depends on the evaluation of other arguments. The principle-based approach studies diversity by distinct acceptance semantics, and principles of these semantics.

The research on formal argumentation is split into formal theories of dialogue and formal theories of abstract and structured argumentation. In this paper we show how to build bridges between these two fields. We give an example of dialogue in machine ethics, we show how to represent it in structured argumentation, and we explain how the set of dialogue positions of agents can be represented abstractly by a graph. We also discuss how dialogues have been used as decision procedures for Dung's graph-based theory of abstract argumentation and we identify open research challenges for formal argumentation.

The main challenge is to bridge informal and formal argumentation, in other words to build informal argumentation on top of the new foundations of formal argumentation. This is far from straightforward. From a methodological perspective, the insights of abstract argumentation are a guide, but Dung's theory should not be used as a straightjacket. Researchers in argumentation are free to generalise and adapt it as needed.

We highlight two topics for further study to develop further bridges between informal and formal argumentation.

First, argumentation schemes (Macagno, Walton and Reed 2018) can be used to describe and analyze or produce real arguments. They provide a modular approach to

argument analysis, in which different argumentation schemes are combined together in order to represent each step of reasoning on which a complex argument relies. Moreover, schemes are applied to formal systems, with applications to Artificial Intelligence, AI & Law, argument mining, and formal ontologies.

Second, argumentation mining is the new and rapidly growing area of natural language processing and computational models of argument. Argument mining aims at automatic recognition of argument structures in large resources of natural language texts, for example using argumentation schemes developed in informal argumentation. Budzynska and Villata (2018) introduce approaches for processing natural language argumentation. They observe that, although natural language argumentation has attracted the attention of philosophers and rhetoricians since Greek antiquity, it is only very recently that the methods and techniques of computational linguistics and machine learning have become sufficiently mature to tackle this extremely challenging topic. Argument structures studied in abstract argumentation can be extracted from natural language texts, providing a bridge between mathematical models and natural language. Budzynska and Villata (2018) describe the typical argument mining pipeline and related tasks, and present in more detail a specific example of work in this area.

Further topics of future research can be found in the argumentation manifesto (Gabbay *et al*. 2018).

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Statistics in popular science: The argument from correlation to cause

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ABSTRACT: A main activity within popularized science communication is the expert-to-layman transferral of scientific knowledge. Correlative connections have proven to be a problematic concept to adequately communicate and form a relatively common source for the misrepresentation of scientific knowledge. Depending on the strength of the causal claim, such an inferential step can be considered an 'argument from correlation to cause'. This paper further explores these kinds of arguments within the context of popularized science.

KEYWORDS: argumentative pattern, cause, correlation, popularized science, pragma-dialectics, reasonableness, science communication

1. INTRODUCTION

The popularization of scientific research – also called *vulgarisation* or *accommodated science writing* – is defined as the process of making scientific findings and publications accessible to a more general public. Popular scientific discourse is often characterized by a less technical vernacular than scientific literature as a professional medium and it aims to both inform and persuade non-scientific outsiders. Popularizing scientific knowledge has been traditionally considered an activity situated outside of the academic domain. It was generally deemed unrelated to the process of knowledge production or the validation of scientific findings, both within academic circles and beyond (Shinn & Whitley, 1985, p. 3). However, in more recent developments, science popularization has become progressively widespread and connected to the process of validating scientific knowledge towards society at large. In part, this movement is due to a greater public and political emphasis on the amenability of scientific research, which stresses the societal importance and potential application of scientific findings outside of the academic sphere.

Expert-to-expert scientific literature is generally characterized by the presence of tentative, careful and qualified propositions of fact or relation. Popular science tends to present scientific research and its corresponding claims with less reluctance. Expert-to-expert scientific publications within the academic domain are aimed at facilitating a number of institutional goals: reporting informatively and persuasively on scientific progress, the accumulation of scientific knowledge, and the critical examination of scientific claims by peers. In contrast, popularized scientific texts fulfil a role in the academic domain *and* the journalistic domain. As such, popular scientific discourse can be considered its own unique *communicative activity type* (van Eemeren, 2010) with its own set of characteristics and discursive attributes. This makes the translative process from scientific discourse into a popular scientific publication interesting from an argumentation theoretical point of view. Expert-to-expert and popularized scientific publications serve to fulfil dissimilar institutional goals and cater to different audiences, which affects the argumentative strategies employed in each respective genre.

The argument from correlation to cause is a good example of a type of reasoning that is often employed with considerable restraint in professional scientific discourse, but less so in

popularized scientific texts. While correlations possess certain predictive capacities, they may only be employed to infer causation under very strict conditions, which is due to the fact that there could remain a number of hidden influences that may play a part in the observed relation between two variables. In some cases, one could argue that a particular correlation *does* point to a causal link between the observed variables, when the presence of one variable is believed to directly influence the presence of another. When a correlative argument is adduced in defence of a claim to the existence of a causal relation, this is also known as an argument *from correlation to cause* (Walton, 1996, p. 71). In order for such an argument to be acceptable, several other arguments aside from the correlative connection between the observed variables are needed. Employing a correlation in an argument supporting a causal relation can be perfectly reasonable from an argumentative point of view – if there is sufficient additional evidence to support the causal claim. However, this type of argumentation has proven to be problematic within the context of popular science communication, which can lead to the misrepresentation of scientific knowledge to the greater public.

In order to further explore these arguments from correlation to cause in the context of popular science, this paper will: (a) provide a characterization of popular scientific discourse as a communicative activity type, (b) formulate the expected argumentative pattern for arguments from correlation to cause from a pragma-dialectical perspective, and (c) discuss a case study of such argumentation within the context of popularized science communication.

2. CHARACTERIZING POPULAR SCIENTIFIC DISCOURSE AS A COMMUNICATIVE ACTIVITY TYPE

Most popular scientific texts are situated between the realms of academics and journalism, which means they aim to fulfil institutional goals relevant to both these communicative domains. Popularized scientific discourse that is intended for a general public is also called *expert-to-layman* communication, and constitutes a unique communicative activity type. As van Eemeren notes, when attempting to distinguish communicative activity types from one another, it is important to describe "the specific goals they are to serve in order to fulfil their mission in realizing the institutional point of the communicative activity" (2010, p. 144). Popular scientific discourse can be categorized among the communicative activity types that "prototypically involve the activation of more genres of conventionalized communicative practices" (van Eemeren, 2010, p. 144). This means popular scientific discourse functions as a *hybrid* communicative activity type. Table 1 below presents an overview of my formulation of the institutional goals popular scientific texts aim to achieve within the journalistic and academic domains.

The institutional goals of popular scientific discourse have some overlap to those of professional scientific publications. Popular scientific texts share the institutional goal of reporting informatively on scientific progress and persuading an audience of a scientific interpretation. However, the goal of critical examination and evaluation of scientific findings is largely absent for popular scientific discourse, given the fact that it does not target a purely academic audience, but a much more general audience. The primary institutional goals of a popularized scientific article domain as a form of scholarly communication is to persuade a reader by means of a *representative* interpretation of the scientific source material (Goal 1 & 2, Table 1) rather than subject the material to critical examination.

Communicative Activity Type	Communicative Domain	Institutional Goals
Popular scientific discourse	Scholarly communication	1. Providing an adequate and accurate representation of scientific findings. 2. Persuading the audience of the presented interpretation of scientific knowledge.
	Journalistic communication	3. Simplifying the scientific source material in order to make it accessible to a wider audience. 4. Indicating the societal importance and significance of the scientific knowledge reported on.

Table 1: Institutional goals of the communicative activity type 'popular scientific discourse'

Another important factor influencing the institutional goals of popular scientific discourse is that its content is bound to professional scientific material already in existence. Authors of popular scientific texts have an institutional responsibility to provide a representation of existing scientific knowledge that is both adequate and reasonable, although it does not have to be complete or exhaustive. If a popular scientific text strays too far from the source material, its author runs the risk of misrepresenting the scientific material it is based on, possibly leading to the popularized scientific article being rescinded. However, there is no absolute delineation of what constitutes a reasonable or unreasonable representation of scientific source material. Also, authors of popular scientific material are expected to create a text that is appealing and accessible to a wide audience, which involves making a selection of information to present that serves his or her purpose – and thus the journalistic institutional goals (Goal 3 & 4, Table 1) (Fahnestock, 1986, p. 281). Essentially, when creating a popular scientific text, an author maneuvers between the institutional goals of adequacy and representation, while also attempting to maximally achieve the institutional goals of simplifying the material and indicating its societal importance and relevance in order to ensure that is interesting to a broad public. As such, there exists a certain tension between the academic and journalistic institutional goals of popular scientific discourse, as it may not always be possible to maximally fulfil one without neglecting the other.

The adaptation of scientific knowledge from an academic audience to a lay-audience represents a great shift in discursive context. And as Fahnestock remarks, "with a significant change in rhetorical situation comes a change in genre, and instead of simply reporting facts for a different audience [...] the work of science journalism requires the adjustment of new information to an audience's already held values and assumptions" (1986, p. 278-279). Thus, professional scientific material is not simply reported on in popular scientific discourse, but is in fact recontextualized in the communicative activity type of popular science in order to ensure it fulfils both of its institutional goals. In that regard, a popular scientific text is a reinterpretation of scientific source material that must be argued for. However, in the popular scientific context of informing and persuading an audience of scientific fact – rather than offering scientific findings for critical evaluation – there is often no room for many qualifications towards what is being communicated. Although a smaller, academic audience may expect an author to provide a full justification for his or her statements and take a tentative approach to inferential claims,

the wider audience has much less need for this type of information. Instead, a large and heterogeneous audience is mainly interested in the potential application of research or its appeal to a sense of wonder or progress (Fahnestock, 1986, p. 279). This particular audience demand is often met by the use of vivid imagery and presenting scientific claims with greater certainty than they may actually possess. Additionally, while the significance of what is being communicated in a professional scientific paper is largely understood and made clear contextually, this does not hold true for many popular scientific articles, which generally explicitly indicate the value of the scientific knowledge they report. Such practices tie back to the institutional goal of relating the societal importance of the scientific source material to the target audience, which is more likely to be adequately fulfilled with the use of these discursive strategies.

3. THE ARGUMENT FROM CORRELATION TO CAUSE

3.1 The statistical meaning of a correlation

Correlations fall within a broad class of statistical relationships that involve dependence and association between two or more variables. In its most common usage, a correlation between two variables refers to the extent to which these variables possess a linear relationship with each other. For example, the relation between the physical appearance of parents and the appearance of their children is a basic example of a correlation, since their relation is clearly dependent, but not completely linear. Correlations may also possess predictive capacities, as they can provide an indication of the likelihood a particular variable may occur. For instance, the weather conditions on a particular day are instrumental in assessing the required level of energy production a power plant should be prepared to meet. In that case, the correlation between extreme weather conditions and a corresponding increased demand for energy in order to heat or cool residences contains a causal relation. In other words, the weather conditions *cause* the increased need for energy, which means those weather conditions provide a solid indicator of energy demand. However, there are many other factors that may contribute to an increase in energy demand and extreme weather conditions do not *always* generate the same increase in energy demand, which may be the case during a holiday period. This means the overall relation of dependence between energy demand and weather conditions is still considered a correlation, while it has a causal relation embedded within its relation of dependence. In actuality, what is commonly subsumed under correlation is a broad range of different possible relations between variables.

When two variables or events – A and B, for example – are correlated, there are a number of possible relationships that may exist between those variables, which include the following options (Govier, 2005, p. 288):

- A causes B (direct causation)
- B causes A (reverse causation)
- Both A and B are the consequences of a common cause C, but have no causal relation towards each other. (Third-cause variable, 'standard' correlation)
- There is in fact no actual connection between A and B (coincidence)

Because of the disparate nature of what a correlation may actually signify[1], a common statistical dictum is *correlation does not imply causation*. This means that on the basis of the fact that event A and B are correlated alone, one cannot draw a conclusion about the existence or the direction of a causal relationship between them. In order to establish whether any causal link between the observed variables exists, additional information is required. As such, the interpretation of a measured correlation as an indication of a certain causal connection is in fact a claim that requires argumentative support. If an arguer employs a correlation to validate the existence of a causal link, he or she can be reasonably expected to provide additional evidence that supports that particular interpretation over another. More specifically, an arguer claiming that a variable shares a causal relation with another may be required to adequately address the impossibility or unlikelihood of the other possible relations between those variables. In the case of an arguer claiming a direct causal relation – A causes B – on the basis of a correlation between them, he or she is using a specific type of argumentation that is also called an *argument from correlation to cause* (Walton, 1996, p. 71). However, given the fact that the correlation alone is not enough to substantiate a causal relation, the argument from correlation to cause should consist of multiple elements that must be adduced in defence of the causal claim in order to form a cogent inference. Section 3.2 to follow further elaborates on the expected argumentative pattern for arguments from correlation to cause.

3.2 Argumentative pattern for the argument from correlation to cause

In previous research concerning the use of correlation in argumentation, several formulations of the argument from correlation to cause have been put forward. However, there are considerable differences between these formulations and their theoretical stance towards the reasoning behind the argument from correlation to cause. Douglas Walton (1996, p. 71-73) formulates the argument from correlation to cause – which he baptized as such – in its basic form:

Premise: There is a positive correlation between *A* and *B*.
Conclusion: Therefore, *A* causes *B*.

Walton adds a number of critical questions that are aimed at identifying whether the relation invoked can be considered reasonable or not. He notes that "quite often, arguments fitting this argumentation scheme are presumptively correct. However, this type of argumentation tends to be very weak in many cases, because other factors are overlooked" (Walton, 1996, p. 71-72). But even if the argumentation employed in an argument from correlation to cause is weak, "the argument may still be a reasonable one, [...] because the critical questions could possibly be answered with further investigation of the case" (Walton, 1996, p. 72). Thus, in Walton's view, the argument from correlation to cause is not necessarily fallacious, but difficult to make inferentially valid.

In another treatment of argumentation from correlation to cause, Johnson and Blair (1983, p. 121) subsume it under a broader category of arguments that employ a causal claim. As such, their treatment of the argument from correlation to cause departs from the category of

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[1] Theoretically, 3 more possible causal relations between the correlated variables could occur than the ones mentioned by Govier (2005, p. 288). A and B could also be the cause of one another, which is a cyclical causation. Also, A could cause a third variable C, which in turn causes variable B, called an indirect causation. Although these relations are more complex, they include a causal relation from A to B and have been accommodated in that category. Lastly, A and B may both cause a third variable C, which is actively conditioned on, which is an example of Berkson's Paradox (Berkson, 1946) This category has been purposefully excluded, as it exceeds the theoretical scope of this thesis.

post hoc and *cum hoc* fallacies, which are also called fallacies of *questionable cause*. Such fallacies have three identifying conditions: (1) there is a causal claim in the standpoint, (2) the protagonist fails to provide adequate evidence for the causal claim and (3) there are grounds to question the acceptability of the claim (Walton, 1996, p. 165). This interpretation of the argument from correlation to cause signals that Johnson and Blair do not consider such arguments inherently fallacious, seeing as a correlation – in combination with other arguments – could satisfy conditions (2) and (3). While Johnson and Blair provide further general criteria for the acceptability of arguments containing a causal claim, the specific requirements for an argument from correlation to cause are not addressed.

Groarke & Tindale (2004, p. 303) formulate an extensive argument scheme for the argument from correlation to cause, which is focused on representing the additional theoretical elements necessary to infer a causal relation on the basis of a correlation:

Premise 1:   *X* is correlated with *Y*.
Premise 2:   the correlation between *X* and *Y* is not due to chance.
Premise 3:   the correlation between *X* and *Y* is not due to some mutual cause *Z*.
Premise 4:   *Y* is not the cause of *X*.
Conclusion: *X* causes *Y*.

This scheme contains all the necessary elements needed to substantiate a claim to causality, but it does not yet indicate the logical structure in which the premises support the standpoint. Also, the underlying assumptions an arguer uses to justify the inferential step from the premises to the conclusion are not yet represented in this formulation of argumentation from correlation to cause.

Using a combination of empirical information on argumentation from correlation to cause and its theoretically necessary elements, I have formulated a pragma-dialectical rendition of their expected argumentative pattern as follows:

1	We may assume that *A* causes *B*.
1.1a	*A* is correlated with *B*.
1.1b	A causal relation between *A* and *B* is plausible.
1.1c	The correlation between *A* and *B* is not due to a common cause.
1.1d	*B* does not cause *A*.
(1.1a'-1.1d')	If premises 1.1a through 1.1d apply, we may assume that *A* causes *B*.
(1.1a'-1.1d').1a	If premises 1.1a through 1.1d apply, *A* is a necessary cause of *B*.
(1.1a'-1.1d').1b	If premises 1.1a through 1.1d apply, *A* is a sufficient cause of *B*.

In this form, the argument from correlation to cause can be considered a subtype of *causal argumentation* (van Eemeren et al., 2002, p. 100-102). The standpoint under 1 that contains the claims to a causal relation between *A* and *B* is defended with a number of coordinative arguments, which only together constitute a complete substantiation of the claim. These arguments are provided in anticipation of critical questions that "relate to specific conditions under which a particular fact can be called the 'cause' of another fact" (Wagemans, 2016, p. 103). In support of the standpoint containing the causal claim, four coordinative arguments pertaining to the observed correlation between *A* and *B* can be adduced. Argument 1.1a contains the argument that there is a positive correlation between *A* and *B*. Argument 1.1b consists of any reason related to the plausibility of the suggested causal relation, such as circumstantial information regarding the evidence brought forward. In turn, argument 1.1c is adduced in order to exclude the possibility of a third variable causing both *A* and *B*. Argument 1.1d eliminates

the reverse and cyclical types of causal relations between the variables. These four coordinative arguments are aimed at the elimination of the existence of any other relation between the correlated variables *A* and *B*, in order to support the standpoint containing the claim to a direct causation from *A* to *B*. The implicit linking premise under (1.1a-1.1d') reflects the arguer's assumption that the arguments mounted in defence of the direct causal relation provide an adequate substantiation of the causal claim. In theory, this argument scheme for the argument from correlation to cause represents all the necessary elements for a valid and acceptable inference, in which arguments 1.1a through 1.1d each provide a piece of the puzzle. Finally, the implicit linking premise may be further supported by two coordinative argument relating to the sufficiency and necessity of the causal relation between *A* and *B*. Argument (1.1a'-1.1d').1a states that the causal relation from *A* to *B* is necessary, which means that "without the occurrence of the cause, the effect does not occur either" (Wagemans, 2016, p. 103). Argument (1.1a'-1.1d').1b states that *A* is a sufficient cause of *B*, which means that no other factors – such as a third variable – are needed for the effect to occur.

4. CORRELATION TO CAUSE ARGUMENTATION IN POPULAR SCIENCE

Using the argumentative pattern outlined in Section 3, it is now possible to analyze an argument from correlation to cause within the context of science communication. The expert-to-expert scientific and peer-reviewed journal for *Behavioural Brain Research* has recently published a study focussed on the relation between Facebook usage and brain structure by Montag et al. (2017, pp. 221-228) titled 'Facebook usage on smartphones and gray matter volume of the nucleus accumbens'. The study used a remote smartphone activity tracker to record the actual Facebook activity of 62 participants and correlated this data with the volume of the *nucleus accumbens* in the brain. The nucleus accumbens is a region in the brain also known as its 'reward centre', and likely plays an important role in a wide range of positive experiences. The resulting data of the study indicate that "in particular higher daily frequency of checking Facebook on the smartphone was robustly linked[2] with smaller gray matter volumes of the nucleus accumbens" (Montag et al., 2017, p. 221). In this case, the correlation was negative: "participants who opened the Facebook application more frequently and participants who stayed on Facebook longer had smaller nuclei" (Montag et al., p. 224). However, the authors stipulate that "given the cross-sectional design of the present study, it remains to be elucidated whether lower volumes of the accumbens constitute a factor for increased social media use or whether it results as a consequence of higher usage" (Montag et al., 2017, p. 226). In other words, the study has found the variables to be strongly correlated, but has not been able to establish the existence or direction of a possible causal link between the measured variables. I have formulated a reconstruction of this professional scientific publication's most relevant argumentation below:

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[2] 'Robustly linked' means as much as 'strongly correlated' in this context. In relation to this discursive phenomenon, Govier points out that "the word *linked* [...] enables writers to skirt over the distinction between correlational evidence and causal claims conclusions, because it has several meanings that are rarely distinguished from each other. To say that Q is linked to H suggests, but does not assert, a causal connection between Q and H. Because the connection is only suggested, the demands of a rigorous causal argument are avoided. But because the connection is suggested, there is a clear implication that something more than a correlation has been established" (2005, p. 290, italics in original).

1	The nucleus accumbens could be involved in online social media usage.
1.1a	Higher daily frequency of checking Facebook is robustly linked with smaller gray matter volumes of the nucleus accumbens.
1.1a.1	Left and right nucleus accumbens volume is negatively correlated with Facebook usage.
1.1b	The results from other neuroscientific studies suggest that the rewarding aspects of Facebook usage could result in over-usage of this platform.
1.1c	Data show that the frequency of daily Facebook checking is also associated with self-reported tendencies towards online social network addiction.

The claim Montag et al. (2017) make on the basis of their observed correlation is careful, and states no more than a possible involvement of the two variables investigated. The claim is supported by the observed negative correlation between the variables and other coordinative argumentation that suggests other evidence for the plausibility of the connection.

In the 'Health' section of *Rush Hour Daily* news, these professional scientific findings are popularized in an article that claims "Facebook addiction causes decrease in brain's gray matter" (Ulaky, May 29, 2017). The article goes on to report the measured negative correlation between Facebook usage and nucleus accumbens volume, as well as another study concerning the use of Facebook and markers of general well-being. Furthermore, the popular scientific article contends that researchers Montag et al. used magnetic resonance imaging (MRI) scans, which "ultimately showed the negative reaction too much social activity might have" (Ulaky, May 29, 2017). My reconstruction of the correlation to cause argumentation employed in the popular scientific article is as follows:

1	Increased Facebook usage leads to a decrease in gray matter in the brain.
1.1	A study published in the journal *Behavioural Brain Research* has discovered the negative side effects and psychological repercussions of Facebook "addiction".
1.1.1a	People who frequently check the application on their smartphones are likely to have less gray matter the 'reward centres' of their brains.
1.1.1a.1	Higher daily frequency of checking Facebook is robustly linked with smaller gray matter volumes of the nucleus accumbens.
1.1.1b	MRI-scans of the test subjects showed the negative reaction too much social activity might have.

From an evaluative point of view, the reconstructed argument from correlation to cause in *Rush Hour Daily*'s article can be considered fallacious on two accounts:

In the first place, the representation of the scientific source material the article is based on is inadequate and unreasonable towards the original authors. In argument 1.1, the author of the popular scientific article states that researchers Montag et al. have "discovered the negative side effects and psychological repercussions" to the use of Facebook, which signals a relation of cause and effect between the variables. However, Montag et al. explicitly indicate they have not yet discovered the substantive nature of the correlation they have observed (2017, p. 226). In that regard, the popularized article commits a *strawman* fallacy, by implying the study by Montag et al. has claimed a causal relation between the correlated variables. In doing so, the popularized article violates the third pragma-dialectical rule for critical discussion, which states that an arguer may not distort or misrepresent the standpoint of another party.

In the second place, the inference from correlation to cause made in the popular scientific article is unacceptable, since it is improperly substantiated with evidence other than a correlative argument. Argument 1.1.1b is used in the article to support the interpretation of the original study as a relation of cause and effect. In reality, the MRI-scans of the test subjects' nucleus accumbens indicated the correlation of its volume and Facebook usage, but no causal relation. As such, the correlative argument 1.1.1a and the incorrect interpretation of the data in argument 1.1.1b entail the fallaciousness of this argument from correlation to cause. The author commits the fallacy of *cum hoc ergo propter hoc,* by making the assumption that the observed variables co-occurring allows for a causal conclusion. The reasoning in the popularized article does not effectively rule out alternative explanation before making a causal claim and does not acknowledge that the remaining premises alone do not adequately substantiate the claim.

This example demonstrates the tension between the academic and journalistic institutional goals a popular scientific article aims to fulfil. By presenting the observed connection between Facebook usage and gray matter volumes in the brain as a causal relation, this article has very likely achieved both journalistic institutional goals of simplification and indicating significance. This is further abetted by the nature of the topic, which is of wide application and interest, which now also generates a cause for concern. Although popular science writers "must usually be explicit about the value of scientific discoveries, [as] they cannot rely on the audience to recognize the significance of information" (Fahnestock, 1986, p. 279), in the example this has been achieved at the expense of the institutional goal of adequacy and representation. In sum, the author of this particular popular scientific article appears to have placed too great an emphasis on fulfilling the institutional goals situated within the journalistic domain of communication, thereby overstepping the reasonable bounds for critical discussion.

5. CONCLUSION

With this paper, I have endeavoured to develop an argumentation theoretical basis for the analysis and evaluation of arguments from correlation to cause within the context of science communication. In Section 2, I have briefly discussed the communicative characteristics of popular scientific texts. Section 3 focussed on formulating the expected argumentative pattern for arguments from correlation to cause, and Section 4 discussed an example of argumentation from correlation to cause within the context of science communication. The argumentative use of correlation and cause plays an important role in the process of obtaining valid and substantiated scientific explanations for the relation between observed phenomena. While correlations may provide an important hint to the existence of a causal relation, they do not license a causal claim on their own. An acceptable argument from correlation to cause must contain a number of additional elements that support the inferential step from a correlation to a relation of cause and effect.

The exclusion of the possible effects of external variables in an argument from correlation to cause is the subject of debate in numerous scientific fields. In many behavioural and medical research projects, the total exclusion of tertiary factors that may be of influence on an observed correlation can be very difficult – or even impossible. For those cases, it may not be achievable to assemble a complete argument from correlation to cause, but that does not necessarily make the scientific findings any less valuable. The precise conditions under which a causal connection can be considered adequately or sufficiently established affect not only the academic world, but also the realms of government and politics. For example, if a particular product is found to be correlated with a risk to health, the conditions that stipulate when a legitimate inference from a correlation to cause may be made are instrumental in determining when a government is allowed to intervene. In view of this, it would prove conducive to

precisely identify the argumentative conditions under which external variables are generally considered acceptably excluded in establishing causality.

There also remain a number of interesting directions for further argumentation theoretical research on this topic. Since the intended audience of popular scientific discourse is highly diffuse, its contents and aims may vary greatly per category of popularization. For example, intra-scientific popular discourse is intended for members of the academic world active in other fields of research and results in entirely different popular scientific material than popularized articles in a newspaper or a magazine dedicated to popular science for a general audience. It would be fruitful to characterize each of these subtypes of scientific popularization as a communicative activity type in order to chart how the variations in intended audience influence their respective institutional goals and conventions. Another worthwhile area of research is the parallel between the institutional goals of popular scientific discourse and the dialectical and rhetorical goal in the pragma-dialectical notion of *strategic maneuvering* (van Eemeren, 2010, pp. 25-47). An arguer involved in a difference of opinion may maneuver strategically to simultaneously fulfil argumentative goals of reasonableness and effectiveness. The tension between the institutional goals of popular scientific discourse resembles the tension between the dialectical and rhetorical goals which underpins the pragma-dialectical notion of strategic maneuvering. It may be possible to analyze and evaluate the discursive tactics popular scientific texts employ to mitigate the tension between its institutional goals as strategic maneuvers.

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On maps as visual grounds for inference: Against isomorphism

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ABSTRACT: People appeal to maps when justifying conclusions about the territory mapped. What warrants such inferences? Christoph Lumer (2016), in responding to similarity accounts of maps-as-models, claims that such inferences are only properly warranted by an isomorphism between the territory represented and the map. We respond that isomorphism cannot account for the variety of ways in which maps are used as justification. Therefore, while inferences from map to territory may be warranted by an isomorphism, schemes that cite only the isomorphic relation do not accurately depict the normative structure of the reasoning involved.

KEYWORDS: analogical reasoning, appeal to visual model, argumentation schemes, isomorphism, models, model-based reasoning, simulative reasoning, structural representation, surrogative reasoning, visual argument

1. INTRODUCTION

Visual arguments are arguments in which at least one component is carried or conveyed by a visual element (Dove 2016a: 57). Of the many theoretical issues concerning visual arguments, questions of their proper analysis, representation, and normative appraisal have become paramount. Conservative approaches hold that existing theoretical resources typically applied to verbal arguments may also be applied to visual ones. Conservative approaches may include revisionary elements, whereby existing resources are modified or adapted, or their repertoire expanded, so as to better apply to particularly visual arguments. Radical approaches, by contrast, contend that existing argumentation-theoretic resources do not properly apply to visual arguments. David Godden (2017) argued for a normative non-revisionism, whereby existing evaluative ways may properly be applied to visual argument. Contributions to the literature exhibiting this approach include Groarke (1996), Blair (1996, 2004, 2015), and Birdsell & Groarke (1996, 2007).

Taking a conservative approach, Ian Dove (2011, 2016a, 2016c) has demonstrated that visual arguments are usefully represented and evaluated using the informal techniques of argumentation schemes, critical questions, and fallacies. These techniques are also adopted in the fifth (2012) edition of Leo Groarke and Christopher Tindale's textbook *Good Reasoning Matters!* In some cases, Dove observes that existing schemes and fallacies, originally designed for verbal arguments, may straightforwardly be applied to visual arguments, as with *arguments from visual analogy* (Dove 2011) and the *slippery slope fallacy* (Dove 2016c). The revisionary elements of Dove's program consist in identifying and schematizing uniquely visual patterns of reasoning, such as *arguments from (perfect) fit* (Dove 2013) or *arguments from pictured plausibility* (Dove 2016a).

In "On appeal to (visual) models" (2016b), Dove proposes the scheme *appeal to visual model* to depict the macrostructure of *surrogative reasoning* (Swoyer 1991) where, by reasoning about or within a model, one may cogently draw conclusions about the phenomena or systems represented in or by the model.[1] Following theorists like Chris Swoyer (1991) and Ronald Giere (1999; 2004), Dove claims that the relation between model and modelled warranting simulative reasoning is one of similarity—specifically a *structural similarity*. In commenting on Dove's proposals, Christoph Lumer (2016) argues that isomorphy, not structural similarity, is required for the cogency of simulative reasoning: the "inference [from model to modelled] is made possible because of the isomorphy between the original and the model" (2).

Here, by considering examples of simulative reasoning from visual maps to their territories, we argue against Lumer's contention that isomorphy is required for the cogency of arguments involving appeal to visual model. We begin by presenting a general scheme for reasoning with models. Next, we consider whether and to what extent isomorphy can and should play a role in determining the proper structure of schemes that appeal to models. Next we present a series of arguments and counterexamples against taking isomorphy as *the* definitive characteristic of model source/target relations. We conclude that there are a variety of possible warrant-granting grounds for simulative reasoning using models—for example, similarity, broadly construed. And, though we grant that isomorphy can ground warrant in reasoning that employs models, it is not the only ground for such reasoning.

2. REASONING FROM MODELS

A model (called the "source") is used to represent certain features of a domain (called the "target"). In a visual model, this representing occurs my means of a depiction of one sort or another. Simulative reasoning, or reasoning from a model, has at least two distinguishing features: first, one is able to reason directly about the source; second, having done so one is thereby able (i.e., permitted) to draw corresponding conclusions about the target (Swoyer 1991, 450; cf. Dove 2016b, 2).

In an effort to provide argumentation theorists and arguers with a heuristic analytical and evaluative tool for arguments relying on visual models, Dove (2016b) offered the following scheme and attendant critical questions.

2.1 Appeal to visual model scheme

Appeal to Visual Model
     [P1] *Representation Relation*: R models O.
     [P2] <u>*Reasoning On Model*</u>: In R, *r* obtains.
∴ [C] *Conclusion*: In O, *o* obtains (where *o* is the feature represented by *r* in R).

Critical Questions:
     CQ1: *Adequacy*: Is the model adequate for the task?
     CQ2: *Accuracy*: Is the model accurate enough for the task?
     CQ3: *Attribution*: Is the attribution of *r* in R proper?
     CQ4: *Competition*: Is there a competing model giving a different attribution?

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[1] We will use the expression "simulative reasoning" to gesture at the kind of reasoning Swoyer (1991) called "surrogative" without here claiming to identify them.

When it is claimed, as P1 does, that a representation relation holds we may ask what *constitutes* that relation (Suárez, 2010, p. 92)? That is: what is the actual relation between source and target that grounds, or accounts for, the representative capacity of the model? On Dove's view, the representation relation is constituted by some kind of structural similarity between source and target. Thus, there are many ways, in principle, that a representation relation might be constituted.

By contrast, Lumer (2016, 2) claims that the representation relation must be constituted by an isomorphy between source and target. Describing the inferential transition from reasoning about the model to drawing a conclusion about the target, Lumer writes: "the features read from the model or, more precisely, observed in the model … are used to infer on corresponding features of the original reality … . This inference is made possible because of the isomorphy between the original and the model."

2.2 Isomorphy

Lumer (*ibid*.) then provides the following informal account of isomorphy:[2]

> An isomorphy is a relation which holds between two structures, *A* and *B*, each of which consist of a set of objects, $a°$ and $b°$, and a set of relations, $F°$ and $G°$, holding between them. Such structures *A* and *B* are isomorphic if two conditions are fulfilled:
> 1. *Bijective mapping*: There is a bijective (or one-to-one) mapping Φ between the objects of *A* and the objects of *B* as well as between the relations holding in *A* and the relations holding in *B*; i.e., to every object a_i of *A* exactly one object b_i of *B* is assigned, and vice versa; and to every relation F_i in *A* exactly one relation G_i in *B* is assigned, and vice versa.
> 2. *Homomorphism*: If a relation Fi between the objects $a_1, …, a_n$ ($F_i(a_1, …, a_n)$) holds in *A* the corresponding relation G_i between the corresponding objects $b_1, …, b_n$ in *B* holds as well, and vice versa. (Lumer 2016: 2)

Isomorphic objects are indistinguishable with respect to the properties constituting the morphism. One may thereby directly draw conclusions about one on the basis of having made observations about the other, so long as those observations and conclusions are restricted to just those the features of which the morphism consists. As such, isomorphy seems like a promising candidate for just the kind of structural similarity Dove contends warrants simulative reasoning. Isomorphy, apparently, nicely guarantees that the features, elements, and relations in a source model have corresponding features, elements, and relations in the target.

3. WHY NOT ISOMORPHY?

We do not deny that isomorphy is one of the ways that the representation relation between models and their targets can be constituted. Prima facie, it seems to readily account for the distinguishing features of the reasoning involved in appeal to visual models. Yet, we deny that isomorphy is the only way that the representation relation at work in appeals to visual models can be constituted. Particularly in the case of reasoning with geographical maps, the modelling relation does not seem to be constituted by an isomorphy between map and territory.

To demonstrate, we offer counterexample cases where inferences from models (maps in our examples) to their target domains (territories) are cogent, yet their warrant cannot be

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[2] This informal account is then supplemented with a more formal definition (Lumer 2016, 2), the technical aspects of which are not required for the discussion offered here.

grounded in a relation of isomorphism between model and target, because either bijective mapping or homomorphism fails to obtain.

3.1 No Homomorphism

Let's begin with homomorphism, according to which properties of, and relations between, the elements in a target domain are preserved among the uniquely corresponding items in the source.

Consider large-scale planar maps of the Earth. As may be seen intuitively by trying to peel an orange in a single piece and laying the peel flat on a table, "preparing a flat map of a surface curving in all directions [leads] to distortion. That distortion may take many forms—shape, area, distance, direction, and interruptions or breaks between portions" (Snyder 1993, 1). It is mathematically impossible to represent a spherical territory with a planar map using only isomorphic properties (Shea 2014, 2-3). Rather, some non-isomorphic features must always be included in order to represent the isomorphic ones.

To address this problem, geometers and geographers have developed a variety of techniques for *projecting* the points on the globe onto a plane (Kennedy & Kopp 1994; Snyder 1993). These projections consist of a mathematical function mapping points on the surface of a sphere onto a variety of surfaces (standardly cylinders, cones, triangles, rectangles, and circles) that may readily be lain flat. Yet no projection preserves all the relations among the elements of the territory. Take the Mercator map (Kennedy & Kopp 1994, 70), familiar to many North Americans as the map they may remember from their public school classrooms. This map is based on a cylindrical projection, with either a tangent point of contact at the equator or secant points of contact at symmetrical latitudes. It is a conformal projection which preserves all local shape and angular relationships, such that "any straight line on this projection represents an actual compass bearing" (*ibid*.). Yet, distance and area are increasingly distorted on the map as one approaches the global poles since, at these points, a single point on the globe occupies the same length on the map as the Earth's equator!

Of the various properties that might be preserved from target to source, there are: area, shape, direction, distance, bearing, and scale. Yet, they cannot all be preserved, and efforts to eliminate distortion in one set of properties results in increasing distortion in others. For example, by contrast to the Mercator, the Behrmann projection (Kennedy & Kopp 1994, 39) is an equal-area cylindrical projection with secant points contact at latitudes equidistant from the equator. Here, while area is preserved, shape, direction, and distance are all distorted.

It might be thought that this objection can be handled by responding that the isomorphic relation needn't be *comprehensive* of all the elements and relations occurring in the source and target, but that warranted appeals to visual models will be limited to cases where the features (elements or relations) cited in the argument are among those comprising the isomorphism. Drawing conclusions about one's bearings in the world will be warranted when reasoning from a Mercator map but not from a Behrmann, while conclusions about the relative sizes of the continents will be warranted when reasoning from a Behrmann map but not from a Mercator, and conclusions about distances on the globe will be warranted by neither. Yet, this response will not suffice.

First, there is a practical problem: mere inspection of the representation will not typically reveal which features are distorted and which are preserved—that is, they will not identify the elements comprising any isomorphism that might be present. Sometimes, with maps indications are included as part of its legend or meta-data. For example, Mercator projections typically include a distance scale indicating that distance is not constant along the parallels. More generally, Tissot's indicatrix of distortion (Snyder 1993, 147ff.) may be superimposed over the intersections of the parallels and meridians on the map. This index

represents an arbitrarily small circle on the surface of the globe as it would appear on the map, allowing for visually comparative judgements of shape and size, thereby revealing distortions of each in the map. In some cases, then, distortions may be indicated in the map's presentation, such that they may be apparent, taken into account, and corrected for by the user.

There is a second problem, though. Some planar global maps do not preserve *any* of the relational features of the Earth's surface. The Robinson projection (Kennedy & Kopp 1994, 81), for example, is a "compromise projection," designed to minimize distortion in all features by tolerating some distortion in each. As such, there is no isomorphism between map and territory. Nevertheless, even in such cases, some inferences to conclusions about the Earth from observations about the map are cogent. For example, examination of a global map on the Robinson projection may offer cogent reasons for drawing conclusions about whether two points on the globe are part of a contiguous land mass or are separated by a body of water, or whether Michigan is closer to the size of the UK than Nevada is—Michigan is. Since the Robinson projection fails to preserve any relation perfectly, it fails to preserve the relative sizes of US states. Yet, because the Robinson projection minimizes distortions such as distortions in relative size it is still possible to infer relative sizes even in the absence of homomorphy between the source projection and the target land masses.

3.2 No Bijective Mapping

Just as there are cases where we may reason from visual maps that are not homomorphic with the territory they represent, we may also do so in cases where the bijective mapping condition does not obtain.

As Lumer recognizes, any controversy about the necessity of a bijective mapping for cogent reasoning from a model cannot merely concern elements in the target domain that do not occur in the model or superfluous aspects of the model that do not uniquely correspond to elements in the target domain. The proponent of isomorphism may insist that inferences from (visual) models are only licensed when they are about elements satisfying the bijective mapping condition. For example, from the fact that a town does not appear on our map we may not infer that the town is not there in the world unless we can rule out the possibility that the town was simply excluded from the map or did not exist when the map was created.

On the other hand, consider maps of non-existent territories. For example, consider a map of Tolkien's Middle Earth, such as Christian Tate's "One does not simply walk into Mordor,"[3] which depicts the various campaigns as though they were routes in a transit system. Here, in an important sense, there is no target to be mapped in the source. Nevertheless, one may, using Tate's map, draw conclusions about the sequence of events in various campaigns. Even more importantly, the relationship between the map and the narrative can be reversed wherein the map dictates the story and not the other way around. Consider Robert Louis Stevenson's *Treasure Island*, which was inspired from a map drawn by his stepson Lloyd Osbourne.

Perhaps one might respond to examples like this by claiming that the target domain is fictional, but that there remains an isomorphism with this fictional domain. Consider then a map whose territory is entirely phenomenal, but which nevertheless permits one to draw conclusions about the actual world by reasoning from it, like a star map (planisphere or star chart), which maps the "celestial sphere." Such maps are quite familiar and useful in identifying features of the night sky such as constellations. Yet, the territory depicted in star maps is not actual but phenomenal. The celestial sphere imagines a virtual sphere encircling

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[3] The map was originally commissioned by and for *Empire Magazine*. It now exists only on Christian Tate's personal webpage.

the Earth onto which visible celestial objects are plotted. Star maps represent a *perspective* on the night sky—the map is indexed to the approximate perspective of the observer according to their rough latitudinal location on Earth's surface and the date and time of day at which they seek to make their observations. The celestial sphere does not actually exist. As such, no bijective mapping with *it*, or with any of its supposed features, is possible. Nevertheless, we may cogently make inferences from the star chart to actual observable locations of objects in the visible universe. For example, we may use a star map to draw conclusions about whether Sirius will be visible. From observations like these, we may draw conclusions about our physical environment. For example, by identifying Polaris in the night sky, we may approximately locate polar North. Indeed, predictive conclusions about our physical environment may be drawn directly from a planisphere. By locating the point of the ecliptic (a feature of the map) falling on the map's radius terminating at the current date, the wheel may be rotated until the eastern horizon intersects with that point on the ecliptic to give, with modest accuracy, the time of sun rise.

Consider a similar problem from within geometry proper. On the one hand, appeal to diagrams is controversial, at best, as regards mathematical proofs. Yet, appeal to diagrams is considered warranted when proofs are lacking. That is, mathematical reasoning, say Euclid's *proof* of the Pythagorean Theorem, though perhaps not a proof according to some modern standard of rigor, is nevertheless an argument for the Pythagorean Theorem. Still, the depicted triangle in Euclid's argument does not, and indeed cannot, contain a bijection with the, perhaps Platonic, ideal triangle. The drawn figure is incommensurable with the ideal object. Hence, there can be no inference-warranting bijection here. Instead, something like convention or stipulation fills in where bijection, homomorphism, or isomorphism would have warranted drawing the conclusion. And yet the inference is warranted without the bijection.

3.3 Isomorphy not sufficient.

Nicholas Shea (2014) notes that, while isomorphy appears to be a very stringent condition on representations, in fact often it is not.

> Consider a collection of entities to be represented y_i and a relation R' over them. Any set of putative representations of the same cardinality will map onto the y_i 1-1, and will do so in many ways. For each mapping there is *a* relation over the putative representations that corresponds to R'. The existence of an isomorphism is thus a very undemanding constraint. (Shea 2014, 2)

Initially, the point here is that unless the content elements of the bijective mapping and homomorphism are known specifically (which are the corresponding items, properties, and relations in the source and target) and in advance, *that* there is an isomorphism between source and target will not warrant any inferences from one to the other.

Moreover, relations of isomorphy are symmetrical, reflexive and transitive, while relations of representation are not (Suárez 2003, p. 233). Though everything is perfectly isomorphic with itself, things do not represent themselves. More importantly, while it is correct to say that a map (source) represents the territory mapped (its target), it is incorrect to say that the territory represents the map. (Thus, in our example of maps with fictional territories, even if it is conceded that there is an isomorphism between them, that does not determine which is the representation and which is the domain represented.) Finally, a drawing of a map is not, thereby, a representation of the terrain mapped; rather it is a drawing of the map not of the terrain. To maintain that isomorphy between source and target provides the ground for warranting cogent inferences from models fails to account for some very important aspects of our inferential practices with them. For example, when we observe a

feature of the world and look to the map to find that it is incorrectly represented (absent, in the wrong place, etc.), we rightly conclude that the map is mistaken (perhaps it is old, out of date, poorly constructed, etc.). But, imagine that process in reverse: we note a feature of the map, and find it does not correspond to the world. Consider a case where a road overpasses a freeway but doesn't intersect with it. Although it is possible to construct a symbol on a map to depict such a relation, maps that lack such a symbol and thereby show the road intersecting with the highway do not thereby create such an intersection. And, in such a circumstance, we do not, and should not, conclude that that the territory is mistaken. The lack of correspondence, in either case, is corrective of the map, never the territory. Any similarities or relations of isomorphy obtaining between a map and a territory are grounded in the features of the territory. The map has a similarity, or isomorphic feature, *because* the territory has some feature—not the other way around.

4. CONCLUSION

People use maps to draw conclusions regarding the things mapped. Sometimes such inferences are warranted by some isomorphism between the map and the territory. Sometimes such inferences are warranted by some structural similarity between the map and the territory though there is no inference-warranting isomorphism. Sometimes such inferences are warranted by conventions. And sometimes such inferences are warranted by combinations of these elements. We showed that isomorphy is neither necessary nor sufficient to warrant inferences from maps to territories. There are cases where maps fail to be isomorphic with their territories, and yet, people still find their ways using the maps.

Maps aren't used in just one way. Some maps depict purely geographic elements, some depict a combination of geographic and non-geographic elements. And it would be a mistake to think that there is one source of warrant for all uses of maps. When a map depicts the (rough) political makeup of a region, one is, perhaps warranted in drawing statistical conclusions from such maps—that a majority of citizens of some state voted Republican in an election could be represented by colouring that state red on a map; and on the basis of this red coloration one may be warranted in concluding that that state will likely vote to unseat democratic senators in the upcoming midterm elections. This map-employing inference doesn't depend on the state being accurately depicted in any way. Rather, it depends on the ability of a reasoner to identify the state, recognize the property represented—having voted republican—and projecting that property onto a future election. A general account of map-employing inferences would need to explain this inference as much as it does the more pedestrian uses of way-finding with maps.

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The mystery of the interpretation: Less than a second for doing an "argumentative" abduction

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ABSTRACT: In this contribution an ironical utterance is analysed from a pragma-dialectical perspective. This kind of assertions could be understood as legitimate strategic maneuvering which are based on the speaker's assessment of the abductive capability of the interlocutor. The associated pragma-dialectical fallacy may act as an abductive trigger and can help us to discover certain intentions of our interlocutor, at least as far as the interpretation of the utterance is concerned.

KEYWORDS: abduction, critical discussion, irony, pragma-dialectical fallacy, strategic maneuvering

1. INTRODUCTION

Abductive reasoning is a form of everyday reasoning, necessary and inevitable in our day-to-day lives, to the point that it is impossible for us to understand our equals without using it. In many instances, a correct interpretation i.e. the *sense*, the *semantic value of utterances in situations* (Raccah, 2014), has to be unravelled by evaluating a set of hypotheses inferred by the listener according to certain hints provided by the speaker. In this dialectical exchange, the interlocutors have to address a thorough examination of the context in order to arrive at successful communication. Finally, an "argumentative" abduction has to be made based on the contextual elements, i.e., from the listener's knowledge at that point in the exchange.

To evaluate in a reasoned way the rapid, almost instantaneous, new hypothesis arrived at by abduction that leads to understanding between interlocutors, here I focus on the analysis of an ironical utterance from a pragma-dialectical perspective (van Eemeren & Grootendorst, 1984). Irony as a rhetorical device mainly works due to, in this kind of statements, there is a secret message that has to be discovered. Therefore, here, abduction will also play an important role in achieving the dialectical purpose.

2. ABDUCTION

First, I set about clarifying the term "abduction" and identifying its essential characteristics. Abduction is a type of reasoning in which a new idea is introduced (its conclusion is a hypothesis) and moreover that idea is both tentative and relative to a given context.

In the last period in his thought (after 1900), Peirce gave a final definition of abduction. When we are confronted by amazing events, we search for an explanation:

> The explanation must be such a proposition as would lead to the prediction of the observed facts, either as necessary consequences or at least as very probable under the circumstances. A hypothesis then, has to be adopted which is likely in itself and renders the facts likely. This step of adopting a hypothesis as being suggested by the facts, is what I call abduction. (Peirce, CP 7.202, 1901).

In Fann's words: "Any synthetic proposition, whether it is a nonobservable entity or a generalization (so-called), in so far as it is for the first time entertained as possibly true, it is an hypothesis arrived at by abduction" (Fann, 1970, pp. 33-34). The logical form of abduction would be:

> The surprising fact, C, is observed;
> But if A were true, C would be a matter of course,
> Hence, there is reason to suspect that A is true. (Peirce, CP 5.189, 1903)

The conclusion is a hypothesis based on what is known at a given point in the investigation; this conclusion will be evaluated and delineated in light of new discoveries. Due to the provisional nature of the hypothesis, it is necessary to fill certain gaps with new data or information. In this way, abductive reasoning is an "instinct" that depends on the conscious or unconscious perception of connections between different aspects of the world. However, abduction has an implicit logic, insofar as one can submit the hypotheses arrived at by abduction to critique and justify one's choice. Therefore, abduction allows us to formulate a general prediction, but without any guarantee of success in the outcome. Moreover, abduction, as a prognostic method, offers the only hope of regulating our future conduct in a rational way (see e.g. West, 2016).

These plausible hypotheses should be tested by following the three stages of scientific research, as laid out by Peirce in his later work. Therefore, abduction would be the first step of the investigation. After the adoption of the hypothesis, we have to trace its experimental consequences; this would be the second step of the investigation: a deduction. The last step is to verify the hypothesis by comparing the predictions deduced from the hypothesis with the results of the experiment: an induction. If they match, the hypothesis will be verified. Thus, Peirce shows that the three stages of scientific research emerged from the three types of inference (Peirce, CP 8.209, 1905).

Let us see an example of a common abduction in everyday life. Peirce gives an example, taken from his own experience:

> I once landed at a seaport in a Turkish province; and, as I was walking up to the house which I was to visit, I met a man upon horseback, surrounded by four horsemen holding a canopy over his head. As the governor of the province was the only personage I could think of who would be so greatly honored, I inferred that this was he. This was a hypothesis. (Peirce, CP 2.625, 1878).

Peirce adopted the general rule that only a prominent personality is surrounded by four men and a canopy; the most important personality of the province is the governor, so Peirce conjectured that he had bumped into the governor. It could be a very powerful man, or a folk tradition... but with the limited data handled, his hypothesis is a plausible solution. There could be a collection of new data, for example: Where was the supposed governor going? How did people behave in his path? Answers to these questions could suggest a better explanation, but with the knowledge available at this point, we can consider the hypothesis to be appropriate.

As this example shows, abduction is usually presented in open circumstances, i.e., in situations where our knowledge is incomplete. This process is not only one of reasoning, but also of dialogue as far as we are continually asking and answering questions in a concrete dialogue frame. Therefore, abductive reasoning progresses within dialogic frameworks.

3. CONVERSATIONAL IMPLICATURE AND IRONY

In the next Section, I present an example of an ironical utterance in order to analyse the interpretation process and the required abduction that leads to understanding between interlocutors using the extended pragma-dialectics. I will use a case (in which an ironical utterance is involved) proposed by García-Carpintero (2008, pp. 492-493) regarding what Grice (1975) called conversational implicatures. This Section is devoted to remembering Grice's theory as well as to summarizing different proposals about pragmatic approaches to irony.

In *Logic and Conversation*, Grice states:

> Our talk exchanges do not normally consist of a succession of disconnected remarks, and would not be rational if they did. They are characteristically, to some degree at least, cooperative efforts; and each participant recognizes in them, to some extent, a common purpose, or at least a mutually accepted direction. (Grice, 1975, p. 45)

Based on this common purpose, Grice derives his Cooperative Principle: "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged" (Grice, 1975, p. 45). After that, Grice divides this maxim in several sub-maxims following the Kantian categories: quantity, quality, relation, and manner. Clearly, many of our conversations are not guided by these principles. However, the violation of these rules puts us on alert, giving rise to an enigma. The rules may be violated in several ways. There may be conflicts between the maxims: for example, failing to provide relevant information because there is not enough evidence for it. There may also be conflict with other purposes: for example, someone, who has valuable and pertinent information for the purposes of conversation, may fail to fulfil a maxim for reasons of discretion, saying "I cannot say more, my lips are sealed."

However, there is other way to break a rule that generates conversational implicatures; it occurs when one of the participants clearly violates a maxim with his/her words, according to the literal meaning of the utterance, i.e. the *semantic value of languages units* (Raccah, 2014) independently of the situation of they are used, and it is not possible to explain such violation in similar ways to those presented above. Let us see an example given by Grice:

> A is writing a testimonial about a pupil who is a candidate for a philosophy job, and his letter reads as follows: 'Dear Sir, Mr. X's command of English is excellent, and his attendance at tutorials has been regular. Yours, etc.' (Gloss: A cannot be opting out, since if he wished to be uncooperative, why write at all? He cannot be unable, through ignorance, to say more, since the man is his pupil; moreover, he knows that more information than this is wanted. He must, therefore, be wishing to impart information that he is reluctant to write down. This supposition is tenable only on the assumption that he thinks Mr. X is no good at philosophy. This, then, is what he is implicating.) (Grice, 1975, p.52).

The implicature is obtained interpreting the speaker's words by removing the conflict with the maxims from the literal meaning and other contextual elements that the speaker and his/her audience share. The intention of the speaker is, therefore, that the audience is aware of this violation and seeks an explanation and/or an alternative hypothesis that satisfies the contextual elements involved, or in other words, the speaker poses a riddle to the audience.

Traditional theories about irony assume that an ironist uses a figurative meaning opposite to the literal meaning of the utterance. A person saying "What lovely weather" on a rainy day is using the figurative meaning, "What terrible weather" (see e.g. Clark and Gerrig, 1984).

Grice provides the first modern pragmatic definition of irony. According to Grice (1975, 1978), irony is an instance of speakers or writers flouting the maxim quality from the Cooperative Principle. Grice's theory assumes that the ironist is *pretending* rather than *using one proposition in order to get across its contradictory*. Moreover, to work out the implicature, the interlocutor has to address firstly the literal meaning of the utterance. Therefore, Grice assumes that irony presupposes a two-stage processing which would involve the processing of a literal meaning of the text, the rejection of this interpretation on pragmatic grounds, and a subsequent reinterpretation.

On the other hand, Sperber and Wilson (1981), based on some of the postulates of the Grice's theory, offered a *mention* theory of irony (further developed in Sperber & Wilson, 1994; Wilson, 2006) in which a speaker is being ironic when he or she is mentioning, or echoing, an earlier utterance. The communicator dissociates herself from the opinion echoed with accompanying ridicule or scorn. This mention theory claims that the processing of irony is not distinct from that of literal meaning and that ironical meaning is arrived at directly (one-stage processing).

The one-stage/two-stage distinction has assumed a central role in the debate over irony (see e.g. Gibbs, 1986; Gibs & O' Brien, 1991; Giora, 1995, 1997, 2002; Utsumi, 2000). Here, I am going to follow the two-stage approach proposed by Attardo (2000) who develops the Grice's theory of irony:

> The theory of irony
> - the reconstruction of the intended meaning (value) of the irony is entirely infer ential and abductive: it is totally indirect, no aspect of the meaning is given in the text, except the presumption of relevance (and not of quality, manner, or quantity); or, in other words, irony is a purely pragmatic phenomenon;
> - irony is essentially an inappropriate utterance which is nonetheless relevant to the context;
> - irony crucially involves a two-stage processing. The order in which the conflicting senses are accessed is (probably) determined by salience. (Attardo, 2000, p. 823).

4. THE CASE: AN IRONICAL UTTERANCE

> Begoña, who has certain feminist leanings, is driving a car and I accompany her. [...] The vehicle in front makes all kinds of unfortunate manoeuvres of those types which exasperate other drivers. Finally, Begoña has the chance to overtake this car; in doing so, we both look with morbid curiosity at the driver of the other vehicle, perhaps trying to find some unmistakable sign of incompetence. The driver turns out to be a woman. Begoña then states: "It had to be a white car!" (García-Carpintero, 2008, pp. 492-493; my own translation from the original Spanish).

Begoña's statement is an inappropriate utterance which is nonetheless relevant to the context, therefore, it poses an enigma. Conventionally, this statement emphasizes that it is a white car that has made those unfortunate manoeuvres. The expression 'had to be' makes an association between this type of bad driving and white cars. Remembering Gricean conversational maxims, this statement violates several of them. She lacks the appropriate data to make such a claim, and the statement is not relevant in the sense that it is difficult to establish an association between the colour of a car and the driver's inexperience. Therefore, we can infer that Begoña's assertion has all the appearance of the fallacy of poor generalization, i.e., an inference from a proven fact to an excessive generalization. However, "the speaker thinks (and would expect the hearer to think that the speaker thinks) that it is within the competence of the hearer to work out, or grasp intuitively" (Grice, 1975, p. 50) the implicature. As pointed out above, the reconstruction of the intended meaning of the irony is indirect, no aspect of the meaning is given in the text, except the presumption of relevance.

– Analysis using the extended pragma-dialectics

In order to analyse this case using the extended pragma-dialectics, I consider, hereafter, Begoña's exclamation as a contribution to a critical discussion: an implicit argument that involves a pattern of reasoning from premises, in this case, this white car makes unfortunate manoeuvres, to a conclusion: there is some connection between the colour white and driving badly. From this perspective, there are certain rules that we have to observe when we are enrolled in a critical discussion (see e.g. van Eemeren & Grootendorst, 1984, 1987). These are related to questions about relevance or the balance of the burden of proof. Violations of the discussion rules are said to frustrate the reasonable resolution of the difference of opinion and they are therefore considered as fallacies. But also, more recently, the authors of this perspective have incorporated the concept of *strategic maneuvering* (van Eemeren & Houtlosser, 2000; van Eemeren 2012). This concept takes into account the rhetoric movements in the analysis of argumentative discussion. Parties involved in a difference of opinion "maneuver strategically" to simultaneously realize their dialectical and their rhetorical aims: this is a way of being persuasive while observing the standards of a critical discussion. From this perspective, fallacies are also understood as derailments of the strategic maneuvering: when the rational exchange is revoked to achieve greater efficiency.

According to extended pragma-dialectics, Begoña's statement violates rule VIII[1] of those proposed by van Eemeren & Grootendorst (1987), because the argumentative scheme is improperly applied. In particular, by justifying a general conclusion from an insufficient number of observations, this is a case of hasty generalization *or secundum quid*. In addition, Begoña's words violate rules I[2] and II[3], evading and shifting the burden of proof. The expression "had to be" in the assertion "invites" the listener not to argue with the issue. Considering Begoña's exclamation as a strategic maneuvering, the desire for efficiency ("had to be") removes any kind of rationality from the issue. From the literal meaning of the words, Begoña has committed a fallacy: some rules of the critical discussion have been violated and/or the strategic maneuvering has derailed. As in the case of conversational implicatures, detecting a pragma-dialectical fallacy warns us that we should review the words of our interlocutor to be sure that we have to address the literal interpretation, and not some other one. Therefore, the theory of irony from a pragma-dialectical perspective should also assume two-stage processing approach.

Let us suppose that a third driver saw what happened and heard Begoña's words, but without knowing the sex of the driver of the white car. Certainly, this new actor would have considered Begoña's exclamation to be strange and misleading. How could these enigmatic words be explained, considering the few contextual data handled? The third driver might have guessed at various different scenarios, for example, "the girl in that car probably suffered some trauma caused by a white car" or "she has a superstitious prejudice against the colour white." Notice that these attempts at an explanation cannot be confirmed by the driver because of the lack of pragmatic knowledge. This driver could not provide a plausible explanation to work out the implicature. In this case, there is not an explanation for the violation of the dialectical rules. Begoña has committed a pragma-dialectical fallacy. This shows in which way the speaker relies on the abductive capability of the interlocutor to

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1　The arguments used in a discursive text must be valid or capable of being validated by the explicitization of one or more unexpressed premisses. (van Eemeren & Grootendorst, 1987, p. 290).

2　Parties must not prevent each other from advancing or casting doubt on standpoints. (van Eemeren & Grootendorst, 1987, p. 284).

3　Whoever advances a standpoint is obliged to defend it if asked to do so. (van Eemeren & Grootendorst, 1987, p. 285).

achieve her dialectical purpose. This abductive capacity is based on different aspects: the interlocutor's knowledge of the common dialogic frame and the interlocutor's ability to make connections between apparently unrelated phenomena.

A broader pragmatic knowledge implies greater abductive capacity. I can suggest a more plausible explanation because I know two key contextual elements:

1. The driver of the white car is a woman.
2. Begoña is against the kind of prejudice that assumes that women are inferior to men in certain skills like driving.

In situations such as the one described, many men have said: "A woman had to be" to support the hypothesis that women drive worse than men. Due to the second key fact I handle, I know that Begoña does not believe such thing; and she knows, in turn, that I know it. Based on the assumed abductive competence of the audience, Begoña is saying: "Do not make use of spurious generalizations such as 'there is a causal relationship between being female and driving badly'." The Begoña's persuasive purpose is legitimate.

Here, the speaker's ironic utterance is understood as a strategic maneuvering in the discussion and as an abductive trigger (Aliseda, 2006). It consists of violating the rules of critical discussion. The hearer notices that the dialogical rules have been broken and then adopts a hypothesis to arrive at a proper interpretation. Interestingly, in these cases, the efficiency of the strategic maneuvering is mainly based on the listener's abductive capability (as in the case of the third driver, the derailment of this strategic maneuvering occurs if the listener's abduction fails).

It is worth noting that we could imagine a wide range of hypotheses, based on the listener's abductive capacity, that explains the Begoña's words (imagining different situations and dialogic contexts). The hearer of each context could reach a conclusion by adopting an explanation that is more difficult to refute based on their presumptions or knowledge. Although a conclusion, an "argumentative" abduction, is reached quickly, according to the extended pragma-dialectics, it could be evaluated answering to these obvious critical questions:

1. Does this hypothesis explain the speaker's violation of the dialectical rules?
2. Does this hypothesis address the speaker's desires of efficiency?

In the context of the third driver, neither the first question nor the second can be answered in the affirmative. Therefore, the third driver realizes about the failure of the required abduction to arrive at a correct interpretation.

Interestingly, in deviations of intent from that expressed by the standard or ordinary use of language, only after answering these questions in the negative, a listener who possesses broader pragmatic knowledge (greater abductive capability) could opt an alternative hypothesis: the speaker has committed a fallacy.

5. CONCLUSION

To evaluate in a reasoned way the rapid, almost instantaneous, new hypothesis arrived at by abduction that leads to understanding between interlocutors, an ironical utterance has been analysed from a pragma-dialectical perspective.

At first glance, we detect a pragma-dialectical fallacy in the course of the dialogue. However, the assertion would be a legitimate strategic maneuvering which is based on the

speaker's assessment of the abductive capability of the interlocutor. Hence, detecting a pragma-dialectical fallacy may act as an abductive trigger and can help us to discover certain intentions of our interlocutor, at least as far as the interpretation of the utterance is concerned. To correctly understand the mysterious words, an "argumentative" abduction has to be proposed from the contextual elements.

According to the extended pragma-dialectics, the hypothesis proposed could be evaluated answering to these critical questions:

1. Does this hypothesis explain the speaker's violation of the dialectical rules?
2. Does this hypothesis address the speaker's desires of efficiency?

When neither the first question nor the second can be answered in the affirmative, the hearer could opt alternative hypotheses that do not attempt to resolve the speaker's enigmatic words by removing the conflict between the literal meaning of the utterance and the dialogic aims. These alternative hypotheses would be: a) the required abduction to arrive at a correct interpretation has not been reached due to limited contextual data; or, if the listener relies in his/her abductive capacity, b) the speaker has committed a fallacy.

We do not always want to evaluate the hypotheses arrived at by abduction, but if we do want to, it will be useful to follow the rules of the dialectical approach to argumentation.

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Latin rhetoric and fallacies

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ABSTRACT: According to Hamblin, Cicero did not write on rhetoric and this cut fallacies out of the subsequent rhetorical tradition. We bring evidence that the author of the *Rhetorica ad Herennium*, Cicero and Quintilian did write on fallacies, but in a way that is not always strictly Aristotelian. Yet, as he, they mainly discussed this topic when they dealt with refutation. Their wide influence on Western thought and teaching suggests an underestimated connection between the reflection on fallacies and traditional writings on rhetoric.

KEYWORDS: Cicero, dialectic, fallacies, Hamblin, Quintilian, rhetoric, *Rhetorica ad Herennium*

1. INTRODUCTION

In the first chapter of the *Rhetoric*, Aristotle explains at length his view on the similarities and differences between dialectic and rhetoric. Apparently, the question of fallacies is a case of difference between the twin sisters, for, in the *Rhetoric*, we only find the few pages of a descriptive chapter on this topic (II, 24), whereas the more dialectically oriented *On Sophistical refutations* has a few dozen pages and sketches a theory of fallacies. This dissymmetry suggests a privileged association between the agonistic conversational context of the *elenchus* and the fallacies. (By the way, let us remember that Aristotle did not speak of 'fallacies' but only of 'paralogisms'). Hence, a dialectical context could seem necessary to a correct interpretation of the phenomenon of fallacies. This could be confirmed by the fact that, in *On sophistical refutations*, fallacies are also closely associated with sophists, supposed to be experts at eristic dialectic, whereas they are not leading characters in the *Rhetoric*.

However, other reasons temper the necessity of the link between fallacies and dialectic. First, there is the very existence of this short chapter on fallacies in the *Rhetoric*. It is about the use of fallacies in a rhetorical context, in the limited ancient meaning of this adjective, namely when you address a crowd that is not supposed to answer. Next, both in *On sophistical refutations* and in the *Rhetoric*, Aristotle pays attention to the whole process of discursive interaction, but he stresses that the defect appears at the level of the *logos* itself: a paralogism first is a (misleading) syllogism. According to him, a syllogism is not essentially dialectic: its most complete and explicit form is used in a dispute between educated people, but rhetoric has its own form of syllogism, a kind of abridged version of the full one.

Aristotle's belief in the possibility to localize fallacious moves at the level of the syllogism is probably the reason why he thinks that paralogisms can also plague a rhetorical discourse. The opening of the *Rhetoric*'s chapter on fallacies is clear: just like there are genuine and apparent syllogisms, there are genuine and apparent enthymemes, an enthymeme being explicitly defined, in the second chapter of the *Rhetoric*, as a rhetorical syllogism (1356 b 5). So, the independence of the syllogism from the limits of the dialectical context allows the exportation of the concept of paralogism from dialectic to rhetoric (and vice-versa).

An affinity between rhetoric and fallacies can also be suggested by a less technical consideration that borrows from popular culture. The reputation of rhetoric is not always

good. The fact that it is sometimes defined as the art of speaking well easily suggests that it is the art to manipulate people by means of a "sophisticated" expertise, especially salient in the use of verbal tricks. This distrust against rhetoric, which probably has a debt to Plato and Aristotle, is implicitly acknowledged in pejorative popular judgments like "This is mere rhetoric" or in the fact that a "rhetorical" question is not a genuine question. When rhetoric is too sophisticated to be honest, sophists are not very far: people that we call rhetors are often suspected to share the taste of sophists for eristic or unfair attitudes. All of them are supposed to be only interested in winning arguments and to be ready to use any means, including sophisms, to support their claims.

All these considerations suggest that the proximity between fallacies and dialectic is not exclusive. So, we can wonder whether there is not an ancient historical link between fallacies and rhetoric, beside the traditional link between fallacies and dialectic. This hypothesis – already suggested by Aristotle – requires a closer look.

2. HAMBLIN'S THESIS

Half a century after its publication, Hamblin's *Fallacies* remains one of the most, if not the most, systematic long term investigation of the history of the reflections on fallacies. According to him, between Aristotle's time and the rediscovery of *On sophistical refutations* during the Middle Ages, the literature on fallacies "would hardly fill a small notebook" (p 89). He is probably right when he says that the remaining sources about this literature are meagre, especially because he made of what he calls the "Aristotelian tradition" on fallacies the story of the ancient and medieval commentaries on *On sophistical refutations*. This tradition also had an important practical academic consequence in the revival of the Greek *elenchus*, with its formal system of questions and answers, in the *disputatio* and *obligations* of the Middle-Ages. Hamblin's medieval Aristotelian tradition does not address the crowd, like ancient rhetoric, but aims at the training of students who will become lawyers, physicians or theologians.

About this period between Aristotle and the medieval rediscovery of his works, Hamblin also discusses mostly authors who wrote in Greek, at least before the sixth century when Boethius translated into Latin the few works of Aristotle that constitute the medieval *logica vetus*. So, it seems that the Roman Latin tradition said nothing on fallacies. This impression is confirmed by Hamblin's comment on Cicero who is often considered as the most important and influent Roman writer on rhetoric. Hamblin writes: "Cicero wrote a great deal on Rhetoric but nothing on fallacies, and his influence has tended to cut fallacies out of the subsequent rhetorical tradition" (1970, 94) Yet, a few line further, he stresses Cicero's distinction, already stated in Aristotle's *Rhetoric* (1355 b 36), between "intrinsic" and "extrinsic" arguments, that is between arguments which depends on the skill of the orator and those based on another human source, typically testimony, torture, writings, etc. According to Hamblin "these are the nearest recognition in Greek and Roman writers of the modern *ad hominem, ad verecundiam,* and so on". Unfortunately Hamblin does not develop this "and so on" which reminds us informal fallacies, sometimes considered as modern and often associated with Locke.

We can wonder on Hamblin's criteria to decide whether Cicero wrote or not on fallacies. Did he expect an explicit reference to *On sophistical refutation*? The mention of Aristotle's list of fallacies or, at least, of the name of several typical Aristotelian fallacies? The use of the word *paralogism* or of the Latin *fallacia*? In these cases, the first part of Hamblin's statement on Cicero would be approximately right. But if fallacies are arguments that look better than they are and are used either by mistake, by clumsiness or intentionally to

refute an opponent's point of view, Cicero and other Roman writers actually wrote on fallacies and even on some Aristotelian fallacies. Then, since Cicero's teaching was influential during the Middle Ages when Aristotle's *Rhetoric* was unknown (Murphy, 1981), and also during the following centuries (Freedman, 1986; Fumaroli, 1980), we can seriously doubt Hamblin's statement that Cicero's influence "has tended to cut fallacies out of the subsequent rhetorical tradition". The popular view that orators and sophists are doing more or less the same job, namely to abuse lay people, on the contrary suggests an old and blurred connection between a rhetorical tradition and the uncertain constellation of fallacies.

This is why we searched for significant Roman contributions to the study of fallacies in some of the most famous Roman writings on rhetoric. We looked for systematic theoretical developments and discarded what appeared to be only passing remarks. In chronological order of publication (with sometimes approximate dates), we will discuss the *Rhetorica ad Herennium* (84 B.C.), Cicero's *De Inventione* (83 B.C) and *Orator* (46 B.C, also known as *On the Ideal Orator*), and finally the most influential late Roman contribution to rhetoric, Quintilian's *Institutio oratoria* (96 A.D also known as *Institutes of oratory* or *The orator's education*). Most of Cicero's other important works related with rhetoric – *De Oratore, Topica, Partitiones oratoriae* – bear no significant contribution to the study of fallacies.

3. CICERO'S *ORATOR*

At the very beginning of the *Orator,* Cicero (1962; 2002) states that his aim is just to answer a question asked by Brutus, Cato's nephew. Granted that there are many good orators, what is the supreme form of rhetoric? (I, 2) This question is twofold since you can understand it as bearing on the ethos of the best orator, as well as on the best rhetorical *logos*.

The *Orator* brings no direct contribution to the logic of fallacies; but it stresses an important distinction between various uses of speech and the respective style of their practitioners. What is really distinctive of the orator is the way he speaks (XIX, 61). Like four other types of public speakers – philosophers, sophists, historians and poets – he has to go through the four stages necessary to the production of a discourse: the invention (*inventio*) of what he will say, the composition (*dispositio*) of his discourse*,* the way he will say it (*elocutio)*, and finally its performance itself (*actio*). For Cicero, the most typical aspect of the art of the orator appears at the stage of the *elocutio,* for it is the moment where he is the only one who can exercise "the supreme power of speech".

Fallacies are commonly associated with sophists and their tricks. So, what stylistic difference is there between the speeches of an orator, a philosopher and a sophist?

The discourse of a philosopher is "gentle and academic" and "is called conversation rather than oratory" (XIX, 63-64). Philosophers "converse with scholars, whose minds they prefer to soothe rather than arouse; they converse in this way about unexciting and non-controversial subjects, for the purpose of instructing rather than captivating". Here, Cicero remains quite faithful to the Aristotelian distinction between dialectic, that uses (dialectical) syllogisms that the educated interlocutor can understand, and rhetoric that has its own specific persuasive verbal devices, especially enthymems and examples, more accessible to less educated people. So, the difference between philosophy and rhetoric appears both in the content of the discourse and in the way it is pronounced. The style of philosophers "lacks the vigour and sting for oratorical effort in public life", "it has no equipment of words or phrases that catch the popular fancy". But this does not entail that the perfect orator, whose education is an important concern of Cicero, should not borrow from philosophy or, more generally, from the art of other disciplines. Reasoning matters and this is why the orator should have a complete training in this area: "The man of perfect eloquence should […] not only possess the

faculty of fluent and copious speech which is his proper province, but should also acquire that neighboring borderland science of Logic (*dialecticorum scientiam*)" (XXXII, 113). Cicero goes on: "Although a speech is one thing and a debate another, and disputing is not the same as speaking, yet both are concerned with discourse". After an explicit reference to the Aristotelian views on the differences and similitudes between dialectic and rhetoric, Cicero advises a thorough study of words and logic, "either in the older logic of Aristotle, or the new one of Chrysippus". Someone "attracted by the glory of eloquence" should know "first the force, nature and classes of words, both singly and in the sentence; then the different modes of predication; the method of distinguishing truth from falsity; the proper deduction to be drawn from each; i.e. what is consequent and what is contrary; and since many ambiguous statements are made, he should know how these can be solved and explained." (XXXII, 115)

What about sophists, now? A link between them and the art of rhetoric was already made at Cicero's time, since "more care [*than in the previous case of philosophers*] must be taken to distinguish the oratorical style of the Sophists mentioned above[1], who desire to use all the ornaments which the orator uses in forensic practice" (XIX, 65). It is no surprise to meet the names of Thrasymachus and Gorgias, if we associate sophists with dialecticians teaching how to win any argument. Yet, Cicero does not refer here to sophists through the *cliché* of fallacious moves and sophistical tricks, but identifies them by their ability to finely carve speeches. This specificity of sophists becomes more salient when he alludes to the style of the man whom he introduces here as his favorite rhetorician, Isocrate, who is usually not considered as a sophist. Hence, Cicero's view on the main contrast between orators and sophists: "their object [*of sophists*] is not to arouse the audience but to soothe it, not so much to persuade as to delight, they do it more openly than we and more frequently; they are on the look-out for ideas that are neatly put rather than reasonable […]." So, persuasion, which is often presumed to be the aim of sophists with their deliberate fallacies, is not typical of the activity of Cicero's sophists. Perhaps Hamblin's claim that Cicero's influence has tended to cut fallacies out of the rhetorical tradition is not completely false; but in any case, the previous comments suggest that he may also have contributed to cut them from the sophists.

If we look at Cicero's other mature works on rhetoric – *De Oratore*, *Partitiones oratoriae*, *Topica* – Hamblin is approximately right: Cicero did not write systematically on fallacies. In these books, he seems more interested in general questions and global specificities of rhetorical discourse than in the sharp focus required by the study of fallacies. But if we turn towards his youth we find a significant contribution in the *De Inventione* which is especially interesting for two reasons. First, it is a kind of textbook on rhetoric that will be influential for centuries, at least till the XVIIIth century. Second, it has a special status in Cicero's works, since at the beginning of *De Oratore* Cicero passes a severe judgement on the rudeness of the writings on rhetoric of his youth (I, 2, 5). He considered that they were quite beneath the level of expertise he finally reached. Perhaps Cicero was not the great Cicero yet, but this does not matter for us. What really matters is that if this is true, his writings bear the imprint of the main influences he received at this time.

The most famous work on rhetoric of his youth is *De Inventione*, published around 83 B.C, almost at the same time as the *Rhetoric ad Herennium*, another introductory book which seems to have been published a bit earlier (84 B.C). Many similarities have been found between these two books and for centuries the *Ad Herennium* has been attributed to Cicero, then to Cornificius and today we do not know. According to Achard (1994), the author was a member of the senate, certainly involved in military operations. What is the intellectual origin of these two books? Had they the same author or at least a common human cause – perhaps a common influence? Was it Apollonius Molon of Rhodes, whom Cicero will personally meet

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[1] Isocrate, Thrasymachus, Gorgias and the less known Theodorus the Byzantine. (XI, 37) – (XII, 39)

during his trip to Greece, around 78 B.C? Is the similarity between these two books a case of plagiarism? Again, the answer to these questions is of no serious importance for us. The main point is that, beyond Cicero's statement on the works of his youth, both books have many things to tell us about the history of fallacies, especially before the first rediscovery of Aristotle's works during the first century B.C. A close connection between fallacies and rhetoric did exist and probably became influential on Western thought through these two major textbooks.

4. THE *RHETORICA AD HERENNIUM*

The composition of a discourse is a major preoccupation for rhetoricians. The *Ad Herennium* opts for a six parts structure: introduction (*exordium*), statement of facts (*narratio*), division of the issue (*divisio*), proof (*confirmatio*), refutation (*confutatio*), and finally conclusion (*conclusio*).

The *Ad Herrenium*'s author perhaps thinks – like Cicero – that the skill of the perfect orator should be wide enough to allow him to produce fallacies. But it seems that finding argument is a task already big enough not to spend time to elaborate non trivial fallacious ones. On the other hand, like Cicero, the author does not want his reader to be abused by bad arguments. This is probably the reason why it is not in the part on proof, but on refutation, that we find interesting material on fallacies.

According to the author, the "most complete and perfect argument" is composed of five parts. This seems to be his version of the *epicherem*[2], a Greek concept usually considered of Hellenistic or Stoic origin. According to the author's view, an *epicherem* first begin with the conclusion (*propositio* or *expositio)* and its reason (*ratio*) (He does not consider the case of a plurality of reasons). The "quickly presented" reason is then corroborated by a confirmation (*rationis confirmatio)*. An embellishment (*exornatio*) allows "to adorn and enrich" the confirmation and it is completed by a summary of the whole argument (*complexio*) (II, XVIII, 28). The two last steps are not necessary when the argument is not complex.

In the *Ad Herennium* and in Cicero, you find neither the word "fallacia" nor "paralogism" to mean an argument that we would classify as fallacious. The term usually used is vicious (*vitiosa*), generally applied to the conclusion, *i.e.* the *propositio* of the argument. So, let us have a look at vicious arguments.

They are of two kinds. The first one brings together arguments irrelevant to the case at stake and so vain or futile that it is not even necessary to lose time criticizing them. The second one gathers relevant arguments that deserve attention not to go unnoticed. The author does not present a single general list of fallacious arguments, but for each of the four members of the epicherem that support the conclusion he enumerates a specific list of defects. After the definition of the defect, he gives at least one example. There is some redundancy between the list relative to the reason (*ratio*) and the list relative to the confirmation of the reason (*confirmatio rationis*). This is not surprising, because the difference between reason and confirmation is actually often blurred (many examples of confirmation are mere reasons for the main conclusion) and, at any rate, both concern an argument in the structural premise-conclusion sense of the term. The defects relative to the reason can be summarized under four

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[2] The author makes a reference to this notion at (II, 2, 2). Aristotle uses the word "epicherem" one time, in the *Topics* (VIII, 2, 15). However, the authenticity of this passage seems dubious, for we find here the only occurrence of this word in his works and we also find here the only occurrence in the two treatises on dialectic (*Topics* and *On sophistical refutations*) of the Greek word "sophisma". If we discard this case, Aristotle always uses the word "paralogism" to mean what we translate by "fallacy" or "sophism".

headings including variants and subcases. They have no names in the book, so we baptized each one with an original name or expression that seems appropriate, or by the contemporary name of a fallacy, Aristotelian or not. This last option does not warrant a filiation between Aristotle and Cicero's fallacies, but stresses at least a family resemblance.

1) Hasty generalization. "The Proposition is defective when an assertion based on some one part or on a majority of individuals, but not necessarily applicable to all, is referred to all" (II, XX, 32). One variant of this vicious argument occurs "when a rare occurrence is declared to be absolutely impossible, as follows: 'No one can fall in love at a single glance, or as he is passing by.'"

2) Incomplete enumeration. It occurs "when we submit that we have made a complete enumeration of the possibilities and pass by some pertinent one". Notice that this non-Aristotelian fallacy will appear again much later, in *Port-Royal Logic* published in 1662, as one of the fallacies added to the traditional list derived from Aristotle's list of *On sophistical refutations*. This fallacy has a family resemblance with Aristotle's multiple question to the extent that it forces the interlocutor to choose among a limited list of options.

3) Far-fetched argument: It occurs when "it traces things too far back, as follows: 'Stupidity is the mother and matter of all evils. She gives birth to boundless desires. Furthermore, boundless desires have neither end nor limit. They breed avarice. Avarice, further, drives men to any crime you will. Thus it is avarice which has led our adversaries to take this crime upon themselves.'" According to the *Ad Herennium,* this defect is of type one: it is so salient that it does not need to be refuted.

4) Insufficient or groundless reason: "The Reason is defective if it is inappropriate to the Proposition because either weak or groundless (*vana*). It is weak when it does not conclusively demonstrate the correctness of the Proposition […] A Reason is groundless when it rests on a false supposition". The author offers no systematic characterization of a weak reason: he just enumerates typical cases, for instance a reason that is too general or not specific to the case discussed. Among these weaknesses, we also find *Petitio*: "Again, a Reason is weak when it appears to be presented as the Reason, but says precisely the same as was said in the Proposition, as follows: 'A great evil to mankind is greed, for the reason that men wrestle with great and many ills on account of the boundless passion for money.' Here the Reason merely repeats in other words what has been said in the Proposition." (II, XXIV, 37)

The author then turns to defects relative to the confirmation of reason where "there are many faults to be avoided in our discourse and also to be watched for in that of our adversaries" (II, XXIV, 38). He also stresses their practical importance: if the mistakes or the tricks of the opponent go unnoticed the trial could be lost. We find here a list of about twenty items with some redundancy with the previous one. For instance, we find again *Petitio* with a similar example: "it is a fault to advance as proof what has been put in question, as if one should charge another with theft, and accordingly declare that he is a wicked, greedy, and deceitful man—and the evidence for this is that he has stolen from the speaker." (II, XXVI, 41).

We also find a fallacy mentioned in Aristotle's *Rhetoric* but missing in *On sophistical refutations:* the argument from sign. The *Ad Herennium* gives two examples that are striking, at least because of their similarity with the examples of necessary signs given by Aristotle at the beginning of the *Rhetoric*, namely "He is sick, for he has a fever" and "She has had a

child, for she has milk" (I. 2 (1357 b). But now, the examples illustrate misleading signs, for we should not consider them as necessary: "Since he is pale, he must have been sick", "She must have become a mother, since she is holding a baby boy in her arms" (II, XXV, 39). Among the fallacies that have already been listed by Aristotle we also find ambiguity. Yet, this list from the *Ad Herennium* also includes non-Aristotelian fallacies, for instance the *Tu quoque* version of the *Ad hominem* fallacy: "There is a fault when that which is directed against the adversary can as well fit someone else or the speaker himself, as follows: 'Wretched are they who marry wives. — Yet you have married a second.'" We also find a prototype of the *Ad populum*: "Again it is a fault to assume as certain, on the ground that 'it is universally agreed upon', a thing which is still in dispute" (II, XXV, 39).

This long list is followed by two shorter lists of defects associated with the two last parts of the *epicherem*, namely the embellishment and the summary. The first one has five items, the second only three. These defects are not typical errors of reasoning but attitudes that are clumsy in this stage of the process of argumentation. For instance, the summary is defective when it does not come briefly to an end. Strictly speaking it is not a fallacy if we grant that a fallacy is a fallacious argument: it is rather clumsiness. This distinction is especially relevant for the two previous lists of defects – about reason and confirmation – for it appears that they mix fallacies and clumsy maneuverings or even blunders. The defect of next quotation, for instance, can hardly be considered as a fallacy, *i.e* a potentially misleading argument: "That is faulty which appears to be pronounced too late, as it were, and after the matter has been concluded, as follows: 'If it had entered my mind, fellow-citizens, I should not have been guilty of allowing the matter to come to such a pass, for I should have done this or that; but at the time this thought escaped me.'" (II, XXV, 40).

So, even if it does not use the concept or paralogism or *fallacia*, the *Rhetoric ad Herennium* does deal with fallacies, but in a context broader than the Aristotelian treatment of paralogisms.

5. CICERO'S *DE INVENTIONE*

We find in Cicero's *De Inventione* a six parts normative division of the rhetorical discourse, similar to the one of the *Ad Herennium*. Only names seem to differ: exordium, narrative (*narratio*), partition (*partitio*), confirmation (*confirmatio*), refutation (*reprehensio*), peroration (*conclusio*). (I, xiv, 19) Here, "confirmation" corresponds to the "reason" of the *Ad Herennium*: "Confirmation is the part of the oration which by marshalling arguments lends credit, authority and support to our case"[3]. (I, XXIV, 34)

A noticeable difference with the *Ad Herennium,* is that Cicero is more synthetic and more systematic. For instance, he makes numerous concise considerations on the practice of arguing, like "to define it briefly, an argument (*argumentatio*) is a device of some sort to show with probability or demonstrate with necessity"[4] (I, XXIX, 44). Cicero also makes a distinction between kinds of arguments: "All argumentation is to be carried on either induction (*inductio)* or deduction (*ratiocinatio*)" (I, XXXI, 51). Yet, this distinction does not match the difference we now make between induction and deduction. "Induction is a discourse which leads the person with whom one is arguing to give assent on the basis of

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certain non-dubious facts; through this assent it wins his approval of a doubtful proposition because this resembles the facts to which he has assented". A deduction (*ratiocinatio*) is a discourse "which draws from the fact under consideration itself a probable conclusion which, once set forth and recognized by itself, is confirmed by its own strength and its own reason" (I, XXXIV, 57).

Like in the *Ad Herennium,* it is in the part on refutation that the *De Inventione* deals with fallacies. After a long discussion of the contentious issue of the number of parts of a *ratiocinatio* – three according to some authors, five according to others – Cicero sets a general framework for refutation: "Every argument (*argumentatio*) is refuted in one of these ways: either one or more of its assumptions are not granted, or if the assumptions are granted it is denied that a conclusion follows from them, or the form of argument is shown to be fallacious (*vitiosus*), or a strong argument is met by one equally strong or stronger." (I, XLII, 79). Let us examine the second and the third ways, very close to the Aristotelian definition of a paralogism.

This proximity is quite salient in the sentence opening the discussion of the second way: "Statements claimed to be necessarily true can be attacked in the following way if they only imitate a rigorous argument (*necessariam argumentationem*) and are not really such" (I, XLV, 83). Cicero discusses (false) dilemma and incomplete enumeration that we have already said similar to Aristotle's fallacy of many questions because they force to choose among a limited number of possibilities, often forgetting the right one. For instance, in the case of the dilemma "whether you say he is modest or not, you will have to grant that you should not accuse him". Cicero then begins the analysis of conclusions that can look like necessary consequences. In the case of "If he is breathing, he is alive" or "If it is daytime, it is light" Cicero considers that the consequence "seems necessary", but he advises to answer that it is not the case in "If she is his mother, she loves him" (I, XLV, 86). Unfortunately he does not go further than this incentive to cautiousness. Yet, he makes an important remark about the study of fallacies in rhetoric:

> […] the whole science of argumentation and rebuttal has a greater importance and wider ramifications than here set forth. But the knowledge of this art is so difficult that it cannot be appended to any chapter of rhetoric, but demand for itself alone a long period of arduous thought. Therefore this will be treated by us at another time and in another work, if opportunity shall offer. Now we shall have to be content with these rules laid down by teachers of rhetoric for the use of speakers." (I, XLVI, 86)

This statement could support a charitable interpretation of Hamblin's radical statement that Cicero did not write on fallacies: we could say he did, but not extensively. Cicero did acknowledge the importance of "sophistical refutations", but it seems that he never had time to sit down and write out the principles of this wide art. This is why, one more time, we must be content with mere lists of typical bad reasonings. Like in the *Ad Herennium,* the examples of the *De Inventione* are a mix of non-contextual defects leading to *non sequitur* and various pragmatic defects linked with clumsy behaviors of the arguers. An example of the first case is the non-conclusive syllogism "If you had come to the army you would have been seen by the military tribunes. But you were not seen by them. Therefore you did not set out for the army." (I, XLVI, 87). A pragmatic defect occurs, for example, when the opponent presume that you have forgotten what you have granted and then introduce a conclusion that is not a consequence of your commitment.

Did Cicero make a distinction between a mere *non sequitur* and a fallacy understood as a typical structural defect in a premise-conclusion argument? The answer is not easy, for he begins the examination of the third way to refute an argumentation (a vicious form of argument) by a consideration that seems to be part of this study of the art of rebuttal that he has just postponed:

[…] the very kind of the argumentation (*argumentatio*) may be shown to be faulty (*vitiosum*) for the following reasons: if there is any defect in the argumentation itself or if it is not adapted to prove what we purpose to prove. To be specific, there will be a defect in the argument itself if it is wholly false, general, common, trifling, far-fetched, based on a bad definition, controvertible, self-evident, disputable, discreditable, offensive, 'contrary', inconsistent, or adverse. (I, XLVIII, 89)

This enumeration is followed by a long list of several pages that gives variants and examples of each of the previous defects. Again, there is some redundancy or overlap between some headings or items, for instance between 'weak' and 'insufficient' reasons. Beside the case of arguments involving statements that are obviously mendacious, we find some of the defects presented in the *Ad Herennium*, for instance arguments that are so general that they can benefit both the arguer and his opponent. There are also far-fetched arguments derived from remote circumstances, or defective ones because they show something about part of a class instead of the whole class. Cicero does not use their current names, but we can also recognize a form of *ad hominem* argument when "a thing is criticized because of the fault of a man, for instance, if someone should blame learning because of the error of some learned man". Listed among cases of weak (*infirmata*) reasons, we meet again our old friend *Petitio*, when "the reason may be merely a statement of the same idea in different words". It accompanied by an example very close to the example of the *Ad Herennium*: "Avarice is bad, for desire for money has brought great disasters on many" (I, L, 95). If Cicero is not the author of the rhetoric *Ad Herennium*, at least two major Roman authors wrote on fallacies.

6. QUINTILIAN'S *INSTITUTES OF ORATORY*

We will leave the last word to Quintilian who wrote almost two centuries later, at a time often considered as a period of decline of the art of rhetoric, perhaps because of the collapse of the republic. Quintilian did not write extensively on fallacies or on the art to refute dubious arguments and does not address the fallacies discussed by Aristotle at a single place of the twelve books of his thick *Institutes of oratory*. Yet, you can find topics related with the Aristotelian fallacies scattered in different places. For instance, in book VII, you find a whole chapter on amphiboly, identified with ambiguity in its broadest sense. Quintilian discusses various forms of amphiboly that cover approximately the six Aristotelian fallacies *in dictione*, from the ambiguity of a single word to the effect of tonal accent on meaning or the various resources offered by the composition or the dissociation of words. In this chapter we even find the resumption of an example from Aristotle's discussion of the paralogism of dissociation.[5] Quintilian stresses that some ambiguities are no more than puns or are at the origin of "silly cavilings, but the Greeks make them the origin of controversies in the schools." (VII, 9, 4) He finally makes an interesting remark about the rhetorical use of ambiguity: as soon as it is acknowledged, you should not try to turn it to your own benefit; otherwise it is not an ambiguity anymore. In practice, the main problem with an ambiguity is to find which interpretation has to be chosen and for what reason.

In book V of the *Institutes of oratory*, the chapter on refutation is more on general strategic considerations and advices to follow during a trial than on typically vicious arguments. For instance, it discusses whether we should attack all the arguments of the other party at the same time or one by one. It also advises to pay attention to the limits of the similarities used by the opponent or to avoid objections easy to refute. As usual, Quintilian gives many examples from famous trials. It is only in a summary of common mistakes, often

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[5] See *On sophistical refutations* (4, 166a37).

easy to pick up, that we find a list that brings together some specific defects, logical or not, already stressed in the *Ad Herennium* or in the *De Inventione*,

> […] such as advancing a disputable for an indisputable argument, a controverted for an acknowledged fact, a point common to many causes, for one peculiar to the cause in hand, or introducing anything vulgar, superfluous, too late for the purpose, or incredible. For it is incident to incautious speakers to aggravate when it is still to be proved; to dispute about an act when the question is about the agent; to attempt what is impossible; to break off a discussion when it is scarcely commenced; to prefer speaking of the party instead of the cause; to attribute to things the faults of persons, as for example, accusing the decemviral power instead of Appius; to contradict what is evident; to say what may be taken in another sense from that which they intend; to lose sight of the main point of the cause; and to reply to something that is not asserted. This mode of reply, indeed may be adopted as an artifice in some cases, as when a bad cause requires to be supported by foreign aid […] (V, 13, 34)

These faults can be mere blunders, but Quintilian stresses an ancestor of our confirmation bias: in the context of objections and refutations, they deserve the more attention, for speakers have a strong tendency to praise their own arguments and not to pay enough attention to the ones of the other party.

7. CONCLUSION

The concept of syllogism allowed Aristotle to export his concept of paralogism from dialectic to rhetoric. What happened next? We do not know for sure the path followed by the influence of Aristotle's works on Roman rhetoricians. Yet we have shown that they did write on fallacies and in a way probably marked by Aristotle's seminal works, although they did not clearly follow his idea that a fallacious maneuver can be perceived in the very construction of a syllogism. We can recognize some of the Aristotelian fallacies, or variants, among some of the fallacies mentioned by Latin authors, even before the rediscovery of Aristotle's works during the first century B.C. We can also find in the defects that they list, some non-Aristotelian fallacies that appear to be the ancestors of some of our informal fallacies.

However, fallacies do not seem to have been a favorite topic of Roman authors on rhetoric. In the *Rhetorica ad Herennium* and Cicero's *De invention* fallacies are discussed in the chapters on refutation, the most dialectical stage of a classical rhetorical discourse. We have seen that Cicero explicitly grants the importance for rhetoric and the complexity of the art of refutation. But like other major Roman rhetoricians, he was more interested in the structure and course of a public discourse than in local technical details. This is why bad reasoning and fallacies, lost among the many topics discussed by Roman treatises on rhetoric, may give the impression to have been a neglected topic.

Nevertheless, these writings on rhetoric have been influential during the Middle-Ages and the Renaissance. This suggest that the history of the study of fallacies has not only the dialectical branch explored by Hamblin, but also a rhetorical one, still to be explored and perhaps at the origin of some non-Aristotelian fallacies.

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Argumentative dialogue and social and political deep disagreement in Chile

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ABSTRACT: The theoretical approach of this paper can be described as a flexible argumentation approach. It involves ideas about dialogue by Linda Carozza, Douglas Walton, Michael Gilbert and Claudio Durán. On the basis of this approach, the paper intends to present the development and conclusions of an argumentative dialogue between the authors. The authors disagree about the political evaluation of the government of Allende. The depth of this disagreement is a main issue of the study.

KEYWORDS: amenable argumentation approach, deep disagreement, multi-modal argumentation, open dialogue, Pragma-dialectics

1. INTRODUCTION

We begin with a quotation from Frans Van Eemeren (2011) that relates closely to our overall approach, both theoretical and empirical.

> In the field of argumentation theory, argumentative practice is both the starting point and the end point of systematic study. That is to say, the motivation for the study is rooted in the problems that present themselves in the many guises of argumentative practice; likewise, the results are employed to improve the analysis and evaluation of argumentative practice and to finally increase its quality. This practical orientation lends the field of argumentation theory its relevance for society.

Our study is the result of many years working together through which we have participated in several conferences on related topics. However, it is only in the past two years that we could come across a theoretical approach that proved helpful to carry through, and be able to analyze, a long and expanded argumentative dialogue. This study is in line with commitment to understand what has happened in Chile since the government of Salvador Allende and the military coup that replaced it by the dictatorship of General Augusto Pinochet. The research focuses on an argumentative dialogue between the two of us because we found out that we had some rather deep disagreements about the evaluation of the government of Allende. The concept of deep disagreement relates to Robert Fogelin, (1985) but it has been modified in an important way by Durán's elaboration from 2016 (Durán 2016).

As will be seen through the paper, we managed to undertake a long process of argumentative dialogue that helped us to test the relevance of our theoretical framework. We believe that it has been a successful overall process, but of course, it is now the task of readers of the paper to come up with their own evaluation.

2. THEORETICAL APPROACH TO THE RESEARCH ON ARGUMENTATIVE DIALOGUES

From its inception, we conceived of the development of a model for the study of argumentation that could help in the analysis of political realities, especially in the case of Chile, the deep disagreement with regards to the 1973 military coup and the military dictatorship of general Pinochet.

There are several important features in this project. First, we decided that the research itself should be carried as an argumentative dialogue between us. Second, we have not avoided the disagreements between us and we believe that it is not at all expected that we will necessarily have to achieve full agreement. Finally, an important factor in our experience of argumentative dialogue has been the development of "trust" between us.

The concept of argumentative dialogue proceeds from several sources. The first one is the doctoral dissertation of Linda Carozza (2009) who develops ideas on dialogue and argumentation drawn from *The New Dialectics* by Douglas Walton (1998), but her main ones are original. Carozza introduces the concept of "Amenable Argumentation Approach" (A3). A3 represents a flexible approach to the study of argumentation such that we should be prepared to involve ideas, practices, evaluative processes, etc, drawn from all schools and approaches to argumentation. In essence, be prepared to utilize whatever may be considered useful for the study of specific cases in the study of argumentation. She examines in depth some of the limitations of the tradition, especially the lack of concern for emotional arguments based on the excessive stress on the logical mode. Walton, working within the parameters of logical argumentation, maintains that most often arguments take off from dialogue. Obviously, the logical tradition in western civilization has significant weight and by no means we intend to discard it: the issue for Carozza is the recognition of the reality and significance of emotional arguments.

The second source of the concept of argumentative dialogue refers to what is called by Durán "open dialogue" (2012). There is a tendency in western culture to relate dialogue to the Socratic dialogue. However, the idea of open dialogue is different although some of the features of the Socratic dialogue are important such as the need to clarify concepts. Erich Fromm (1968) said that the most important feature of a dialogue should be that people involved in it could express and understand themselves without the compulsion of the critical approach that is characteristic of educational institutions. Fromm says in his book *The Revolution of Hope* that "[i]n every fruitful dialogue, each participant must help the other to clarify his thought rather than to force him to defend formulations about which he may have his own doubts." In open dialogues the expression of emotions is fundamental and moreover, the need to recognize the multi-modal facets of argumentation is essential. Thus the validation of Michael Gilbert's theory of Multi-Modal Argumentation (Gilbert 1997) is a main source of the notion of open dialogue. Therefore, it is necessary to be aware of the relation between logic, emotions, intuitions and physicality when having dialogues, including those that can generate argumentation processes. Moreover, we have related Gilbert's theory to pragma-dialectics which is something that he does in his book *Arguing with people* (2014).

The third source of the concept of argumentative dialogue relates to the way in which Chilean philosopher Humberto Giannini understands dialogue. According to Giannini (2013), a dialogue involves a transgression of the routine of a conversation: when a conflict emerges in a conversation then a dialogue proceeds from the disagreement. Thus the dialogue takes the interlocutors to reflect together so as to revise the issue involved in the disagreement.

There is tension involved at this stage between open dialogue, argumentation and Giannini's view of dialogue. The problem stems from the different way in which concepts are being used, for what he conceives as dialogue is what in argumentation theory is called

argument. Indeed when an exchange of alternative views proceeds in the face of a disagreement then in argumentation theory that is understood as argument. Furthermore, there is a difference between Giannini's understanding and the concept of open dialogue as developed by Durán, because according to the latter an open dialogue does not involve conflict and is rather an occasion for a free and creative exchange in which the main expectation is to be aware of the other's views on a matter. The point of an open dialogue is to do one's best to understand the other participant.

This difference of views involved an argumentative dialogue between the authors of this paper such that a decision was taken that it was appropriate to present these ideas as a sort of disagreement and keep it as such.

We decided that it is expected then that this will be the situation in most exchanges.

Finally on this issue, it is also relevant to mention that Giannini's views do involve as well going from a conversation to a dialogue based on disagreement, or in argumentation terms to an argument. In this regard, it should be noticed that Giannini's view of dialogue refers to logical dialogues.

One important and creative idea of Humberto Giannini is that, according to him, the dialogue, or in our terms the argumentative dialogue, if it is genuine then the participants should be able to recognize that the ideas being presented are not the property of any one of them, but they belong to the very process of arguing and presenting them. Giannini claims that the dialogue requires a "hospitable mind", this involves that the ideas being expressed by both participants should be treated as "guests" and not as "personal property". (1997)

3. DEVELOPMENT OF THE ARGUMENTATIVE DIALOGUE

Our argumentative dialogue developed during January and April 2018. We decided to get engaged in telephone exchanges through WhatsApp combined with emails and messages also through WhatsApp. After each telephone exchange both of us would produce an account of what was discussed there and put it in writing immediately. Each of us created what we called a "logbook" to record our exchanges, then we would email that to each other and proceed with the argumentative dialogue in this way. About 50 pages were recorded in the logbooks. The exchanges proved unexpectedly to be intense and emotional, with arguments flowing back and forth. This was surprising but soon we realized that the topic was itself a complex and difficult one.

The topic of the argumentative dialogue was defined in simple terms: "What is the view of the government of Salvador Allende between 1970 and 1973". We knew from earlier exchanges that happened in 2017 that each of us held significantly opposite views, we could also anticipate them to be deep to a large extent. For several weeks in January, the argumentative dialogue proceeded from Durán's claims until the third week of this month when we thought that Hamamé should start from her views on the topic. There is a reason for this that will be discussed in due course.

On January 4, Durán started the argumentative dialogue with his view on the government of Allende. He said that Allende should be held responsible for what happened in Chile with the military coup and the military dictatorship that followed. The reason for that is that he should have got engaged in agreements with the Christian Democratic Party well before the coup so as to develop a joint program of deep social, economic and political reforms in Chile. Hamamé disagreed with that claim but no further arguments were produced by her on this specific point. Probably because the argument got involved with another issue: the death of Allende at the Presidential Palace after the military had ended all resistance there by Allende and his people.

Durán thought that Allende committed suicide given the fact that the military had taken full control of the situation in Chile. Hamamé's view was very different as she thought that Allende was assassinated by the military. For a long while the argumentation centred on this topic.

Durán's reason for his view was that the suicide was certified by Allende's own doctor who had been present there during the bombing of the Presidential Palace and the assault by the soldiers. Hamamé justified her position saying that admitting that Allende committed suicide would exonerate the military for the assassination.

So a disagreement had developed on the topic of Allende's death before any argumentation on Durán's main claim had been argued upon.

During these approximately two weeks arguing about Allende's death, Durán wrote in the logbook extensively about his emotional and physical reactions. He lost sleep on several nights, experiencing intense feelings.

The argumentation about Allende's death proceeded to different but related issues. Durán himself recalled that her mother, who had been Allende's friend and a strong supporter of him, claimed that Allende's doctor could have been threatened by the military if he were to say that he was assassinated by them. This claim was clearly in line with Hamamé's view. However, Durán said that he had arguments with his mother about her claim: one issue with her mother, he said, was that for her suicide was not a dignified death, thus a sign of weakness. For Durán, that was not the case as he did not view suicide as such, furthermore he introduced the suicide of President Balmaceda in 1891 as a model case for Allende: Balmaceda committed suicide after the defeat of the government forces in a violent civil war.

Hamamé replied to Durán's argument about Balmaceda that if Allende had Balmaceda as a model in the case of suicide, then that should be considered as a case of a "self-fulfilled prophesy" and moreover in its worst version: the vicious circle version. She thought that if that was the case, then it would represent a very tragic situation. For Durán, this would not be the case given that President Balmaceda had been for a long time evaluated very positively by the Chilean left: he was a politician deeply committed to advanced social, political and economic reforms destined to help the poor sections of the population. That was the reason for the civil war against him orchestrated by the upper classes with support from England.

Durán hesitated in bringing a further point in support of his claim about Allende's suicide. Allende had been a friend of his father, and as such he was a guest at Durán's home many times. Some important political decisions in which Allende was present had been made in meetings at his father's place. His father told him that Allende had on one occasion said that he saw his life ending either as an old man watering his flowers or being killed in the Presidential Palace. Moreover, in a 1971 meeting in the National Stadium in Santiago, held to say farewell to Fidel Castro who had been visiting Chile for a month, Allende said in his speech that he would only leave the Presidential Palace killed by bullets.

Not even one of these arguments by Durán tended to prove his point that Allende had committed suicide. Rather, they could perfectly well be consistent with Hamamé's view.

What is remarkable about this long argumentation, in which an open dialogue had also been happening, is that Durán, as mentioned above, experienced very high tension, not being able to sleep well, feeling a bit at a loss, because his deeply held views about Allende's suicide were now in question. Also, he felt somehow challenged by Hamamé in a way that gave him a negative feeling of losing the argument. At least, of having to accept that he could not prove his main claim.

However, the core issue of the argumentative dialogue, that is, the view of Allende's government had not been tackled.

One very positive outcome of this argumentative dialogue was that Durán was now prepared to reverse some of his views on Allende. This is discussed below.

Before tackling the main issue of the argumentative dialogue directly and explicitly, Durán had concluded that perhaps even with the support of the Christian Democratic Party the coup would have most probably happened all the same. The reason for that, he argued, is that the powerful extreme left would have rejected any deal with the Christian Democrats. Therefore, social, political and economic disorder would have most probably followed. Then the military would have intervened.

At this stage of the argumentative dialogical process, having Durán come to terms with the view that even with an agreement between Allende and the Christian Democrats, a coup could probably have also occurred, both decided to review the whole text of the exchanges from the beginning.

We became aware that so far the exchanges had all started from Durán's initial views. We were surprised and we tried to find a reason for that. We were helped by an insight from Durán's wife: she happened to read the texts that documented the exchanges and said that it seemed to her that Durán's intensity and involvement in the process indicated a sort of full coming back to Allende's government during which he was politically and professionally involved. She added that Hamamé seemed more related to the period of Pinochet's dictatorship. This insight made us realize that Durán was between 31 and 34 years old during the Allende years whereas Hamamé was between 12 and 14 years old. Durán had met Allende when he was 12 years old, he had been participating in politics since 1958, and in the 1960's was a close friend of high level politicians of the Socialist Party. In 1968 he was invited to the Havana Cultural Congress, an experience with profound social and political significance.

Becoming aware of the fact that Durán had started so far all the exchanges, we decided that we should change the focus to Hamamé's views on Allende. At the same time, we were reflecting upon the emotional and physical intensity of the argumentative dialogue: thus, it occurred to us that in shifting to Hamamé we needed perhaps to stress the logical mode.

Since, as mentioned in section two of this paper, Gilbert's multi-modal approach can be related to the pragma-dialectical conception (Gilbert, 2014), the idea was now to follow a model such that Hamamé thinks that S is P: that would be her standpoint. Then Durán can claim that he is in disagreement with Hamamé. This would be the confrontation stage according to pragma-dialectics, and should be followed by the opening stage in which both arguers decide on the rules of the argumentation before entering into the argumentation stage itself. Assumedly the argumentation process would end in some sort of conclusion, positive or negative. Of course, in each stage one should be aware of the mode(s) of argumentation involved. In any case, our decision to seek help from pragma-dialectics was motivated by the need to stress the logical mode in order to become more clear about our argumentative dialogical process.

In the third week of January, Hamamé referred in detail to her life experience that led her to the support of Allende in 1971. She mentioned that as a child she used to live in Coronel, a town in the south of Chile that was one of the main two centers of the coal mines. Coal miners were very poor in those places and were submitted to a very harsh life of work. Hamamé was aware of this situation and felt the pain of the miners. An older communist female neighbour helped her to understand the roots of the injustices suffered by the miners. This relation with the neighbour took her to commit herself with social justice. Around the time that Allende became President, Hamamé's family moved to live in a town near Santiago, Chile's capital. She was in the first year of high school and one of her teachers arranged meetings with her and a few other classmates to talk about Allende's policies. Hamamé mentioned that she could recall vividly those sessions in which she became aware of who Allende was and what he wanted in terms of overcoming poverty in Chile. She was therefore moved and became a supporter of Allende.

In conclusion, Hamamé's positive views of the government of Allende are inextricably linked to her life experience in early childhood coupled with the sessions with her high school teacher. Allende represented for her a commitment to social justice.

For Durán, initially, this positive view of the government of Allende did not seat well with his now modified view. Indeed he had changed his idea that if Allende had made compromises with the Christian Democrats the coup could have been avoided. Now, given the argumentative dialogue he conducted with Hamamé, as it was presented above, he became hesitant about his negative evaluation of Allende, but he still did not agree with the positive view of Hamamé. Therefore, in the morning of the day they were supposed to continue the exchanges about Allende, Durán prepared a set of 5 to 6 points to counter-argue Hamamé's claim. He even characterized them as collecting "heavy artillery": A "war" metaphor that is discussed below.

However, something happened that can be explained in terms of Michael Gilbert's concept of the kisceral mode: this mode refers to the intuitive, the uncanny, the unexpected, in any case the unpredictable, etc. As Durán was preparing his "artillery", his wife came with two letters that she had just found among old family documents. They were the two letters that Durán and his wife wrote to her parents the morning of the day they were leaving for Canada from the Canadian Embassy where they had seek refuge. In her letter to her mother, his wife wrote:

> In these days I have reflected very much and a whole world has swirled in my soul: this world so full of horrible things and at the same time great things, and of which Chile is part. I have come to realize that the struggle for more justice and truth is so long and painful. At the same time, I have realized that we are part of the long history of humankind for a better life and that we must live this part of history even if we suffer its cruelties.

Durán then felt a profound and moving feeling, at the same time he felt the need to be fair in evaluating Allende. Of course, this experience represented a most significant coincidence with Hamamé's positive evaluation of Allende: Allende now became the representative for both of them of the commitment for social justice in Chile. Indeed Allende said in 1952: "We are here to begin a long struggle for more social justice".

The war metaphor in the argumentation with Hamamé was now gone. Durán realized that his emotional and physical distress during the argumentative dialogue was an expression of inner contradictions within him via-a-vis Allende. He had been negating his own commitment to the government of Allende for a long time. Indeed he had been changing his ideological and political positions in overt and clear ways for many decades, but he saw now that he could not negate his deep commitment to Allende in the 1970's.

At this stage of the argumentative dialogue, we had found agreement between us in our views of Allende. And this happened towards the end of January when the process was interrupted due to Hamamé's holidays.

The process was resumed in early April. A few issues had been pending in resolution. Such is the case of the different understanding of Allende's death, whether suicide, as Durán still believed, or assassination in Hamamé's consideration. The question had become not significant for Durán at this stage and we decided to postpone it until another time, if indeed this would become an issue. Suicide or not, for Durán the topic for him was essentially the evaluation of Allende's government.

During April, now having resolved the main disagreement, we concentrated on looking back to our logbooks. We decided to review the "logic" of the process of argumentative dialogue as it had been conducted. This stage of the exchanges became a case of open dialogue.

Hamamé wrote in her logbook that the multi-modal approach has been present in each of our argumentative dialogues, being they through WhatsApp telephone or message communication, together with our logbooks' registrations, and emails. Both have felt intense emotions, together with intuitions, and all the time expressing our academic knowledge as well,

and this means a participation of the logical mode in the process. Moreover, we have both felt deep physical reactions as the dialogue was proceeding. Therefore, the four modes of Michael Gilbert have appeared combined in different proportions. Through that process we arrived at an agreement about our views of Allende in a kisceral way. No less significant was the appeal to pragma-dialectics, which helped us to reorganize the argumentative dialogue at a key moment. Our joint conclusion that Allende represented for us a commitment to social justice became the very core of the argumentative dialogue.

We both agreed that Chile had changed so much since the coup and especially because of the introduction by the military dictatorship of a neo-liberal economic model. The dictatorship was over when a coalition of Socialists and Christian Democrats won a plebiscite against Pinochet. However, the democratic government, based on those two parties, continued operating with the neo-liberal economic model. In the process, poverty decreased in Chile from roughly 50% at the times of Allende to approximately 25% today. That meant a very significant increase of the middle classes. In this scenario, what is the meaning of "social justice", and therefore, what is the meaning of Allende?

4. CONCLUSIONS

One conclusion that stems immediately from the process in which we have been involved, is the question of whether this approach to argumentation theory could be replicated by other argumentation theorists. For, we have been working together for a long time, we know each other very well, we respect the work that we do, we have collaborated in several projects of a similar nature, and last but not least, we both share a commitment to Michael Gilbert's theory of argumentation. Moreover, the introduction of pragma-dialectics theory in our approach is due, to an important extent, to the way in which Gilbert relates it to his own theory (Gilbert 2014).

However, perhaps we are the only theorists that share the theoretical approach that guided our dialogical process. It could be argued that it could prove very difficult to replicate it by other scholars. We were aware of this from the beginning, but we had decided that the moment has come to present it in an argumentation conference. In that way we would be in a position to receive positive or negative feedback that could help us to revise the approach. More ambitiously, we also thought that other argumentation theorists could benefit from the approach and maybe even join us in further studies.

Since Michael Gilbert's theory of multi-modal argumentation has gained little traction in argumentation circles, and given the fact that it is a cornerstone aspect of our own approach, we tried in our argumentative dialogue to understand the reason for the non-acceptance of the theory. Hamamé said that the theory goes so deeply against the logical tradition of western civilization that what is needed is a change of paradigm. That change could take a long time.

A second conclusion that follows the first one refers to pragma-dialectics and its role in our approach. First of all, we must clarify that we think that logic is important, our concern relates rather to the fact that it has been dominant in the western tradition to the detriment of emotions, physicality and intuition (what Gilbert calls the kisceral mode). In this context, we claim that our experience in the argumentative dialogue presented in Part 3 of this paper, tends to show that it would have been impossible if emotions would have not been involved in the process, and also physicality and certainly the kisceral mode.

We believe that pragma-dialectics theory and practice tends to travel a rather logical road, but its concern goes beyond the strictly logical realm. Witness what Frans van Eemeren says (2011): "With the introduction of the notion of 'strategic manoeuvring' we have in fact

added a rhetorical dimension to our dialectical theory of argumentation." And he adds in the same writing: "Nonetheless, I was—and am—convinced that dialectic and rhetoric cannot survive without each other and that the future of argumentation theory lies in a constructive integration of these two perspectives.'

In any case, in terms of our experience in our argumentation dialogue, as reported in Part 3 of this paper, introducing the pragma-dialectical approach at a key moment proved to be valuable.

A third conclusion relates to the issue of deep disagreement, either in the sense of Fogelin (1985) or Durán (2016). In our opinion, the problem of depth of disagreement requires that we need to be clear about whether we mean different levels of depth in an argument, that is, more superficial or deeper in terms of the difficulty of achieving agreement, or we mean with Fogelin what other argumentation theorists call intractable disagreement (Dale Turner & Larry Wright, 2005). Referring to our argumentative dialogue in Part 3, it seemed to us for a while that the argument about Allende was going in the direction of intractable disagreement. It involved deep seated emotions and physicality, mainly in Durán, that took him to even mention that he was going to collect "heavy artillery" to counter Hamamé's views.

Now, given the fact that the disagreement disappeared, as we saw, through a kisceral argument, we feel tempted to hypothesize that deep disagreements in Fogelin's sense may be the expression of deep seated emotions and kisceral reactions, even physicality. We may feel that we have to defend our views not only because of logical considerations but perhaps mainly for emotional reasons, or intuitive or physical considerations. Of course, this issue would require considerable more research.

A fourth conclusion takes us to reflect upon Linda Carozza's contribution to our theoretical approach. She encourages argumentation theorists to involve other perspectives when dealing with arguments, being that at the level of understanding but also evaluation. Of course, this is a difficult position to take since some perspectives may be contradictory to others, but in essence, we believe that Carozza's Amenable Argumentation Approach is a fine and insightful idea so as to remain as open as possible all the time when dealing with argumentation. Of course only the actual practice of argumentation can help in finding the relevance of this approach. In our case, it proved useful.

A final conclusion involves a subtle and probably uneasy reflection upon the relation between argumentation and research. Looking back at our study, especially focusing upon the argumentative dialogue, the question that arises is the extent to which we were not only arguing but also researching, that is, attempting to be objective with our views on Allende. One immediate problem is that we started on our views which have been shaped by political experience, scholarly readings, arguments with many other people, etc. However, what is the guarantee that we were right on our views? Indeed the purpose of the argumentative dialogue was not to win at whatever cost: even Durán's reference to "heavy artillery" was not meant to just leave Hamamé out of arguments, but to produce "heavy arguments" based on facts that he thought Hamamé was not aware of.

We should also mention that from the beginning we thought that a process of argumentative dialogue like this one should not be limited to historians, political theorists, sociologists, politicians, and other experts who have spent considerable time researching about the Allende government, but it should be available to just anyone. This is in line with Durán's study of blogs that he presented at the ISSA Conference in 2014 (2015). Reducing the evaluation of a government to experts alone may be of little use in politics. However, there is no doubt that the opinion of experts should be involved in processes of argumentation. We think that this issue will be a main one in our next undertakings in argumentation research.

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One does not punch a discussion partner: An analysis of the strategic maneuvering justifying radical actions in communiqués issued in social conflicts

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ABSTRACT: Social movement organizations use different forms of protests to produce or prevent social change. These forms include socially accepted actions, such as demonstrations and rallies, and other less accepted and more radical like civil disobedience and uprisings. These actions often go accompanied by communiques in which organizations justify their actions. This paper analyzes the confrontational strategic maneuvering employed by a guerilla group in a communique issued at the beginning of an uprising in Mexico.

KEYWORDS: communiqué, confrontational strategic maneuvering, Mexico, pragma-dialectics, public opinion, social conflicts, social movements

1. INTRODUCTION

From a dialectical perspective, argumentation put forward in a discussion implies a cooperative attitude between discussant parties (van Eemeren et al. 1993, pp. 6-7). Equally speaking, from a dialectical point of view, parties do not try to make their standpoint accepted by recurring to violence or other type of actions, since doing so could be regarded as uncooperative or unreasonable (van Eemeren 2010, p. 196; van Eemeren and Grootendorst 2004, p. 190). However, in social conflicts, parties usually do recur to actions that may be deemed uncooperative and unreasonable. In spite of this, it is possible to find that they put forward argumentation to justify their uncooperative/unreasonable actions. One can find that parties in a conflict maneuver strategically to appear reasonable and to manage potential disagreement caused by their actions. Even in extreme cases in which social conflict reach high levels of violence, parties still put forward argumentation to justify radical actions.

A key element in social conflicts is the role that public opinion plays. Conflicting parties usually aim to win the support of the public opinion by communicating their goals, reasons for acting in a certain way, demands, amongs other. One common way to communicate this elements are communiqués. To analyze the argumentation employed in communiqués it is possible to reconstruct them as a multi-party discussion in which conflicting parties play the role of the protagonist and the antagonist of the discussion, while the public opinion plays the role of an informal adjudicator. The claim guiding this paper is that parties involved in social conflicts put forward argumentation in communiqués to win the favour of public opinion and to make their accitions acceptable to them. This paper aims to test this claim using the extended pragma-dialectical model to analyze the confrontational strategic maneuvering employed in a communiqué issued by a guerrilla group in Mexico called the Zapatist Army of National Liberation (EZLN). In this communiqué the EZLN declares war against the Federal Army and the Executive Power of the Union in 1994 after having occupied six municipalities in the State of Chiapas, Mexico.

Section 2 introduces the notions and concepts of social movements studies that are needed to inform the confrontational maneuvering analysis. Section 3 introduces the pragma-dialectical model and the concept of strategic maneuvering. Section 4, analyzes a confrontational strategy used in a communiqué issued by the EZLN. Section 5 discusses the results of the analysis of this research.

2. SOCIAL MOVEMENTS, RADICAL ACTIONS AND COMMUNIQUÉS

Through history, social movement organizations have influenced society to modify conventions, norms, laws, and policies. The extension of voting rights, the establishment of welfare state, and the development of union rights are examples of political, social, and labor rights that were obtained thanks to the struggle and protests of social movement organizations (Goodwin & Jaspers 2015, p. 3). Social movement organizations have employed different repertoires of protests, going from socially accepted collective actions such as rallies, petitions to representatives, and public demonstrations, to more radical ones such as boycotts, civil disobedience, hunger strikes, rioting, and uprisings.

According to Della Porta and Diani (2006, p. 21), social movements can be defined as "collective actors that are engaged in political and cultural conflicts, meant to create or oppose social change." In this definition, the term 'collective actor' means groups of people associated to achieve a collective goal. For instance, the Anarchist Black Block and the more institutionalized group Green Peace can be regarded as organizations that are part of broader social movements like Occupy Wall Street in 2011 and the Environmentalist movement, respectively. Collective actors, in Della Porta and Diani's definition, are in conflict, i.e., in an oppositional relationship seeking control of the same interest (political, economic, or cultural), with other collective actors such as official institutions, corporations or other organizations. A critical element that gives place to disagreement between actors is that they make negative claims, i.e., demands, which if realized, would damage the interests of other actors (Della Porta & Diani 2006, p. 21).

Michael Lipsky noted in his book *Protest in city politics: Rent strikes, housing, and the power of the poor* (1969), as well as in his article Protest as a political resource (1968), that the process of social change led by public protest is highly indirect because of the critical role played by communication media and the reference public of the target of a protest (see also Della Porta & Diani 2006, pp. 28-9). Lipsky departs from the observation that people protesting are relatively powerless groups in relation to the institutions because they lack the political power to produce a change by conventional means. In other words, relatively powerless groups want to produce or oppose a certain change, but they are not in the institutional position to produce this themselves: they need either to convince or deter those who have the power to do it. According to Lipsky (1968), protesting, in this sense, is a political resource aimed at activating the media and the reference public of the target of a protest. By 'reference public', Lipsky means third-parties with the power to influence decision-makers of the target of a protest. Communication media plays a crucial role in outreaching and framing the message and actions of the protesting group to a broader audience, including third-parties.

In the process of protesting, social movement organizations perform different types of collective actions, which vary in legality and degree of social acceptability. When deciding about the type of action, organizations maneuver between being disruptive enough to activate the media and reference public of the target of their protests, and being too disruptive and lose their favor. This tension, according to Della Porta and Diani (2011, p.175) represents one of the protesters' dilemma: "protesters need to deal with the often contradictory requirement of

threatening with a disorder on the one hand, while on the other seeking to avoid stigmatization by public opinion." One way in which social movement organizations cope with this dilemma is through speech events accompanying their actions in which they put forward argumentation for their demands, their actions and the seriousness of the situation (see also Loadenthal 2015, p. 454).

Since radical actions often break certain laws or conventions, usually triggering polarized reactions, it seems even more necessary for organizations performing them to put forward speech events to prevent stigmatization and negative framing by media and state actors. It is not unusual that organizations performing radical actions end up being called terrorists, radicals, subversive, delinquents, anarchists, conspirators and being named by other loaded terms. These labels are not only 'hot air' and harmless words: they often imply severe legal and political consequences. Research in the field of social movements has shown that the state actors and corporations employ these terms when they are the target of the protests of social movements organizations (see for instance Balsinger, 2015; Beck, 2007; Wisler & Giugni 1999). It is therefore neither surprising nor uncommon that organizations anticipate this type of negative framing.

A type of speech event commonly used in social conflicts is communiqués, which are official bulletins or communications, usually sent to the press or other mass media to reach a broader public. In his Ph.D. dissertation, Michael Loadenthal analyzes communiques issued by insurrectionary groups in different parts of the world. Regarding communiqués as a communicative event, he observes that they are an essential component of the communication strategies in insurrectionary struggles:

> Following each incident of political violence—from a broken window to an assassinated nanotechnologist—the act is explained, 'infused with meaning' via a text meant to expand the discourse on revolutionary struggle. This site, that of the communiqué, demonstrates the social construction of both the act (of 'terrorism') and the discourse (on 'terrorism'). Both the event (i.e., the attack) and the object (i.e., the communiqué) are socially constructed phenomena, serving to apply meaning and context for a wider audience. (Loadenthal 2015, p. 13).

Loadenthal points out that the discursive content of communiqués, including its goals, methods, lexical choices and rhetoric, are influenced by both the communiqué as a communicative practice, and the network where it is distributed (he discussed the internet as the medium to distribute this type of messages). In this regards, as other communicative activity types, communiqués are constrained by institutional and conventional factors, including the audience to whom the communiqué is addressed. Loadenthal tries to show that communiqués play a crucial role as 'the voice' of organizations that opt for radical ways of protesting. Additionally, communiqués are one way in which organizations can communicate their official collective message without media interpretation (for a discussion on this issue and the role of the journalist in social protests see Lipsky, 1969).

Loadenthal argues in his dissertation that communiqués also serve as a space where a dialogue takes place between the addresser and the addressees of the communiqué (2015, pp. 453-7). In this sense, communiqués contain the pragmatic and interactive attempts of the organization performing the action to engage with a broader audience. In Loadenthal's words: "[t]he communiqué functions as a 'transactional and bidirectional' message, rhetorically engaging both the attacker and the public in a discourse." Having this in mind, it is possible to analytically reconstruct communiqués as multi-party discussions taking place in the text of the communiqué. Reconstructing communiqués in this way at a textual level can help to test the claim of this paper, i.e., that parties involved in social conflicts put forward argumentation in communiqués to win the favour of public opinion and to make their accitions acceptable. The pragma-dialectical extended model with the concept of strategic maneuvering (van Eemeren,

2010) provides the necessary theoretical and analytical tools for the analysis of communiqués issued in social conflicts.

3. THE PRAGMA-DIALECTICAL MODEL OF A CRITICAL DISCUSSION AS AN ANALYTICAL TOOL FOR ANALYZING COMMUNIQUÉS

The pragma-dialectical model of critical discussion serves to analyze and evaluate argumentative discourse in different types of speech events assuming that people argue to resolve a difference of opinion based on the merits of their argumentation (van Eemeren & Grootendorst 2004, p.19). This normative model distinguishes analytically four stages in the process of resolving a difference of opinion and considers the distribution of speech acts in each stage of the discussion.

In the 'confrontation stage', parties aim to make clear what is the main difference of opinion. If the standpoint of the protagonists only faces doubts, the difference of opinion is 'non-mixed'. A 'mixed difference of opinion', on the contrary, involves the protagonist's standpoint facing contradiction or criticism. In any case, when argumentation is put forward to defend a standpoint, it is because the protagonist faces the antagonist's doubts and criticisms or because the protagonist anticipates them (van Eemeren & Grootendorst, 2004, p. 60). In the 'opening stage', parties try to establish the common starting points to resolve their difference of opinion. These include knowledge of facts, similar values, commitments, and everything else they agree upon (van Eemeren & Grootendorst 2004, p. 60). During the 'argumentation stage,' arguers test the acceptability of the standpoint at issue. The role of the protagonist is to defend his or her standpoint by employing arguments and the role of the antagonist is to cast doubt or to express criticism on the protagonist's standpoint. In the 'concluding stage' (van Eemeren & Grootendorst, 2004, p. 61), the parties establish the result of their attempt to resolve the difference of opinion. If the protagonist was not able to successfully answer the criticisms of the antagonist, the protagonist has to retract his or her standpoint.

To give a more detailed account of argumentation in context the notion of strategic maneuvering can be used. Strategic maneuvering integrates rhetorical insights into the ideal model of a critical discussion, allowing the analyst to take into consideration the individual goals that arguers may have in a discussion. It takes into account how arguers exploit their contextual opportunities while trying to maintain a balance between being reasonable and being effective. In other words, arguers maneuver strategically between their dialectical obligations and their rhetorical goals within extrinsic contextual constraints (van Eemeren & Houtlosser, 2002a). According to this extended version of pragma-dialectics, every stage of the discussion will imply opportunities and constraints: each discussion stage has a dialectical objective and an analogue rhetorical goal. During the confrontation stage, which is the one this paper is interested in, for instance, the dialectical goal is to achieve clarity on what the difference of opinion is. The rhetorical analogue during this stage, each party will try to steer the confrontation in the most beneficial way to defend his or her standpoint. Likewise, each party will try to get the easiest position to defend or to attack (van Eemeren, 2010, p. 43).

The strategic maneuvering manifests itself in three inseparable aspects associated with each stage of the discussion: choices from the topical potential, adaptation to the audience demands, and a selection of presentational devices. The 'topical potential' (van Eemeren 2010, p. 96) concerns the choices available from the repertories of options for making an argumentative move in a specific situation. 'Audience demands' (van Eemeren 2010, p. 108) refer to the choices that arguers should make to adapt their argumentation to the antagonist's frame of reference. 'Presentational devices' (van Eemeren 2010, p. 118) account for the

choices available for the parties to present their argumentation. These include the communicational means (written, spoken or visual) and stylistic choices and frames that could make the standpoint and argumentation more easily to accept for the other party. In the case of a confrontational maneuvering, choosing from the topical potential entails the selection from the issues that constitute the 'disagreement space.' Adapting to the audience demands implies framing the issue in a way that is in line with the expectations and preferences of the audience. Exploiting presentational devices involves choosing the wording that gives the desired connotation to the standpoint (van Eemeren & Houtlosser 2001).

Taking these elements into consideration, the next section of this paper analyzes the confrontational maneuvering in a communiqué issued by a social movement organization in Mexico. This model provides the heuristic tools to analyze the way in which social movement organizations attempt to look reasonable and manage disagreement when performing actions that can be regarded as unreasonable.

4. CONFRONTATIONAL STRATEGIC MANEUVERING IN THE FIRST DECLARATION OF THE LACANDON JUNGLE

In 1992 the Mexican government was negotiating its participation in the North American Free Trade Agreement (NAFTA) with the US and Canada. This was the final step for Mexico in becoming part of 'the first world'. To comply with the prerequisites to enter NAFTA, by an initiative promoted by the president Carlos Salinas de Gortari, Mexico modified the Articles 4 and 27 of the Constitution. The immediate impact of this modification, especially of article 27, was that communal lands were made open to privatization, thus undermining the basic security of indigenous people regarding land entitlement. With this modification, some indigenous groups became overnight illegal-squatters of their land. Although this affected many farmers and peasants in the whole country, the consequences were most devastating in Chiapas, the poorest state in Mexico. This modification was the catalyzer for the Chiapas conflict, in which a guerrilla group rose up against the Executive Power. Besides the modification to Article 4 and 27, other factors that propitiated the uprising were the extreme levels of poverty and deprivation in the state, racism and the exploitation of indigenous people since colonial times. Another factor that propitiated the uprising was the desire of the government to portray Mexico as having a good climate for foreign investment (for a more detailed analysis of the conflict see Montemayor 1998, Shultz 1998, and Conant 2010).

NAFTA took effect in 1994. On New-year's eve of 1993-1994, a group of 3,000 rebels armed with rifles, old guns, and sticks descended from the mountains to take over the municipalities of San Cristobal de las Casas, Ocosingo, Altamirano, and Las Margaritas, retreating to the mountains the day after. In a communiqué with the title *First Declaration from the Lacandon Jungle* (EZLN 1994), which was first read in the occupied municipalities and later on circulated to the press and other media, spreading quickly around the globe, the group presented itself as the Zapatist Army of National Liberation (EZLN). The fragments used for the analysis of the confrontational strategic maneuvering are taken from that communiqué.

As was discussed in Section 2, since the process of producing or opposing social change is highly indirect, it is one of the goals of social movement organizations to influence the reference public of the target of their protests. In the case of the conflict in Chiapas, one of the goals of the EZLN was to influence the reference public of the Executive power in Mexico: Mexico's civil society, public opinion and the international commuity. As mentioned before, social movement organizations aim to manage disagreement and convince other parties of the acceptability of their actions. In pragma-dialectical terms, EZLN's communiqué

can be reconstructed as a multi-party discussion to analyze the confrontational strategic maneuvering to see how the EZLN presents its standpoint regarding its uprising and how it tries to manage possible disagreement with potential supporters. In order to do that, it is necessary to identify the standpoint of EZLN, the positions adopted by parties that are addressed, and to examine how it maneuvers strategically by exploiting the topical potential, adapts its standpoint to the audience demands, and how the protagonist uses different frames and choices as presentational devices.

The main standpoint in the First Declaration from Lacandon Jungle can be reconstructed as "The war that we declare against the Mexican federal army and the illegitimate executive power hold by Carlos Salinas de Gortari is fair, just and our last resort." The EZLN plays the role of the protagonist of this standpoint, while the Executive power can be regarded as the antagonist. However, the Zapatistas also address at least three more collective antagonists. In example 1 is possible to identify Mexico's civil society as one of the addresses of the communiqué: (1)"To the people of Mexico." Additionally, like example 2 and 3 show, the EZLN calls to the powers of the union (Legislative and Judicial) and the international community.

(2) According to this Declaration of War, we ask that other powers of the nation advocate to restore the legitimacy and the stability of the nation.

(3) We also ask that international organizations and the International Red Cross to watch over and regulate our battles, so that our efforts are carried out while still protecting our civilian population.

Although the Executive power is the direct target of the uprising, considering that social movements try to produce a social change by appealing to the reference public of the target of their protests, the primary audience of the communiqué can be identified as Mexico's civil society, the Legislative and Judicial powers, and the international community. This analysis is supported if we consider that between the Zapatistas and the Executive power, including the army, there are only few or no common starting points for resolving the conflict.

As it was explained in Section 2, the demands of the EZLN affect the interests of the Executive power, in this case, the modification of Article 27 of the Constitution among other demands regarding basic needs. In the case of the primary antagonists, their positions can be reconstructed as potentially disagreeing or casting doubts over the Zapatistas' actions and demands. In this sense, a simplified reconstruction of the difference of opinion between parties being called upon in the communiqué can be reconstructed as mixed and non-mixed with third parties, and mixed with the executive power. "Figure 1" illustrates this difference of opinion.

EZLN / p ———————→ Executive Power & Army/ -p

Civil Society/ -p,?
Powers of the Union/ -p,?
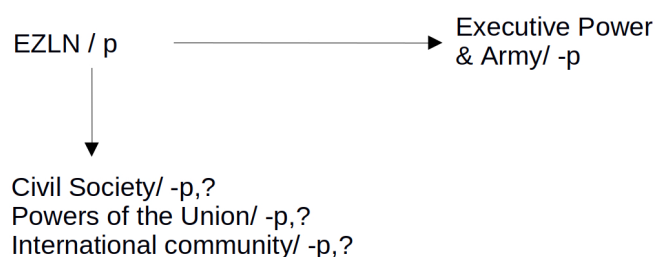International community/ -p,?

Fig. 1. *Simplified structure of the difference of opinion in the First Declaration from Lacandon Jungle.*

Addressing a multiple non-homogenous audience poses several difficulties. One of them is how to be relevant for all the audiences. To sort this problem out, and to manage possible disagreement, the EZLN maneuvers by choosing from the topical potential the topic

of self-defence and justice. The Zapatist army asserts that the war they are declaring is an act of self-defense and their last resort, which may be deemed as more acceptable than just attacking an adversary. In general terms, to defend oneself in case of aggression, abuse or deprivation is more socially accepted than being the agressor. This choice can be seen in examples 4:

> (4) We, the men and women, full and free, are conscious that the war that we have declared is our last resort, but also a just one.

This implies that if the circumstances would have been different, the uprising could have been prevented. By choosing self-defnece from the topical potential the EZLN makes the Executive responsible for the conflict. This selection appeals to the audience's moral judgement and puts the Executive in a position of having to respond to the accusation of putting indigenous people in a situation in which their only remaining option was an uprising. Moreover, by presenting the declaration of war as just, by contraposition the Executive is framed as an unjust player in the conflict. This makes eaisier to third parties to decide between supporting an unjust Executive power or a group that had no other option but to opt for an uprising.

Another element to address in the analysis of the confrontational strategic maneuvering of the EZLN in the First Declaration is the anticipation of negative framing. As mentioned in Section 2, a common tactic used by corporations and state actors to counter protests is using loaded terms to police social movement organization. The EZLN anticipates this negative framing by disregarding any loaded term:

> (5) Beforehand, we refuse any effort to disgrace our just cause by accusing us of being drug traffickers, drug guerrillas, thieves, or other names that might be used by our enemies. Our struggle follows the constitution which is held high by its call for justice and equality.

By anticipating negative framing from its enemy, the EZLN prevents having to defend from potential accusations. Choosing from the topical potential that their struggle is just and that the EZLN are not criminals may appeal to the audience demands sense of good judgment and morality. This may help the EZLN to manage disagreement with Mexican civil society, other powers of the union and the international community: it is easier to take the word of a just person than the word of a criminal.

In summary. the confrontational strategic maneuvering of the EZLN in the communiqué issued after their uprising consisted in addressing the demands of a complex audience by choosing from the topical potential shared by presenting the declaration of war within a frame of being just and a last resort, appealing to the audience's sense of morality and righteousness, and presenting it in terms of self-defense. This may helped the EZLN to make their standpoint that the war against the Federal Army and the Executive power more acceptable for third parties.

Although the federal army heavily retaliated the uprising by employing aerial bombardments in the mountains where the rebels were hiding, torture, and summary executions, since the EZLN managed to get massive international and national attention, including protests in different cities of the world and Mexico City, president Salinas announced a ceasefire on January the 12th, 1994 (Schulz 1998). In this sense, the EZLN it can be said that achieved to activate the reference public of the Executive power managing disagreement with them. Moreover, with that it opened the space to new dialogue to negotiate their demands for a social change.

5. CONCLUSION

This paper analyzed a communiqué issued by the Zapatist Army of National Liberation in which a radical action in the form of an uprising was presented as just. Borrowing some concepts of social movement studies, the analysis of the confrontational strategic maneuvering of the First Declaration of Lacandon Jungle helped to illustrate the claim that parties involved in social conflicts put forward argumentation in communiqués to win the favor of public opinion and to make their actions acceptable to them. Even though social movement organizations recur to radical acts, which may be deemed as unreasonable or uncooperative, they use speech events to maneuver to make their actions acceptable to get the support of the reference public of the target of their actions. This type of acts helps to get public opinion's attention. However, getting public opinion's attention is not enough since producing or preventing a social change depends on the acceptance and the support of public opinion. Although the analysis of the confrontational strategic maneuvering in the EZLN's communiqué illustrates that parties involved in social conflicts put forward argumentation to win the support of third parties and manage disagreement, further research is necessary.

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Dished: Food as argumentative strategy

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ABSTRACT: Food cultivation, creation, consumption, and disposal are all subject to debate. A critical figure in the debates about food is what Eckstein and Young (2014) call the public chef intellectual (PCI). PCIs translate their technical expertise into the public to shape the values, policy, and aesthetics that surround food's cultivation, creation, consumption, and disposal. Within the context of food, I argue that PCIs can design dishes that serve as argumentative strategies. In this essay, I will turn to the case study of Dan Barber and his development of the Honeynut Squash. As an argument strategy, I claim the squash dish draws the problem of industrialized agriculture into relief and create the conditions for deliberation.

KEYWORDS: multimodal argumentation, food studies, public chef intellectual, presentational strategy

1. INTRODUCTION

Although what to eat is a private decision, it portends significant individual, cultural, and environmental problems. For the individual, hunger diminishes the capacity for reason, increases the potential for violence, and can instigate revolutions that topple governments. Hunger's full potential can never be satisfied, even after being satiated; the potential to be hungry always lingers. For a significant portion of the world's population, starvation represents a daily threat. Beyond sustaining life, food is a cornerstone of culture. How, what, and when we eat create rituals that sustain culture over time. Life's major milestones are marked over a meal from holidays to birthdays, from first dates to marriages, from baby showers to funerals. Finally, food is a place where culture collides with nature. The environment is shaped in innumerable ways by what we eat, from clear cutting of forests to accommodate increased cattle production to the waste accumulating in the dumps.

Although food is a public problem, it is difficult for an individual to make a reasoned decision about what to eat. In the age of industrialized agriculture, citizens are confronted with a deluge of choices, but scant information to justify a decision. The *de jure* of salmonella, E. Coli, and/or norovirus and subsequent recalls draws into relief the opacity of a technical food supply chain. Yet, despite a lack of information, the public must make food choices many times a day. Advertisers, scientists, chefs, cultural figures, and many others offer reasons to eat one thing over another. Thus, food constitutes a unique context of public argumentation with different experts, rules for evidence, and strategies for advocacy. In our networked public, we argue across mediated contexts and disparate filter bubbles.

The context of public arguments about food that is a domain of what Justin Eckstein and Anna Margery Young (2014) call the Public Chef Intellectual (PCI). PCIs appear on television, present talks, pen books, and give interviews. In contrast to the celebrity chefs who enter the public to sell products but are not accepted as experts amongst other PCIs, PCIs are recognized as experts among peers. PCIs use their expertise to guide what is "good" to eat. The definition of the good can involve health, culture, environment, some combination of these, or something new entirely. Justin Eckstein and Anna Marjorie Young (2015) explain that PCIs "challenges our supposedly apolitical culture of objectivity and troubles, in an important way, the 'common

sense' notion of food and cooking as social constructs separated from politics" (p.250). Argument strategies that answer what is "good to eat" often come from taste. But, taste is not a neutral site to base a theory; but a rhetorically defined interface. PCI's wield great power in defining what *tastes good*. As such they are in a unique position to alter the conditions of argument to encourage the audience to adopt a standpoint. That is to say, that the category of taste can be rhetorically constructed to privilege some foods over others. I will use the example of Dan Barber's honeynut squash to provide an example of how food supplies an argumentative strategy. Studying how PCIs' use of taste joins the about multimodal conversation on how the senses reason (e.g, Tseronis and Forceville 2017).

2. TASTE

Multimodal argumentation starts from the assumption that people use words, sights, sounds, tastes, smells, and other senses to base inferences, invent strategies, and regulate disagreement (Groarke 2015). The "senses" are a porous interface between the external world and the internal mind. We *make sense* of the world based on cultural resources that provide a way to endow experience with significance. David Howes (2003) explains, "sensation is not just a matter of physiological response and personal experience. It is the most fundamental domain of cultural expression, the medium through which all the values and practices of a society are enacted" (xi). Howes (2003) argument is that the senses are a domain of cultural expression because the capacity to identify, discern, and explain sensation is based in rhetorically defined grids of intelligibility. Instead of thinking of sensation as a discrete set of categories (like seeing, hearing, touching, smelling, and tasting), knots provide a metaphor to think how sensations imbricate and entwine—how the look and smell of a dish might pique the appetite and anticipate taste. There is no natural organization of the senses, only contingent configurations of knots. Sensual knots supply distinct ways of *knowing* something that an arguer can exploit to strategically design a position.

Multimodal strategies utilize affordance embed in each sensual knot to create or diminish the conditions for argumentation. Take for instance different strategies to advance an argument that climate change is happening rapidly. A scientist might pen a letter citing statistics, or she might show images of an icecap melting over time, or she might sonify her data to compose a song. Each strategy makes the same argument that climate change is rapidly occurring but each alter the conditions for argumentation by changing the sensual conditions of reception that can enhance or undermine the conditions for future deliberation. The letter encourages a distanced, linear reasoning; images provide a visceral example of climate change's destruction; and the compositions use pace underscores climate change's urgency. The letter, image, and composition offer distinct potential strategies that alter how the audiences *knows* climate change and thus affect the conditions of the argument. The letter conjures effects in the imagination of the reader, the photograph registers effects in changes of size, and the composition affects the experience in relations in time. Each argumentative context has its own sensual economy that accords epistemological value to different ways of knowing: a scientist might be more interested in an eye, a mechanic might be more interested an ear, and a chef might be more interested a tongue.

While argumentation has explored many of the senses and their influence on reason, little attention has been paid to the role of taste. I follow Donovan Conley (2015) in defining taste as "a combination of both aesthetic judgment and corporeal longing, where our sense of what is right intermingles with our sense of what is pleasant" (p.223). Taste is important in the context of food because what people want to eat what tastes good. But both "taste" and "good" are culturally relative. Like other senses, taste is a contingent sensory economy: how

things look, feel, smell, all influence how something tastes. If cultural categories equip us with the grids of intelligibility to *make sense* of experience, then the PCI acts as a cultural agent disseminating these categories for the public. The PCI can favorably change the sensual conditions that underwrite how people debate what they should eat. For instance, if eating insects is considered in gross (bad taste), then we may never eat them. But, if a PCI can make eating insects is fashionable (in good taste), then they might be a highly sought-after item. Of course, some might not adopt that particular sensory configuration of taste, but this is not different than any other rhetorical strategy.

In the next section, I turn to Dan Barber and his project of encouraging people to eat more sustainably. To this end, engages in rhetorical strategies that first illustrate what we eat is cultural and not natural. Such a perspective creates the conditions for deliberation about how food should be designed to achieve the most sustainable outcome.

3. THE CASE OF DAN BARBER'S SQUASH

For this essay, I use Dan Barber to illustrate how PCIs can use taste as a rhetorical resource create the conditions for deliberation and supply resources for future deliberations about food. Barber is owner and chef of Blue Hill in New York's Greenwich neighborhood and Blue Hill at Stone Barns in Upstate New York. Barber's awards, accolades, and praise make him a paradigm example of a PCI. For Barber, the definition of what is good to eat involves sustainable agricultural production. He critiques the "farm to table" movement because it privileges only the most beautiful parts of the farm and wastes the rest. For him, waste is a broad term that spans everything from the inefficient use of land to the arbitrariness of aesthetic standards that exclude edible matter from the category of food. Despite the over production of food, millions suffer undernourishment and food insecurity every day. The strange paradox of waste and want is a byproduct of industrialized agriculture's logic of short term profit over long term sustainability. Food is grown for shelf life and distribution not sustainability or nutrition. Barber posits that a more sustainable food *tastes* better. Sure, *tasting good* resists reconstruction, but it offers a palatable reason to do something. Barber utilizes a number of strategies to advance his definition of taste including writing books, giving talks, and opening restaurants.

Of note for this essay, Barber uses seeds to sow doubt in the soil of our industrialized agriculture system and sprout deliberation. Barber works with a variety of seed breeders to produce crops that are both more flavourful and more sustainable, such as his own breeds of potato, kohlrabi, and wheat. A notable collaboration involved, Michael Mazourek, an assistant professor in Plant Breeding Genetics at Cornell University. Over the time span of a decade at Stone Barns farm in Terrytown, New York, Mazourek tinkered with seeds while Barber would cook and taste them. Between Barber's palate and Mazourek's genetic know-how created a squash that just *tastes* better. This decade-long collaboration created a stubby, thin skinned squash they called the "honeynu." The honeynut traded commercially valuable traits like a thick skin (for transportation), fewer nutrients (so it's slower to spoil), and a specific look (customer expectations) for a more flavorful, nutrient-dense, and sustainable squash. The parts that make the squash tasty prevents it from being commercially grown and internationally distributed.

As a strategy, that the honeynut is not an argument-in-itself, but creates the conditions for argument and provides a resource that can be assembled into argument (as a premise, a context, evidence, a warrant, etc) that aid future deliberations. First, the honeynut alters the conditions of argumentation by interrupting the enthymeme that crops are natural and draws into relief the invisible assumptions mediating our understanding of the "natural" environment. The honeynut illustrates that agriculture *is intentionally designed* and not naturally occurring.

Now how food is produced, circulated, distributed, and eaten can be subject to debate. Second, the honeynut acts as an argument fragment, which "serve as inventional resources for public deliberation and which shift the responsibility for argument construction to audiences" (Delicath and Deluca, p.317). The squash provided a handy example to illustrate the idea that sustainably grown food tastes better: what is in good taste, tastes good. The honeynut squash traversed network media environments, supplying argumentative resources along the way. Three examples illustrate this claim: first, the new squash garnered press coverage that circulated across diverse networks; second, the squash became a lure for food tourism that attracted people to his restaurants; and third and finally, the squash provided a material way for people to enact Barber's standpoint.

First, the honeynut squash circulated in print periodicals. From the moment, the honeynut was refined, it became the darling of the food world, the subject of magazine articles, interviews, and documentaries. Word migrated from food-focused periodicals such as *Eater* and *Bon Appetit* to more mainstream venues like *The Atlantic* and *The New York Times*. In these various different contexts, Barber's intention with the squash and his promise of taste appear together. For instance, a recent profile in *Eater* (2016) notes that

> Understanding what makes Dan Barber's food so tasty, then, requires going beyond what is happening in the kitchen, or even in the farm at the Stone Barns Center. It requires going to these breeders, several of whom have spent years collaborating with Barber on preserving and updating extraordinary varieties of produce.

Eater gives the example of "a simple dish of roasted squash goes a long way, especially when it's a honeynut squash." The article then goes into depth about how it tasted sweeter, creamier, and more robust than other squash bred solely for shelf-stability. Here, as in other similarly written articles, Barber pairs the promise of more delicious food with discussions on how food is commercially produced. What was thought of as "natural" squash, becomes cultural. Once we acknowledge that a squash is designed, then we can debate the best way to do it. And Barber has an answer for this to grow it for better taste. At the same time, Barber positions the current environmental practices as not tasting well.

Second, the honynut squash offers a lure to anchor food tourism. The promise of a different tasting squash prompted a trip to dine at Blue Hill at Stone Barns. The trip from Tacoma, Washington to Blue Hill at Stone Barns involved a plane, a train, a bus, and a cab. At first it may appear odd traveling great distances to eat. Why would we travel so far to eat *this squash* and not pick something closer to us? Tastes acts as a lure to draw people to experience taste's promise. The cross-country sojourn inverts the food's typical path and draws into relief the invisibility of our food's origin. Much food available for purchase at our local grocery store comes from much farther away than New York. While the origin of food is ordinarily opaque, we are forced to journey to its source. Depending on the time of the year, a butternut squash could travel thousands of miles to reach my home.

Before serving us the first honeynut squash dish at Stone Barns, the server brings out a butternut squash with a honeynut. The honeynuts short stature looks alien compared to the much bigger butternut. Then, the server brings out honey, cut in half and roasted. Like the press coverage, the server tells us the story of breeding of the squash and how it was selected for flavor. Later, the server brings out a "860" and a "818" squash and asked us to compare and contrast the taste. Again, the point is that the taste of "natural" food is actually culturally designed. Food tourism is certainly expensive and does not make it to the common parlance directly. But, the honeynut experience is disseminated on television programing, like *Top Chef's* or in Netflix's immensely popular docuseries, *Chef's Table*. Blue Hill also attracts social media influencers with the capital to visit and the ability share their experience with thousands.

Finally, honeynut squash seeds creates an easy opportunity for people to enact Barber's message because the seeds can be bought online. The squash acts as an incentive for people to

grow food and allows them to express novely to friend. In the materials that accompany the seed, the squash's taste and difference is foregrounded. For example, for a couple dollars, anyone can go to High Mowing Organic Seed Company (or any of a number of other outlets) and purchase seeds and grow it yourself, if you have the time, the right climate, and a yard. High Mowing (ND) describes the honeynut like this:

> Simply cut in half and bake! Delectable squash is smaller than Ponca with more uniform butternut shape. Green unripe fruits; early planting is recommended for tan color. Field resistance to powdery mildew. Developed by the Vegetable Breeding Institute at Cornell University.

Like the restaurant and media coverage, the taste and the difference are explicitly paired to create the conditions for debate about industrialized agriculture. Important here is the first half of the description: "simply cut in half and bake." Good food is not in the hands of the chef, but the farmer. The seeds provide a way for to literally buy into Barber's image of the good.

Taste is wed to the practice of eating, because we only want to eat "good" food. For Barber, the honey nut is an example of an argument strategy to advance the claim sustainable food tastes better. In each mediated context, he explicitly problematizes the nature/culture binary and provides the conditions for a reflection on the food system. For food journalists, the squash and its noble mission is in good taste, providing thought leaders an opportunity to talk about the food system and maybe even enticing readers and viewers to question their assumptions about the food. For restaurant diners, the delicious squash gives an experience to evidence a claim about food tasting better, or even looking difference. And for the consumer growing the delicious squash, the taste encouraged them to produce their own food. More than that, the honey offers a resource for the invention of arguments. In the media coverage, it provides an occasion for Barber to advance his claim that sustainable food just tastes better, in the restaurant it supplies an example to illustrate this claim, and at home it provides a way for people to talk about sustainable agriculture with friends and family.

4. CONCLUSION

PCIs are a significant group of political agents in contemporary culture. Food is inherently political: how it is grown, raised, and produced; how it is distributed and sold; how it is packaged and priced; how it is prepared; how it is served; how it marks events and demarcates community—these are all public problems. We need to attend to the PCI as a relevant figure argumentation. As such, we must acknowledge food as its own, unique argumentative context. Here, PCI's use multimodal strategies specific to food to intervene in a broader public conversation by shaping taste and altering the sensual conditions for deliberation. This essay identified one of them, the honey nut squash. Barber is hardly the only PCI to realize the rhetorical potential of food. Argumentation should analyze the ways that food offers a site of production and invention. Farmers' markets, restaurants, grocery stores, and even mail order meals all can be used to advance arguments about the proper way to eat and thus deserve further scrutiny.

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Argument schemes: Extending the pragma-dialectical approach

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ABSTRACT: In the pragma-dialectical approach to argument schemes, each argument scheme represents a particular justificatory relationship that is supposed to legitimize a transfer of acceptability between a reason (or coordinative set of reasons) advanced in defence of a standpoint and the standpoint that is defended. The various argument schemes that can be used in an argumentative exchange and the way in which their use is to be evaluated are in principle considered to be part of the joint starting points that are by intersubjective agreement established at the opening stage of a critical discussion aimed at resolving a difference of opinion on the merits. This contribution recapitulates and extends the rationale and general outlines of the pragma-dialectical approach. It is the first instalment of more encompassing series of studies that is to result in a monograph offering a complete overview of the treatment and categorization of argument schemes.

1. THE NOTION OF ARGUMENT SCHEME

In the last two decades various theoretically-oriented publications have appeared about argument schemes.[1] Not much exposure however has been given lately to the pragma-dialectical perspective on argument schemes and the way in which it has developed since the late 1970s.[2] Recently the two of us have started a project aimed at explaining the pragma-dialectical theory of argument schemes and extending it with new insights. This paper is intended to be the first instalment of a more encompassing series of studies that is to result in a monograph in which a complete overview will be given of the current state of affairs in the pragma-dialectical treatment of argument schemes and their categorization in a theoretically motivated and empirically justified typology.

In the pragma-dialectical perspective, argumentation is aimed at resolving a difference of opinion about an evaluative, prescriptive or descriptive standpoint. Based on the starting points accepted as their point of departure by the parties in the difference, the standpoint at issue is in argumentation defended by advancing one or more reasons in its support. The reasons that are advanced in argumentation are intended to offer an informal justification of the acceptability of the standpoint at issue, not a definitive proof of its truth.[3] When a standpoint can be proven

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[1] See for instance Walton, Reed and Macagno (2008), Lumer (2011) and Wagemans (2016).

2 The idea of argument schemes and critical questions in a dialectical testing procedure was introduced in van Eemeren, Grootendorst and Kruiger (1978). Van Eemeren and Kruiger (1987) give an account of the identification of argument schemes. In van Eemeren and Grootendorst (1992) the pragma-dialectical typology of argument schemes is elaborated, while van Eemeren and Grootendorst (2004) give a detailed account of the pragma-dialectical testing procedure. Garssen (1997) presents an exploration of possible subtypes and variants based on a comparison of the pragma-dialectical typology and other prominent typologies of argument types. Van Eemeren and Garssen (2014) explain the pragma-dialectical view of analogy argumentation and its role in prototypical argumentative patterns in political argumentation. Van Eemeren (2018:) provides an update of the pragma-dialectical treatment of argument schemes.

[3] Instead of an informal justification, an informal refutation can also be offered. For the sake of brevity, we will refrain from adding this all the time.

true by an immediate empirical check or a demonstration that it follows logically from true premises, doing so will suffice and there is no need for argumentation – or at most this proof could be presented as an irrefutable argumentation.

When the truth of a standpoint can be shown beyond any doubt by presenting a *modus ponens*-like formal derivation of the standpoint, the only step that needs to be taken in evaluating the argumentation thus advanced is checking the logical validity of the reasoning involved. However, in ordinary argumentation the reasoning is as a rule not explicitly presented in this way, so that carrying out such a check will usually not be possible – or can only be accomplished in an extremely artificial way. In ordinary argumentation the acceptability of a standpoint is in principle defended by linking the propositional content of the argumentation by means of a particular justificatory principle to the standpoint at issue. This means that the acceptability of the standpoint at issue depends on the suitability and correctness of the use of the *argument scheme* brought to bear in applying this justificatory principle.

There are various types of argumentation that can be used in defending the acceptability of a standpoint, each of which is characterized by having a particular argument scheme. Each argument scheme represents a particular justificatory relationship between a reason (or cluster of interdependent reasons) and a standpoint that is supposed to legitimize the transfer of acceptability from the reason (or cluster of interdependent reasons) advanced to the standpoint that is defended. The various argument schemes that can be used and the way in which their use is to be evaluated are in the pragma-dialectical view part of the joint starting points that are in principle by intersubjective agreement established at the opening stage of a critical discussion aimed at resolving a difference of opinion on the merits.

When the argumentation advanced in defence of a standpoint consists of a plurality of reasons that are in some combination or other advanced in support of a standpoint, it has a complex argumentation structure. Since each individual justification of a standpoint has its own argument scheme, whether it consists of a single or a coordinative argumentation (as in the case of the use of interdependent reasons), such complex argumentation may involve the use of more than one argument scheme. This means that, in principle, the argument schemes that are used in complex argumentation do not automatically pertain to the argumentation as a whole, but to its various justificatory constituents. Although in 1978, when we started to make use of this concept (van Eemeren et al. 1978), we had initially opted for using the term *argumentation scheme*, we therefore later decided for the sake of clarity to give preference to the term *argument scheme* (e.g. van Eemeren & Grootendorst 2004).

2. INTERSUBJECTIVE PROCEDURES FOR EVALUATING ARGUMENTATION

According to the "Munchhausen trilemma" sketched by critical rationalist Hans Albert, there are three ways in which providing a justification of a standpoint will finally always come to a dead end. Two of them, circularity and an infinite regress, are indeed fatal. However, the third option that Albert distinguishes, breaking off the justification at an arbitrary point, is in our view not inescapable. If the justification process is ended when a starting point has been reached that is recognized by both parties, the justification is not concluded in an arbitrary way, but has a pragmatic basis in well-considered intersubjective agreement. This reliance on existing agreement, which may have been established explicitly or correctly presumed, is in fact quintessential to any serious conduct of argumentation. It is the very reason why in pragma-dialectical approach to argumentative discourse the "opening stage", where the procedural and material starting points of the resolution process are determined, is considered vital to resolving a difference of opinion on the merits.

The pragma-dialectical rules for resolving a difference of opinion on the merits include a set of procedures for evaluating argumentation that are supposed to be intersubjectively agreed upon in the opening stage of a critical discussion (van Eemeren & Grootendorst 2004: 135-157). The *identification procedure* involves determining whether a proposition called into question in resolving the difference of opinion is identical to any of the propositions which may be regarded jointly accepted starting points. If a proposition may be regarded to be part of the point of departure that has been accepted at the opening stage of the discussion, it may not be called into question in the argumentative exchange of the ongoing discussion. In order to allow for new information to be used in the argumentative exchange that is not already included in the starting points, the parties may in the opening stage agree to leave room for sub-discussions in which it is determined whether a proposition that was initially not agreed upon can be accepted as a starting point in the second instance.

Next there is the *inference procedure*, which is aimed at determining whether in cases in which the reasoning is fully externalized the reasoning "proposition involved in the argumentation, therefore proposition involved in the standpoint" presented by the protagonist is logically valid as it stands.

If the reasoning is *not* completely externalized, so that the argumentation cannot be logically valid as it stands, as is in argumentative practice generally the case, the question is whether the argument schemes that are brought to bear in the argumentation are admissible to both parties and have been used correctly in the case concerned. If it first needs to be determined which argument scheme has been employed before this can be decided, then the *explicitization procedure* needs to be followed, which is for this purpose added to the available pragma-dialectical tools.

To check whether a particular argument scheme has been used correctly, the *testing procedure* must be carried out. This procedure consists of asking the critical questions appropriate for checking the correctness of the use of a particular argument scheme. Each argument scheme gives cause to different critical questions, which open up different kinds of dialectical routes. For a conclusive defence of the standpoint, *both* the propositional content of the argumentation that is advanced *and* its justifying force must have been defended successfully in accordance with the relevant evaluation procedures. For a conclusive attack on the standpoint, *either* the propositional content of the argumentation *or* its justifying force must have been attacked successfully in accordance with the relevant evaluation procedures.

In the present context it is worth repeating that the intersubjective agreements that are part of the joint starting points established in the opening stage of a critical discussion aimed at resolving a difference of opinion on the merits are supposed to include the various argument schemes that can be used and the way in which their use is to be evaluated.

3. THE PRAGMA-DIALECTICAL TYPOLOGY OF ARGUMENT SCHEMES

In order to be able to carry out the pragma-dialectical testing procedure, a problem-valid inventory of argument schemes is required. This means that the inventory cannot be just a taxonomy but must be a theoretically-motivated typology that involves a categorisation relating to the properties of argumentation that are relevant to its evaluation. It stands to reason that in the pragma-dialectical theory of argumentation the rationale for distinguishing between the various categories of argument schemes in a general classification has a pragmatic as well as a dialectical dimension.[4]

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[4] See Garssen (2001) for an overview of other kind of classifications of argument schemes.

The pragmatic dimension relates to the kind of justificatory principle that legitimizes in an argument scheme the transfer of acceptance from the reason advanced to the standpoint that is defended. This is in the pragma-dialectical view not a formal principle, as it is in establishing logical validity, but a pragmatic one, based on human experience, i.e. grounded in the practical justificatory experiences of arguers in ordinary argumentative discourse.[5] The dialectical dimension relates to the dialogical evaluation procedure associated with the argument scheme that is used, i.e. to the critical questions that are to be answered satisfactorily in order to legitimize the use of the argument scheme concerned. When taken together, these two dimensions constitute the *principium divisionis* underlying the typology of argument schemes that is in pragma-dialectics presumed to be part of the intersubjectively accepted starting points for a critical discussion.

The three main categories of argument schemes distinguished in pragma-dialectics are "symptomatic" argumentation (also known as "sign" argumentation), "comparison" argumentation (also known as "resemblance" argumentation) and "causal" argumentation (also known as "consequence" argumentation) (van Eemeren et al. 1983: 137-141; van Eemeren & Grootendorst 1992: 94-102). Symptomatic argumentation, to start with, is a type of argumentation in which an argument scheme is used that is based on the pragmatic principle of something being symptomatic of something else, i.e. the one being a token or a sign of the other. Symptomatic argumentation involves a relation of concomitance between the reason advanced and the standpoint defended (e.g. "Pinchao is a Chinese [and it is goes with Chinese people that they are diligent], so he is bound to be diligent").

Comparison argumentation is a type of argumentation in which an argument scheme is used that is based on the pragmatic principle of something being comparable to something else, i.e. the one resembling or being similar to the other. Comparison argumentation involves a relation of comparability between the reason advanced and the standpoint defended (e.g. "Camera surveillance in the Amsterdam metro will be effective because it is also effective in the London underground [and the situation in Amsterdam is comparable to the situation in London]").

Causal argumentation is a type of argumentation in which an argument scheme is used that is based on the pragmatic principle of something being causal to or consequential of something else, i.e. the one being instrumental to or leading to the other. Causal argumentation involves a relation of instrumentality or consequentiality between the reason advanced and the standpoint defended (e.g. "Because Alfonso has exercised very long [and exercising very long leads to tiredness], he must be tired").

Because each of the argument schemes calls out its own set of critical questions, the three categories of argument schemes thus distinguished are associated with specific dialectical routes in resolving a difference of opinion on the merits. The differences between the dialectical routes instigated by the use of symptomatic argumentation, comparison argumentation and causal argumentation are in the first place determined by the basic critical question connected with the category of argument schemes concerned, which relates to the (usually unexpressed) bridging premise.

The basic critical question associated with symptomatic argumentation is whether what is claimed in the standpoint (Y) is indeed a sign of what is stated in de reason advanced (X) (or whether what is stated in the reason (X) is indeed a token of what is claimed in the standpoint (Y)). In argumentation of this type, protagonist P defends standpoint Y (e.g. Chinese Pinchao is diligent [PD]) against antagonist A's doubt Y? (e.g. [PD?]) by advancing symptomatic

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[5] This is probably the same grounding in "native analytic categories" as Doury (2018) speaks of. This pragmatic basis, which is similar to that of the "ortho-language" of the logical propaedeutic of Kamlah and Lorenzen (1984), manifests itself in the various expressions by which the argument schemes are indicated in ordinary language (van Eemeren & Kruiger 1987).

argumentation X (e.g. Chinese people are diligent [CD]) and A responds critically by asking the basic critical question connected with symptomatic argumentation (e.g. whether being diligent is indeed characteristic of Chinese people [C//D?]), which will lead to an answer by P (e.g. [D//C: OK]) and may be followed by further discussion.

A simplified dialectical profile of symptomatic argumentation that only includes the just indicated dialectical route instigated by the basic critical question looks as follows:

1. P: Standpoint: Y [PD]
   |
2. A: Y? [PD?]
   |
3. P: Symptomatic argumentation: X [DC]
   |
4. A: Basic critical question: Is Y symptomatic of X (Y//X)? [D//C?]
   |
5. P: Answer to basic critical question: Y//X: OK [D//C: OK] (which may be followed by further discussion)

The basic critical question associated with the use of comparison argumentation is whether what is claimed in the standpoint (Y) is indeed comparable to what is stated in the reason advanced (X) (or whether what is stated in the reason (X) is indeed similar to what is claimed in the standpoint (Y)). In argumentation of this type protagonist P defends standpoint Y (e.g. Late-comer Vahid should not be allowed to participate [~VP<VL]) against antagonist A's doubt Y? (e.g. [(~VP<VL)?]) by advancing comparison argumentation X (e.g. Other people who did not meet the deadline in the past were not allowed to take part [~OP<OL]), to which A responds by asking the basic critical question connected with comparison argumentation Y=X? (e.g. whether your being late is indeed comparable to other people not meeting the deadline in the past [VL=OL?], which leads to an answer: Y=X: OK (e.g. [VL=OL: OK]) and may be followed by further discussion.

A simplified dialectical profile of comparison argumentation including only this dialectical route instigated by the basic critical question is as follows:

1. P: Standpoint: Y [~VP<VL]
   |
2. A: Y? [(~VP<VL)?]
   |
3. P: Comparison argumentation: X [~OP<OL]
   |
4. A: Basic critical question: is Y comparable with X: (Y=X)? [VL=OL?]
   |
5. P: Answer to basic critical question: Y=X: OK [VL=OL: OK] (which may be followed by further discussion)

The basic critical question associated with causal argumentation is whether what is stated in the reason that is advanced (X) leads to what is claimed in the standpoint (Y) (or whether what is claimed in the standpoint (Y) indeed results from what is stated in the reason that is advanced (X)). In argumentation of this type protagonist P defends standpoint Y (e.g. Alfonso must be tired [AT]) against antagonist A's doubt Y? (e.g. [AT?]) by advancing causal argumentation X (e.g. Alfonso has exercised very long [AE]), to which A responds by asking the basic critical question of causal argumentation (e.g. whether exercising very long does indeed always lead to

great tiredness [(T<E)?] or, more precisely, [((x)xT<(x)xE)?], which leads to an answer (e.g. [T<E: OK] or [(x)xT<(x)xE: OK]) and may be followed by further discussion. A simplified dialectical profile of causal argumentation including only this dialectical route instigated by the basic critical question is as follows:

1. P: Standpoint: Y [AT]
   |
2. A: Y? [AT?]
   |
3. P: Causal argumentation: X [AE]
   |
4. A: Basic critical question: Does X lead to Y? (Y<X?) [T<E? or ((x)xT<(x)xE)?]
   |
5. P: Answer to basic critical question: Y<X: OK [T<E: OK or (x)xT<(x)xE: OK]
   (which may be followed by further discussion)

4. CRITICAL QUESTIONS: PRAGMATIC ARGUMENTATION AS A CASE IN POINT

Next to the basic critical question connected with the category of argument schemes that is brought to bear in the argumentation, in the testing procedure carried out in evaluating the argumentation there are always still other questions that the antagonist may be supposed to ask. Which other critical questions are relevant depends in the first place on the type of argumentation involved. Let us, in explaining what kind of further critical questions can be relevant in evaluating argumentation, by way of example concentrate on "pragmatic" argumentation, a prominent subtype of causal argumentation.

The idea underlying pragmatic argumentation is that we must do something because it leads to something we want to happen. Put more precisely, in pragmatic argumentation the prescriptive standpoint that a certain action should be carried out is defended by pointing out that carrying out this action leads to a certain desirable result – or, in the *negative* version of pragmatic argumentation, that a certain action should *not* be carried out by pointing out that carrying out this action leads to a certain *undesirable* result. The positive version of the argument scheme brought to bear in pragmatic argumentation can be specified as follows:

1.   Action X should be carried out
1.1   Action X leads to desirable result Y
(1.1') (If action X leads to a desirable result such as Y, X must be carried out)

All critical questions asked in carrying out the testing procedure in order to evaluate the use of argument schemes pertain to the argumentation as it has been externalized by means of the intersubjective explicitization procedure. The basic critical question asked in this procedure always concerns the relationship established by the use of the category of argument schemes concerned between the reason that is advanced and the standpoint that is defended. When, as in the case of pragmatic argumentation, a causal argument scheme is used, the basic critical question therefore is: (a) Does action X indeed lead to result Y? As the bridging premise externalized in the explicitization of the argumentation makes clear, when the subtype of

pragmatic argumentation is used the next relevant question relating to this basic critical question will be: (b) Must actions that lead to a desirable result Y always be carried out?[6]

Other relevant critical questions included in the testing procedure pertain to the non-bridging premise of the argumentation as it has been externalized in the explicitization procedure (or to the non-bridging *premises* in cases where the argumentation is coordinative). Some of these critical questions concern the acceptability of such a premise or vital presuppositions involved in this premise. In the case of pragmatic argumentation the critical question about the acceptability of the explicit non-bridging premise (Does action X indeed lead to result Y?) has in fact already been asked because it happens to be identical with the basic critical question for causal argumentation in general. However, in the case of pragmatic argumentation another relevant critical question relating to the non-bridging premise concerns a crucial presupposition involved in this premise: (c) Is result Y indeed desirable?

There are also some further critical questions that are relevant to testing the acceptability of the use of pragmatic argumentation which are in a more indirect way connected with the critical questions just distinguished. They relate to the specific point of pragmatic argumentation that carrying out an action is justified by its desirability and refer to other possibilities or options that need to be taken into account when deciding about the adequacy of the argumentation. One of these critical questions pertains to the explicit premise "Action X leads to desirable result Y" (1.1): (d) Would another result not be even more desirable than Y? Two other relevant critical questions pertain in different ways to the unexpressed bridging premise "If action X leads to a desirable result such as Y, X must be carried out" (1.1'): (e) Does action X not have unavoidable undesirable side-effects?; (f) Could result Y not be achieved more easily or more economically by other actions?

If in the argumentative discourse any of the critical questions (a)-(f) is anticipated or answered, the argumentation involved becomes automatically complex. Then the difference of opinion at issue can no longer be said to have been resolved by argumentation that is pragmatic in the sense that it is conclusive by putting the difference in one go to an end. If, for instance, in view of critical question (c) relating to pragmatic argumentation, the desirability of the result that will be reached needs to be motivated since this desirability is not beyond doubt, the argumentation that has been advanced loses its pragmatic force of instantaneous effectiveness. In such a case the argumentation remains, of course, causal but turns from straightforward pragmatic argumentation into "complex pragmatic (problem-solving) argumentation", in which the initial pragmatic argumentation is embedded in more complex argumentation. As always in argumentative discourse, it then depends on the argument schemes that are brought to bear in the argumentation advanced in answering the critical questions associated with pragmatic argumentation which further critical questions need to be answered in the continuation of the discourse.

5. SUBTYPES AND CONTEXT-DEPENDENT VARIANTS OF ARGUMENTATION

As we have indicated, pragmatic argumentation is a subtype of the general category of causal argumentation in which the basic critical question applying to causal argumentation is complemented by an additional critical question that focuses on the presupposition crucial to

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[6] Unlike in other subtypes of causal argumentation, the bridging premise relates in the case of pragmatic argumentation, due to the complex nature of this subtype, only indirectly to the basic critical question of causal argumentation: the causal relation at issue in the basic critical question is in pragmatic argumentation presumed. In evaluating the use of pragmatic argumentation, just as in evaluating the use of other subtypes of causal argumentation, the basic critical question is to be answered first before it makes sense to turn to the critical questions specifically relating to this particular subtype.

the justificatory point of this subtype that the desirability of the result of the action justifies carrying it out. The basic critical question of causal argumentation ("Does action X indeed lead to result Y?") is in the case of pragmatic argumentation supplemented by the additional critical question "Must actions that lead to a desirable result Y always be carried out?". Such subtypes cannot only be distinguished within the category of causal argumentation but also within the categories of comparison argumentation and symptomatic argumentation (van Eemeren & Grootendorst 1992: 97). Like in the case of the main categories, the rationale for distinguishing between the various subtypes is both pragmatic and dialectical. This means that each subtype should be characterized by relying on a specific justificatory principle based in human experience and leading to a different, i.e. uniquely specified, set of critical questions in the intersubjective testing procedure. By avoiding any differentiations in which these two preconditions have not been fulfilled our typology lives up to the old adage that "a difference that makes no difference is no difference".

Among the other subtypes of causal argumentation are – to name just a few – argumentation from cause to effect, argumentation from effect to cause and argumentation from means to goal. The subtypes that belong to the general category of comparison argumentation include, for instance, normative analogy (argumentation based on a model, argumentation based on the rule of justice) and descriptive analogy. Symptomatic argumentation manifests itself, among others, in subtypes such as genus-species argumentation, classification, whole-part argumentation, argumentation based on criteria and argumentation by/from authority. Just as in the case of pragmatic argumentation, the basic critical question going with the general category of argument scheme concerned must in all these cases be complemented with an additional critical question in which the specific justificatory point of the argumentation advanced in the subtype is put to the test.[7] By specifying the critical questions associated with the subtypes concerned, the dialectical routes instigated by the use of particular subtypes of argumentation can be succinctly described in dialectical profiles.

When evaluating argumentation, it does not only depend on the specific subtype of the argumentation at issue exactly which critical questions are pertinent in carrying out the testing procedure, but also on the institutional preconditions of the macro-context in which the argumentation takes place. The specific conventions of the various communicative activity types that have been established in a certain domain determine to some extent which critical questions are pertinent in a particular case and what shape they should take. This means that in dealing in the testing procedure with the argumentative moves that are made in justifying a standpoint by means of argumentation the general soundness criteria pertaining to the (sub)type of argumentation concerned that are expressed in the critical questions need to be specified or otherwise amended or complemented in accordance with the requirements of the macro-context concerned. This is in fact what should also always happen in applying the general standards involved in the rules of the code of conduct for reasonable argumentative discourse in evaluating any of the other argumentative moves that are made in argumentative discourse. In all cases it is to be considered in the philosophical component of the research program to which extent the reasonableness of the argumentative discourse is affected by the deviations from the

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[7] Although the pragmatic principles on which the argument schemes are based remain in all cases the same, for some subtypes the basic critical questions need to be reformulated in a slightly different way. A case in point is the subtype of symptomatic argumentation based on evaluative criteria, in which a value judgment is defended by pointing at certain characteristics. The basic critical question, "Is what is claimed in the standpoint a sign of what is stated in the reason advanced?", should then be reformulated as "Is the judgment given in the standpoint implied by the characteristic mentioned in the argument?". The argumentation in "This book is wonderful because it presents a vivid picture of the miseries op growing up" is to be questioned by "Are books that present a vivid picture of something wonderful?".

model of a critical discussion instigated by the institutional preconditions of the communicative activity type – and additionally perhaps also by ideological preconditions.[8]

As a consequence of contextual differentiation, the soundness criteria for judging the use of a specific (sub)type of argumentation may differ to some extent depending on the institutional preconditions pertaining to the macro-context in which the argumentation is advanced. Imagine two people who are playing a game of scrabble. At a certain moment one of them claims to have compiled a long word, but the other one doubts that the combination of letters that has been laid out really constitutes an English word. Now the first player uses an argument from authority to defend his claim: "This is an English word, because it is in the dictionary". Whether his appeal to authority is in this case a sound strategic manoeuvre, depends in the first place on the kind of agreement that exists between the players on how to decide whether or not a combination of letters does indeed count as an English word. The verdict on the soundness or fallaciousness of an argument from authority relates in this sense always to the starting point that is operative in the macro-context in which the argumentative exchange takes place regarding how authoritativeness is to be decided.

If the players have agreed at the start of their game that a combination of letters will be regarded as an English word if it is included in the dictionary, then there is nothing wrong with the first player's authority argument – his argumentative move cannot be considered fallacious and is even likely to be effective. However, the same argumentative move would be fallacious if the game was played in a macro-context in which it has been agreed upon from the start that the *Concise Oxford Dictionary* will be the ultimate judge while in his argumentation the arguer is referring to Webster's. The argumentative move would be sound again if the manufacturer of the scrabble game had imposed a binding procedure for deciding about the Englishness of a word upon the players that prescribes going by a dictionary without giving any further specification as to which dictionary. If, however, the players agreed at the start of their game that a combination of letters will only be recognized as an English word if they all know the word, then the appeal to the authority of any kind of dictionary would be irrelevant and therefore fallacious.

The various scenarios sketched in the scrabble example can be viewed as constituting specific macro-contexts that represent different communicative activity types or variants of a particular communicative activity type. In specifying who or what counts as an authority, the general soundness criterion pertaining to the use of the Argument Scheme Rule involving relying on a qualified authority is in each of them implemented in a different way. In the empirical counterpart of the opening stage of the exchange a crucial starting point concerning how the game is to be decided is in each case given its own specification. In the first case, it is defined by the parties by explicitly agreeing before the argument from authority is used that the dictionary should be the specific soundness criterion that is authoritative in judging the Englishness of a word. In the second case, this specific soundness criterion is defined even more precisely by agreeing, in addition, explicitly that it is the *Concise Oxford Dictionary* that is to be authoritative. In the third case, the soundness criterion is defined in the same way as in the first case, but this time this criterion is simply imposed on the players as a starting point for their exchange – in the empirical counterpart of the opening stage they only have to acknowledge what the criterion involves. In the fourth case, at the start of their exchange the participants explicitly agree on a starting point that boils down to only accepting a word as English if its Englishness is recognized by all participants – a starting point that changes the game more drastically.

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[8] In the various communicative activity types manifested in the different kinds of argumentative practices the "extrinsic" constraints on argumentative discourse may be to some extent determined by institutional as well as ideological (or "cultural") preconditions or by a mixture of both.

In weakly conventionalized informal communicative activity types, such as a chat between friends, the specific soundness criteria applying to the argumentative moves that are made are often simply determined by the parties on the spot, when they are needed. However, these soundness criteria may also have been made familiar to the arguers in their primary socialization at home or at school, while they were growing up. In strongly conventionalized formal communicative activity types, such as a civil lawsuit, various crucial starting points, including certain evaluation procedures, are as a rule already partly or wholly given before the argumentative exchange takes place. Usually they have been explicitly taught to the participants in their secondary socialization, during their professional training as future lawyers or other specialised form of education. This institutional imposition of starting points, which happens particularly in strongly conventionalized and formalized communicative activity types, resembles in fact closely the third scenario just sketched. In practical terms in that case the situation is similar as in the case of exchanges with starting points based on an already existing agreement between the parties.

In the strategic manoeuvring taking place in the various kinds of argumentative practices of argumentative reality the various types and subtypes of argumentation may manifest themselves in specific, context-related ways. The contextually-determined ways in which a subtype of argumentation manifests itself can be viewed as different *variants* of the subtype concerned. In describing the various manifestations of argumentative reality in the empirical component of the research program distinguishing between these different variants is an important task.[9] In this endeavour more precise distinctions can be made between variants that differ primarily in the kind of selection of the topical potential that is made (relating to differences in subject-matter), variants that differ first of all in the way they appeal to the audience (relating to different ways of associating with the listeners or readers), and variants that differ first of all in the choice of presentational devices (relating to differences in the means of expression). The general aim of this empirical research is to identify institutionally-determined variants of (sub)types of argumentation and provide accurate descriptions of the distinctive features of their sound and fallacious manifestations.

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Heated debate and the frozen trucker: Argumentative moves in judicial opinions reviewing agency interpretations of statutes

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ABSTRACT: During the confirmation hearings of U.S. Supreme Court Justice Neil Gorsuch, a senator criticized Gorsuch's dissent in *TransAm Trucking v. ARB*, which the media dubbed the "Frozen Trucker" case. *TransAm* was a hard case in which the court had to decide how an administrative agency could permissibly interpret certain statutory language. Highlighting the double-layered nature of this issue, this article examines the justifications in the majority and dissenting opinions in *TransAm*, tracing their argumentative moves.

KEYWORDS: argumentative maneuvers, argumentative moves, dissent, justifications, legal argumentation, statutory interpretation

1. INTRODUCTION

During the 2017 confirmation hearings of United States Supreme Court Justice Neil Gorsuch, Senator Richard Durbin criticized then-nominee Gorsuch for his dissenting opinion in *TransAm Trucking v. Administrative Review Board*, 833 F.3d 1206, 1215 (10th Cir. 2016), a case that had come before Gorsuch while he served on the United States Court of Appeals for the Tenth Circuit, an intermediate appellate court in the federal judicial system. *TransAm Trucking*, which the media quickly dubbed the "Frozen Trucker" case, concerned whether TransAm violated a statute when it fired a tractor-trailer driver who had disobeyed TransAm's instructions by refusing to wait in his unheated truck on a frigid night for a mechanic to arrive and fix the trailer's frozen brakes. At the hearing, Senator Durbin told Gorsuch that it had been freezing cold that evening, but "not as cold as your dissent."[1]

In that dissenting opinion, Gorsuch had contended that the statutory language did not prohibit TransAm's conduct, and that an earlier decision to the contrary in the case, made by an administrative agency, was incorrect. The two other Tenth Circuit judges who presided over the case with Gorsuch joined in the majority opinion, holding that the agency's broader interpretation of the statutory language was permissible. The court therefore affirmed the agency's decision for the driver.

Despite Senator Durbin's memorable—and perhaps easy—criticism, *TransAm Trucking* was a hard case, one in which the court was asked to decide not necessarily what the statutory language at issue *meant*, but instead what it *could permissibly be interpreted by an administrative agency to mean*. Thus, an initial issue was whether the statutory language was ambiguous, and thus subject to agency interpretation, in the first place. Only then could the court decide whether the agency's interpretation was permissible. In light of this double-layered nature of the interpretive issue, this article examines the legal justifications offered by

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the majority and dissenting opinions in *TransAm Trucking*, tracing their argumentative moves in this particular legal context.

This article makes use of and adds to the insights developed by Feteris (2005, 2008, 2009) and Kloosterhuis (2009) regarding strategic maneuvering in cases involving the interpretation of statutes. Further, insofar as Summers mentions delegation of interpretive authority to agencies in his analysis of U.S. statutory interpretation but notes that the topic is "exceedingly complex and many-sided and need not be treated in detail" in his overview (Summers, 1991, p. 419), this article represents one detailed treatment of this topic.

Part 2 below describes the interpretive issue in *TransAm Trucking* and examines the institutional position of the Tenth Circuit as decisionmaker in the case. Part 3 examines the argumentative justifications offered by the two-judge majority. Part 4 then examines then-Judge Gorsuch's dissenting opinion in terms of its responsive argumentative moves. Part 5 offers conclusions from the comparison of the two opinions.

2. INTERPRETIVE ISSUE IN *TRANSAM TRUCKING* AND THE TENTH CIRCUIT'S INSTITUTIONAL POSITION AS DECISIONMAKER

The Surface Transportation Assistance Act (STAA) applies to commercial trucking companies such as TransAm, and it prohibits an employer from discharging an employee who "refuses to operate a vehicle because . . . the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition" (49 U.S.C. § 31105(a)(1)(B)(ii)). In *TransAm Trucking*, the interpretive issue upon which I focus here concerned whether Alphonse Maddin, a driver-employee of TransAm, had "refuse[d] to operate" his tractor-trailer after he discovered that the brakes on the trailer had become frozen. All parties agreed on the following facts:

- Maddin had driven a tractor-trailer for TransAm on a highway in subzero (Fahrenheit) temperatures.
- He had pulled the tractor-trailer to the side of the highway because he had been unable to find a fuel station and his gas gauge was below empty.
- When he tried to pull back onto the road ten minutes later, he discovered that the brakes of the trailer portion of the vehicle had frozen.
- Maddin reported the frozen brakes to TransAm and was advised that TransAm would send a repairperson to assist him.
- While waiting, Maddin discovered that the heater in the cab of his truck had stopped working.
- Maddin felt himself becoming numb and called TransAm to report his physical condition, whereupon he was told to "hang in there" until the repairperson arrived.
- Thirty minutes later, Maddin unhitched the trailer from the truck and called his supervisor to report that his feet were numb and that he had difficulty breathing and that he was therefore leaving in the truck to seek help.
- In response, Maddin's supervisor told Maddin not to leave the trailer and instructed him to either rehitch the trailer and drag it with its frozen brakes or remain with the truck and trailer until the until the repairperson arrived. (The supervisor may have offered the first option sarcastically.)
- Maddin instead drove off in the truck, leaving the trailer unattended. After a repairperson arrived fifteen minutes later, Maddin returned to the trailer.

- Less than a week later, TransAm fired Maddin for having abandoned his load on the trailer (833 F.3d at 1208-09).

Maddin contested his firing before the Administrative Review Board of the Department of Labor. He argued that TransAm had violated the STAA, given that he had acted out of fear for his safety in abandoning the trailer and out of fear for public safety in deciding not to try to drag the trailer, with its frozen brakes, along the highway. The Board decided for Maddin, holding that TransAm had to reinstate him and pay him compensatory damages.

In its opinion, the Board focused on the statute's requirement that the employee be terminated for "refus[ing] to operate" a vehicle, noting that the statutory language should be read broadly: "Under the facts of this case, driving or operating the truck in violation of [the supervisor's] order to remain with the trailer falls within the ambit of the 'refusal to operate' clause of the STAA and presented precisely the risk of serious injury that STAA is designed to avoid" (Dept. of Labor ARB Case No. 12-031, at 7 (Nov. 24, 2014)).[2] This idea led the Board to conclude its discussion of the issue as follows: "[A] 'refusal to operate' may encompass actually operating a vehicle in a manner intended to minimize danger of harm or violation of law" (*Ibid.* at 9).

TransAm appealed this decision to the United States Court of Appeals for the Tenth Circuit, an intermediate appellate court in the federal judicial system. Such courts assign cases to three-judge panels that issue decisions by majority vote. A party wishing to appeal a decision from such a court may petition the United States Supreme Court, which grants only a small number of such petitions for review each year.

Pragmatically, the task of the Tenth Circuit judges was to review the Administrative Review Board's decision through the lens of a legally-mandated standard. This standard takes account of the institutional roles of Congress, of federal agencies, and of federal courts within the U.S. legal system. Specifically, when Congress has enacted a statute and authorized a federal agency to administer it, the agency may, *inter alia*, interpret the statute and apply it to specific cases in adjudicatory proceedings, but only in a manner consistent with the statute's language. The federal appellate courts have final authority to interpret federal statutory language. The courts are therefore empowered to review an agency's interpretation of a statute to determine whether the interpretation fails to coincide with the statute's language and thus represents an unauthorized, invalid action on the part of the agency.

These dynamics underlie the Supreme Court case of *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), which sets forth a standard of review that courts must follow when evaluating agency interpretations of federal statutes.[3] Under *Chevron*, a court must defer to an agency's interpretation of a statute if "the statute is silent or ambiguous" on the issue in question and the agency's interpretation is a "permissible construction" of the statutory language (467 U.S. at 843). In *TransAm Trucking*, the agency was the Department of Labor, which had interpreted the "refuses to operate" language in the STAA through the Department's Administrative Review Board. Thus, a preliminary question for the Tenth Circuit was whether the "refuses to operate" language of the STAA spoke unambiguously to the issue in Maddin's case. If the language was ambiguous, then a second question would be whether the Board's interpretation that "a 'refusal to operate' may encompass actually operating a vehicle" was a permissible construction. The two-step *Chevron* rule may be illustrated schematically by the diagram below:

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[2] This opinion is available at https://www.oalj.dol.gov/PUBLIC/ARB/DECISIONS/ARB_DECISIONS/STA/13_031.STAP.PDF.

[3] For an explanation of *Chevron* review that is accessible to those unfamiliar with the U.S. legal system, see Fine (1997:76).
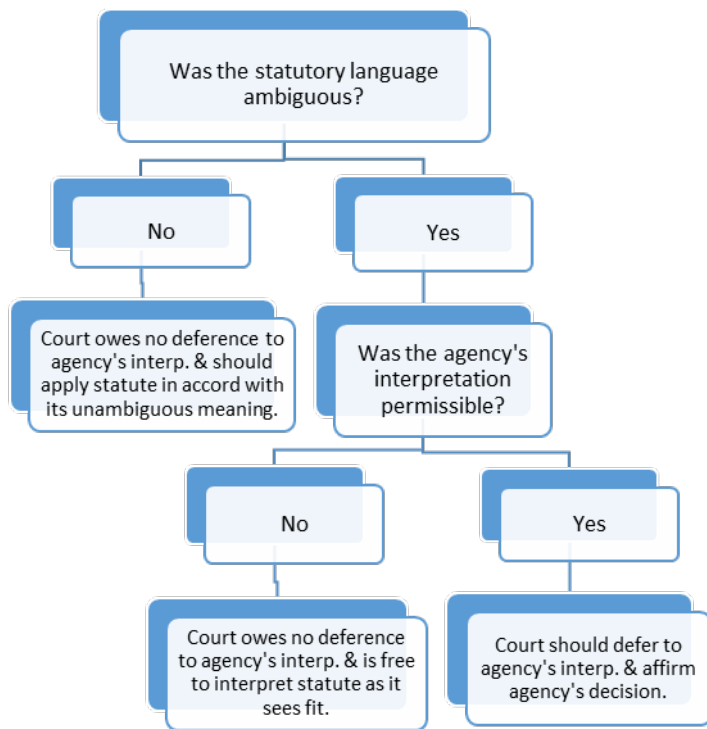
The majority and dissent in *TransAm Trucking* differed as to the first question, with the majority holding the "refuses to operate" language ambiguous and Gorsuch, in dissent, holding that the phrase had an unambiguous meaning in the context of Maddin's case by which the Board was obligated to abide. Because judges exchange draft versions of their opinions after voting, the two opinions refer to each other and can thus be read as a critical discussion, in pragma-dialectic terms (van Eemeren & Grootendorst, 1992), though of course the majority opinion prevails as a legal matter. While TransAm did not appeal the Tenth Circuit's decision to the Supreme Court, one could interpret the majority and dissenting opinions as two opposing arguments, each inviting the higher court, in the event of an appeal, to adopt its position.

3. ARGUMENTATIVE MOVES IN THE *TRANSAM TRUCKING* MAJORITY OPINION

The starting point of the majority opinion, like that of the dissent, was that the STAA prohibited TransAm's firing of Maddin only if Maddin had "refuse[d] to operate" his vehicle out of safety concerns. All parties and judges agreed that Maddin had departed from the trailer in the truck because of qualifying concerns for his own safety. Thus, the initial question was simply whether the phrase "refuses to operate" was ambiguous in the context of Maddin's case, such that Maddin could reasonably be deemed to have "refuse[d] to operate" his vehicle when he drove his truck away from the scene, leaving the trailer behind. Although the Administrative Review Board had interpreted this phrase to cover Maddin's conduct, its explanation—on a linguistic level, at least—was counterintuitive: "[A] 'refusal to operate' may encompass actually operating a vehicle."

3.1 A rhetorical move: narrating the facts of the case

The majority's argumentative moves actually begin before its opinion discusses the legal issue. Like many U.S. appellate opinions, this one starts with a recitation of the facts in the

record, which are narrated so as to inspire sympathy for the party in whose favor the court decides the case.[4] Indeed, the narrative perspective and the inclusion of numerous specific details in the majority's seven-paragraph description of Maddin's experience leave one outraged that TransAm apparently failed to understand the mortal danger that Maddin faced and then fired him for exercising his only option to avoid that danger.

For example, the first paragraph invites the reader to experience the facts from Maddin's perspective, describing the incident with a fair level of detail as to time and place: "In January 2009, he was driving a tractor-trailer for TransAm on I-88 in Illinois. At approximately 11:00 p.m., Maddin pulled to the side of the highway because he was unable to find the TransAm-mandated fuel station and his gas gauge was below empty" (833 F.3d at 1208). That paragraph ends with Maddin's discovery that the trailer's brakes were locked up "because of the frigid temperatures" (833 F.3d at 1208). Already, we as readers can identify with Maddin as a motorist in trouble on a cold, dark night. Indeed, when he discovers that "there was no heat in the cab of the truck" (833 F.3d at 1209), we feel we are inside the increasingly cold cab with him.

As the narrative proceeds, the reader gets a sense of peril intensifying as the minutes, and then hours, tick away. The majority opinion notes that Maddin's first call for help to TransAm occurred at 11:17 p.m. It then notes that he fell asleep in the cab of the truck until, "at approximately 1:18 a.m.," he received a telephone call from his cousin, which woke him. The opinion notes the cousin's opinion that, during this call, Maddin's speech was "slurred and that he sounded confused" (833 F.3d at 1209). At this point, Maddin's "torso was numb and he could not feel his feet," so he again called TransAm and was told to wait in place (833 F.3d at 1209).

The majority then notes that approximately "thirty minutes" more pass as Maddin is "continuing to wait in the freezing temperatures without heat" (833 F.3d at 1209). He calls his supervisor and reports that he cannot feel his feet and is having trouble breathing because of the malfunctioning heater, but the supervisor repeatedly tells him to "turn on the heat,"— either, the reader must assume, out of a callous failure to listen to Maddin, or an incompetent failure to understand Maddin's report.

At this point, the majority has devoted four paragraphs to the narration of Maddin's plight. Only now does its opinion describe Maddin's final call to his supervisor and Maddin's departure in the truck without the trailer. Thus, upon learning that TransAm later fired Maddin for having abandoned his trailer, the reader is left with the strong impression that TransAm has treated Maddin unjustly—out of callousness, malice, incompetence, or some combination of the three.

Most of the details in the majority's narrative relate to TransAm's delay in assisting Maddin and to the reasonableness of Maddin's fear for his own safety. However, these points were not at issue in the case because TransAm had conceded that Maddin had left the scene due to "a reasonable apprehension of serious injury to [himself] or the public" as required by the STAA. (833 F.3d at 1211). Further, these details tell us little about whether Maddin had "refuse[d] to operate" his vehicle, for STAA purposes, when he drove away in the truck. Thus, the inclusion of these factual details in the majority's opinion was superfluous in a legal sense but not in a rhetorical one. Before the opinion's analysis even begins, this narrative has convinced the reader that Maddin is an innocent person who has suffered a serious injustice at the hands of TransAm.

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[4] As Rieke notes, "What courts call the fact situation is, in actuality, the story or narrative that has been negotiated in relation to the legal issues presented." Rieke (1991:45).

3.2 The first step of the legal analysis: a presumption of ambiguity

The legal-analytical portion of the majority opinion starts with a description of the *Chevron* standard of review:

> Deference is . . . given to the [Department of Labor's] legal interpretation of the STAA because Congress has explicitly delegated to the Secretary of Labor authority to enforce the . . . STAA by formal adjudication [citation omitted], and the Secretary has delegated that enforcement authority to the [Administrative Review Board] (833 F.3d at 1210).

Significantly, this description of the standard presumes that the statutory language being interpreted is ambiguous. Under *Chevron*, if the statutory language at issue is unambiguous, then an agency interpretation contrary to that language is owed no deference at all by the reviewing court.[5] But the majority's description of *Chevron* takes no account of this possibility.

Not surprisingly, then, when the majority opinion does address the threshold question of whether the "refuses to operate" language from the STAA is ambiguous, it does so very briefly: "Here, the term 'operate' is not defined in the statute" (833 F.3d at 1211). This lack of a definition causes the majority to conclude that the language is ambiguous (833 F.3d at 1211). However, the lack of a statutory definition does not automatically render a term ambiguous, according to the Supreme Court.[6] Here, the *TransAm* majority could instead have credibly asserted that the STAA was silent as to Maddin's narrow circumstances, given that either ambiguity or silence satisfies *Chevron*'s first step.

3.3 The second step of the legal analysis: linguistic and teleological justifications

Nevertheless, having addressed the threshold question of ambiguity, the majority opinion then moves to the second *Chevron* step, addressing whether it was "permissible" for the Administrative Review Board to hold that Maddin "refuse[d] to operate" his vehicle when he drove his truck away from the abandoned trailer.

To be "permissible" for *Chevron* purposes, an interpretation must be reasonable.[7] Thus, even if a reviewing court would interpret the statutory language differently than did the agency, the court must uphold the agency's reasonable interpretation.[8] In Maddin's case, there is at least some room for debate as to whether it is reasonable to interpret the words "refuses to operate" a vehicle to "encompass" actually operating a vehicle. Nevertheless, by focusing narrowly on the word "operate" and by emphasizing the legislative purpose of the statute, the majority justifies its holding that the Board's interpretation is indeed permissible.

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[5] "[T]he court, as well as the agency, must give effect to the unambiguously expressed intent of Congress." *Chevron*, 467 U.S. at 843.

[6] For example, in Global Crossing Tele., Inc. v. Metrophones Tele., Inc., 550 U.S. 45 (2007), the Supreme Court held, in a 7-to-2 decision, that the statutorily undefined terms "unjust and unreasonable" and "practice," as used together in a telecommunications statute, were unambiguous in the context of the facts of the case.

[7] See, for example, Astrue v. Capato *ex rel.* B.N.C., 566 U.S. 541, 558 (2012), in which the Supreme Court held that because an agency's "interpretation of the relevant provisions" of a statute was "at least reasonable," it was "entitled to this Court's deference under *Chevron*." For a summary of the Supreme Court's approaches to the second step of the *Chevron* analysis, see Aman & Mayton (2014:404-407).

[8] The Supreme Court in *Chevron*, 467 U.S. at 843, explained that "[i]f . . . the court determines Congress has not directly addressed the precise question at issue, the court does not simply impose its own construction on the statute, as would be necessary in the absence of an administrative interpretation. Rather, . . . the question for the court is whether the agency's answer is based on a permissible construction of the statute."

First, the majority offers a linguistic justification focused on the word "operate." Its opinion states that "TransAm's argument equates the term 'operate,' as used in the statute, with driving" (833 F.3d at 1211). This characterization of TransAm's position is accurate insofar as TransAm argued that Maddin was operating the truck, rather than refusing to operate it, when he drove it away from the trailer. In contrast, the majority opinion notes that the Board interpreted "operate" to include not only driving but also "us[ing a] vehicle in a manner directed by [one's] employer" by means other than driving (833 F.3d at 1211-12). Indeed, the majority opinion later notes that Maddin's supervisor instructed him "*to operate his rig by remaining with the trailer* until the repairperson arrived" (833 F.3d at 1213, my emphasis). Thus, according to the majority, when an employee uses the vehicle in a manner contrary to his employer's instructions, the employee "refuses to operate" the vehicle for STAA purposes. To support this interpretation, the majority cites a dictionary defining "operate" to mean "control the functioning of" (833 F.3d at 1212 n.4).[9] However, it is somewhat unclear how Maddin could be said to have "refused to control the functioning of" his vehicle when he drove away from the trailer in his truck. In addition, it is unclear, on a purely linguistic level, how the dictionary's "control the functioning of" language relates to the majority's "use in a manner directed by one's employer" language.

As in its analysis of ambiguity under *Chevron*'s step one, above, the majority here seems to leave several questions unanswered in its effort to explain how the literal phrase at issue could cover Maddin's actions. This problem may be inevitable for the majority, however, given that *Chevron* demands at least some attention to the statute's literal language before a court may uphold an agency's interpretation on the ground of the broader purposes of the legislature in enacting the statute.[10]

And, indeed, the much more persuasive justification in the majority opinion relates the Board's broad interpretation of the "refuses to operate" language to the overarching purpose of the statute. In its own words, Congress, in enacting the STAA, sought to "promote the safe operation of commercial motor vehicles" and "to minimize dangers to the health of operators of commercial motor vehicles" (49 U.S.C. § 31131(a)). Thus, the majority concluded that the Board's interpretation furthered the purpose of the statute "by prohibiting an employer from discharging an insubordinate employee whose insubordination" stemmed from reasonable fear of injury to himself (833 F.3d at 1212). This justification is compelling, especially in light of the facts of Maddin's case had Maddin followed his supervisor's instruction to remain by the roadside, he could have succumbed to hypothermia. Therefore, it is reasonable to infer that Congress intended to prohibit an employer from terminating an employee for disregarding such a dangerous instruction, even if that inference requires a counterintuitive interpretation of Congress's "refuses to operate" language. Such hypothesizing of intent reflects a legitimate approach to statutory interpretation that Judge Richard Posner has called "imaginative reconstruction" (Posner, 1985, pp. 286-87).

4. ARGUMENTATIVE MOVES IN THE DISSENTING OPINION

Overall, if the majority opinion takes its argumentative force from the broader facts of Maddin's experience and the broader context of the STAA's purpose, the dissent takes its argumentative force from a process of negation, whittling down both the factual narrative and

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[9] Here, the majority cites Oxford Dictionaries Pro, http://www.oxforddictionaries.com/us/definition/american_ english/operate.

[10] Linguist and legal scholar Lawrence M. Solan has documented how "courts regularly attempt to see plain meaning where ambiguity exists and to find ambiguity where there is none in order to subvert principles like . . . the plain language rule" when judges believe that to do otherwise would cause an injustice. Solan (1993:186).

the court's interpretive task. Indeed, the dissent often speaks in terms of what the facts, the court's task, and the statutory language, are *not*.

4.1 A counter-narrative

Unlike the majority, which narrates at length the facts of Maddin's case, the dissent begins with the following one-paragraph recitation:

> A trucker was stranded on the side of the road, late at night, in cold weather, and his trailer brakes were stuck. He called his company for help and someone there gave him two options. He could drag the trailer carrying the company's goods to its destination (an illegal and maybe sarcastically offered option). Or he could sit and wait for help to arrive (a legal if unpleasant option). The trucker chose None of the Above, deciding instead to unhook the trailer and drive his truck to a gas station. In response, his employer, TransAm, fired him for disobeying orders and abandoning its trailer and goods (833 F.3d at 1215).

In tone and perspective, this recitation could not be much further from the majority's narration. The reader is no longer in the cab with Maddin. Indeed, Maddin no longer has a name. The weather is no longer "frigid" as it was in the majority opinion; it is merely "cold." The brakes are no longer "frozen"; they are merely "stuck." Maddin is experiencing no physical symptoms from the cold at all. And the callous-seeming supervisor of the majority's narrative is simply "someone" who gives Maddin "options." If one option may have been given sarcastically, the other is merely "unpleasant." And Maddin's decision whether to obey the supervisor and risk hypothermia or disobey the supervisor and risk his job is reduced to a simple multiple-choice question to which one may answer "None of the Above."

From a legal perspective, this recitation contains all the facts relevant to the interpretive issue raised by the "refuses to operate" language and nothing more. From a rhetorical perspective, the omission of details regarding the weather and Maddin's symptoms minimizes the human story and prepares the reader to focus narrowly on the statutory phrase at issue rather than the general purposes of the STAA.

4.2 The opening analytical move: negation

As it proceeds from facts to legal analysis, the dissenting opinion's next move is to focus on the court's institutional role as reviewer of agency's interpretation. In doing so, the opinion again narrows its focus by expressly describing tasks that do *not* form part of this role: "It might be fair to ask whether TransAm's decision was a wise or kind one. But it's not our job to answer questions like that. Our only job is to decide whether the decision was an illegal one" (833 F.3d at 1215). Rhetorically, this statement exemplifies Robert Ferguson's concept of the "monologic voice" in judicial opinions insofar as the statement portrays the dissent "as if forced to its inevitable conclusion by the logic of the situation and the duties of office," with its author accepting that in the role of reviewing judge he must "move on a stage of perceived boundaries, compelled narratives, and inevitable decisions" (Ferguson, 1990, p. 207).

Then, in describing the STAA and its relation to the facts of this case, the dissenting opinion continues its strategy of negation, noting that the "statute only forbids employers from firing employees who 'refuse[] to operate a vehicle' out of safety concerns. And, of course, nothing like that happened here" (833 F.3d at 1215). Again, the focus has narrowed from non-legal issues of wisdom and kindness to the real legal issue, which is governed by a particular statute and a particular phrase within that statute, and nothing more. Again, the monologic voice emphasizes the narrow legal boundaries within which the court must work:

> [T]here's simply no law anyone has pointed us to giving employees the right to operate their vehicles in ways their employers forbid. . . . Maybe someday Congress will adorn our federal statute books with such a law. But it isn't there yet. And it isn't our job to write one—or to allow the Department [of Labor] to write one in Congress's place (833 F.3d at 1216).

Thus, the dissent has pared away what the court's job is not, and what the statute does not provide, in preparation for doing its job by applying the statutory language to the case.

4.3 Addressing Chevron's first step: A linguistic argument

Having explained how the statutory language demarcates the legal issues, the dissenting opinion then addresses the first issue mandated by *Chevron*: whether the phrase "refuses to operate" is ambiguous in the context of this specific case. Here, the dissent notes that Maddin was not fired because he refused to operate his truck, but instead because he "chose instead to *operate* his vehicle in a manner he thought wise but his employer did not" (833 F.3d at 1216). The dissent thus notes that the majority has focused on the word "operate" out of the context of the entire phrase—"refuses to operate." To support the argument that Maddin did not "refuse to operate" his truck when he drove it away, the dissent cites dictionary definitions of both "refuse" and "operate" and notes that the words, taken together in the phrase, simply cannot describe the action of one who causes his vehicle to work, as Maddin did when he drove away in his truck (833 F.3d at 1216). Thus, according to the dissent, the majority has stretched the phrase "refuses to operate" to "encompass its exact opposite" by interpreting the phrase to cover "employees who operate their vehicles in defiance of their employers' orders" (833 F.3d at 1216). According to the dissent, while the phrase may cover various situations, it unambiguously fails to cover Maddin's act of driving the truck away from the trailer.

Thus, the dissent accuses the majority of straying beyond the statutory language that demarcates the court's interpretive task:

> [M]y colleagues' position would seem to add more than a few words to the statute. In their view, an employee should be protected not just when he "refuses to operate a vehicle" but also when he "refuses to operate a vehicle *in the particular manner the employer directs and instead operates it in a manner he thinks safe.*" Yet those words just aren't there; the law before us protects only employees who refuse to operate vehicles, *period* (833 F.3d at 1216-17).

This idea exemplifies the textualist orientation of then-Judge Gorsuch. According to textualists, the best indication of a legislature's intent is the words that the legislature used in the statute.[11] Thus, to a judge who subscribes to textualism, resort to other indications of legislative intent is allowable only when statutory language is truly ambiguous. One cannot use indications of legislative intent to argue, in the first instance, that statutory language is ambiguous; instead, the determination of ambiguity—or the lack thereof—must be made using only the words of the statute, one's experience as a fluent speaker of American English, and, if necessary, a dictionary. Only if statutory language is determined to be ambiguous based on these sources may a court look to indications of legislative intent. Or as Gorsuch notes in his dissent, "[W]hen the statute is plain it simply isn't our business to appeal to legislative intentions" (833 F.3d at 1217).

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[11] For a brief explanation of textualism, see Aman & Mayton (2014:395-97). For a thorough analysis of the rise of textualism in U.S. jurisprudence in the 1980s, see Eskridge (1990).

4.4 A dialectical move not required by Chevron*: explaining the STAA's failure to cover Maddin's situation*

Under *Chevron*, once a court has determined that the statutory language has an unambiguous meaning at odds with the agency's interpretation, the court's analytical task is complete and the court must reverse the agency's decision insofar as it depended on the agency's interpretation. However, in *TransAm Trucking*, once Gorsuch determines that "refuses to operate" is unambiguous in the context of Maddin's case, his dissenting opinion continues with a supplementary argument that this unambiguous meaning is reasonable and does not undermine the purposes of the STAA.

Specifically, the dissenting opinion offers several reasons as to why the statute punishes employers who fire employees who *refuse* to drive their vehicles due to safety concerns, but does not punish employers who fire employees who *drive* their vehicles due to safety concerns:

> Maybe Congress found it easier to agree that an employee has a right to sit still in response to his employer's order to operate an unsafe vehicle rather than try to agree on a code detailing when and how an employee can operate a vehicle in a way he thinks safe and appropriate but his employer does not. Maybe Congress would not have been able to agree to the latter sort of code at all. . . . Or maybe it just didn't think about the problem at all (833 F.3d at 1217).

While this supplementary argument is not necessitated by *Chevron*, it responds dialectically to the majority's position that the agency's interpretation is consistent with the stated purposes of the statute. It also responds to an unstated objection that courts may ignore the plain language of a statute, in favor of broader legislative purposes, if application of the plain language would lead to absurd results.

5. CONCLUSION

Neither the majority's nor the dissent's opinion is fallacious in the pragma-dialectical sense. The two opinions simply reflect differing philosophies regarding whether a court—or in this case an agency—may consider legislative purpose when interpreting statutory language. However, on a rhetorical level, the majority's extended factual narration, which emphasizes TransAm's apparent callousness toward Maddin's plight, primes the reader to see the dissenting opinion as similarly callous. And, indeed, the dissent's whittling of the case down to a matter of a sterile statutory phrase seems cold in comparison, as Senator Durbin memorably noted. But in the end, with the U.S. Supreme Court becoming increasingly textualist in orientation, rhetorical appeals to the human experience underlying each case will likely become less persuasive from the Court's perspective, if not the public's, in the foreseeable future.

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Metaphor in argument production vs. understanding

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ABSTRACT: Studies have shown that metaphors influence the understanding of a lexical ambiguity fallacy (Ervas et al. 2015, 2018). However, a systematic research on the effects of metaphors in argument production is still missing. The paper presents the results of an experiment where participants completed lexical ambiguous arguments, selecting either a metaphor or a literal word as the middle term. It shows that metaphor conventionality and plausibility of argument conclusion influence both argument production and understanding differently.

KEYWORDS: argument processing, argument production, argument understanding, belief in the conclusion, metaphor, fallacy of equivocation, psychology of argumentation, quaternio terminorum

1. INTRODUCTION

Recent literature in argumentation theory has reconsidered the role of metaphor as a powerful device for reasoning, rather than either a linguistic anomaly or embellishment. It has been claimed that metaphor might be seen as an "implicit argument" where some inferences can be drawn from the comparison of the source (S) and the target (T) conceptual domain (Oswald & Rihs, 2014; Macagno & Zavatta, 2014; Fischer, 2015; Wagemans, 2016). Thus, far from being just a source of reasoning errors and argumentative fallacies, metaphor might be considered a creative way to explore new conceptual combinations and to bridge the gap of implicit premises in enthymematic argumentation.

In our previous research, we empirically investigated the role of metaphor in argumentation, focusing on the understanding of fallacies generated by lexical ambiguities (Ervas & Ledda, 2014; Ervas et al., 2015; Ervas, Ledda, & Pierro, 2016; Ervas et al., 2018). More specifically, we adopted the methodological approach of experimental pragmatics to show that a metaphor might elicit a "creative style of reasoning", leading participants to find alternative interpretations of the metaphor, supporting the conclusion of the arguments. This empirical line of research might shed a light on how argumentative rationality moves away from norms in both the understanding and the production of arguments featuring metaphors. However, while previous research has already shown that an argument featuring a metaphor creates a strong bias in argument understanding (Thibodeau & Boroditsky, 2011, 2013; Steen, Reijenierse, & Burgers, 2014), – to the best of our knowledge – no empirical research has been conducted on the production of arguments featuring metaphors. The present work aims to fill this gap in the research on argumentation, focusing on the production of lexical ambiguity fallacies, i.e. quaternio terminorum, having a metaphor as middle term.

The following sections present our predictions on argument production vs. understanding (§ 2), the method we adopted to test the predictions (§ 3) and the results (§ 4) of

a pilot experimental study where participants were asked to complete verbal argument selecting either a metaphor or a literal word as middle term of a lexically ambiguous argument. The last sections discuss the results (§ 5) of the experimental study and draw some conclusions (& 6), comparing participants' performance on the production of lexically ambiguous, "metaphorical" arguments with participants' performance on the understanding of the similar arguments, as per results of previous experiments (Ervas et al., 2015; Ervas, Ledda, & Pierro, 2016; Ervas et al., 2018).

2. METAPHOR AS MIDDLE TERM OF LEXICAL AMBIGUOUS ARGUMENT

Recent literature rediscovered the Aristotelian idea of metaphor as a reasoning device, through which a (generally more abstract and less known) target domain is understood in terms of a (generally more concrete and better known) source domain (Hesse, 1963; Kuhn, 1979; Gentner, 1982, 1989; Fischer, 2015). From this perspective metaphor is argumentative, because it acts as an implicit argument where some inferences can be drawn from the source/target domains comparison. It has been argued that metaphor is not just argumentative but also persuasive, because it also acts as a framing strategy that implicitly forces the interpreter to consider the target from a specific perspective (Black, 1954; Lakoff & Johnson, 1980; Burgers et al., 2016). Indeed, in projecting (mapping) the properties of the source domain onto the target domain, some properties of the source domain are selected as salient to understand the target domain, while other properties remain "unexploited" as irrelevant for the metaphorical interpretation (Carston, 2002; Glucksberg, 2001, 2003; Rubio Fernandez, 2007).

Previous studies aimed to understand whether and to what extent metaphors might be considered as an argument by analogy (Perelman & Olbrechts-Tyteca, 1969; Santibanez, 2010; Oswald & Rihs, 2014; Svacinova, 2014; Macagno & Zavatta, 2014; see Wagemans, 2016 for criticism). We have argued that, when metaphor is an argument by analogy, it might lead to a faulty analogy exactly because of its framing effect. In such cases, it might have the form of a quaternio terminorum, where a shift in the meaning of the metaphor as middle term of the argument leads to the fallacy of equivocation. For instance, in metaphors with the form "A is B", the two terms A and B belong to semantic domains which are similar/comparable in some respect, i.e. in terms of a set of salient properties X. Indeed, A and B do not share all the properties but only the properties of B that can be mapped onto the target A. In the case of a conventional metaphor, the set of properties X depends on the meaning that are stereotypically associated with the metaphor and have already been lexicalised and stored in dictionaries as a conventional figurative meaning (Black, 1954; Gibbs, 1994; Carston, 2002; Giora, 2003; Kovecses, 2010). In case of a novel metaphor, the set of properties X depends on a novel creative use of the meaning of the corresponding literal term, which needs an interpretative (conscious) act and that might lead to different interpretations on the metaphor producer vs. interpreter part.

If B has the salient property C (belonging to the set X), then the conclusion that A also has the property C follows from the premises, otherwise a faulty analogy might occur. For example, given the metaphor "A man is a wolf" and "aggressive" as the salient property C of the source domain, as per analogy, we can safely conclude that "A man is aggressive", as per the metaphorical interpretation of the term "wolf". The argument would then be:

P1 A man is a wolf.
P2 A wolf is aggressive.
C A man is aggressive.

While the first premise puts forth the metaphor, the second premise makes explicit the salient property that was implicit in the first premise. However, in case the property C is not included in the set of relevant properties X associated with the metaphor, we would be drawn to a faulty analogy as a conclusion:

P1 A man is a wolf.
P2 A wolf is four-legged.
C A man is four-legged.

In such a case, there is a meaning shift of the middle term: the middle term "wolf" is indeed used with the metaphoric meaning in P1 and with the literal meaning in P2. Therefore, the analogical argument is fallacious, and containing four terms instead of three terms, it has the structure of a quaternio terminorum (Ervas, Gola, & Rossi, 2018). Quaternio terminorum is indeed a fallacious argument based on the lexical ambiguity of its middle term, having different meanings in the premises (Woods & Walton, 1989; Van Eemeren, 1992; Tindale, 2006; Copi, Cohen, & McMahon, 2014). When the middle term has a different meaning in the premises, then the syllogism contains a fourth, hidden term, causing the fallacy.

Because of their intrinsic lexical ambiguity, metaphors are extremely likely to cause the fallacy of equivocation and thus to deceive in the evaluation of the argument strength, i.e. the proper attribution of a certain analogy as its conclusion. In this sense, they might be particularly persuasive. Previous experiments suggested that participants have some difficulties in detecting a lexical ambiguity fallacy, especially when arguments are based on conventional metaphors (Ervas et al., 2015) and even when participants are experts, i.e. trained in logic and argumentation (Ervas, Ledda, & Pierro, 2016). The metaphoric effect shows its influence when participants are asked to verify the connection between the premises and the conclusion of an argument, particularly when the conclusion of an argument is far from being patently false, as in the following case:

P1 A man is a wolf.
P2 A wolf is starving.
C A man is starving.

Indeed, in previous experimental studies (Ervas et al., 2015, 2018), the results suggested that quaternio terminorum with plausible conclusion, such as "A man is starving", is by far the most difficult to evaluate compared to both strong arguments concluding with "A man is aggressive", where the middle term is used with the same meaning in both the premises and standard quaternio terminorum, where the patently false conclusion "A man is four-legged" facilitates the detection of the fallacy. Indeed, when the analogy leads to a faulty, but plausible or at least believable conclusion, there might arise «a conflict between two types of thought processes, one logical reasoning according to the instructions and the other a response on the basis of their prior beliefs» (Evans, 2004, pp. 139-140). As recognised by a rather wide literature (Baron, 1988; Oakhill et al., 1989; Kunda, 1990; Ball et al., 2006; Correia, 2011), participants believing in the conclusion are unaware of committing to a faulty analogy and adjusting the interpretation of the premises to align them with the believed conclusion. The main finding of our previous research is that this kind of conflict is at work especially in the case of lexically ambiguous fallacy with plausible conclusions, where the participants' belief in the conclusion forced the participant to search for alternative interpretation of the metaphorical middle term to connect the believed conclusion and the premises (Ervas et al., 2018). In this process, conventional metaphors might be revitalised to fit the (prior) beliefs of the participants in the conclusion.

The results on argument understanding also suggested that arguments' evaluation

depends on the kind of lexical disambiguation process required to understand the meanings of the middle term in the premises: in general, literal middle terms made it easier to evaluate an argument than metaphorical middle terms. Especially literal homonymous middle terms are easier to disambiguate even when compared to polysemous middle terms, because homonymous terms, such as "bank", have two completely different meanings ("finance house" and "riverside") while polysemous terms, such as "letter", might have meanings ("symbol of the alphabet" and "written message") overlapping for some properties (Carston, 2002; Kovecses, 2010). Therefore, in case of polysemous middle terms, the disambiguation process involves specific properties to be evaluated and compared with the property made explicit in the second premise. The process of disambiguation of polysemous terms is similar to the interpretation process of conventional metaphors (Gernsbacher & Faust, 1991; Gernsbacher et al., 2001; Glucksberg et al., 2001; Rubio Fernandez, 2007), even though in the latter case the covert framing effect further influences participants' evaluation of the arguments. Diversely from conventional metaphors, novel metaphors are more difficult to understand as, per the definition, they are more unfamiliar and require wider contexts to be more meaningful and easily understandable (Gildea & Glucksberg, 1983; Glucksberg & Estes, 2000; Bambini et al., 2016). However, these are also the reasons why novel metaphor are "less persuasive" when compared to conventional metaphors, which are intuitively considered as true and associated with a system of commonplaces covertly and automatically activated by participants (Black, 1954; Lakoff, 2004; Thibodeau & Borodistky, 2011, 2013). Participants were instead well aware of the presence of a novel metaphor in the first premise and considered it as false (Ervas & Ledda, 2014), even though interpretable as true with conscious effort and additional explanations.

However, a systematic research on the features that affect metaphor quality (and therefore its persuasive value) in argument production is still missing. As recently pointed out (Steen, 2008, 2010, 2013, 2015), metaphor use might be deliberate, especially when an argument is produced for specific communicative purposes. There is indeed an asymmetry between argument production and understanding: while the argument receiver cannot be sure of (the degree of) metaphor deliberateness, the argument producer might be well aware of this practice. In Gerard Steen's words (2011, pp. 84-85):

There still remain many questions about deliberate metaphor, for instance the possible asymmetry between production and reception: a metaphor may be deliberately produced as a metaphor but not received as one, or, the other way around, a metaphor may have been produced non-deliberately as a metaphor but still be received as a cross-domain comparison by the interlocutor or audience. Careful theoretical and empirical work will have to elaborate how the notion of deliberate metaphor can be conceived of in these contexts.

When a speaker *deliberately* produces a metaphor might want to change the addressee's perspective on the target «by making the addressee look at it from a different conceptual domain or space, which functions as a conceptual source» (Steen, 2008, p. 222). Of course, novel metaphors can better serve this function, because they force the audience to look at the target from a source domain which is neither already associated in that way nor included in a stereotyped system of beliefs. However, a speaker might also deliberately choose to avoid lexical ambiguities and be clearer, especially in case of novel metaphor, whose interpretation is quite demanding and prone to misunderstanding. A conventional metaphor might instead be a good candidate to produce persuasive arguments, because of its covert framing effect. Moreover, the use of deliberate metaphor might revitalise conventional metaphors which are usually produced as non-deliberate metaphors in communication (Steen, 2010).

For our study, we predicted that precisely conventional metaphors can be implicitly used in argument production to build an argument that is apparently sound (i.e. with a plausible conclusion that might seem to follow from true premises), even though fallacious, because of

their covert framing effect. Novel metaphors might instead need an explicit clarification of their metaphorical meaning to reach the effect desired by the argument producer. Indeed, being less familiar and requiring a wider context to be fully understood, they represent a risk of misunderstanding that an argument producer might like to avoid.

3. EXPERIMENT

In order to test our predictions, we conducted a pilot experimental study asking N=13 participants (M = 5; F = 8) to produce verbal arguments having the syllogistic structure, by choosing – among different options – the middle term that best fits the arguments. A set of N=6 arguments were strong arguments (SA) where the middle term was used with the same meaning in both the premises; a set of N=6 arguments were fallacious arguments with a patently false conclusion and the middle term was used with different meanings in the premises (standard quaternio terminorum, SQT); a set of N=6 arguments were fallacious arguments with a plausible conclusion and the middle term used with different meanings in the premises (quaternio terminorum with plausible conclusion, QTPC). Moreover, the arguments might have literal or metaphorical middle terms: in case of literal middle terms, participants could select either homonymous (H) or polysemous (P) middle terms; in case of metaphorical middle terms, participants could select either conventional metaphors (CM) or novel metaphors (NM) as middle terms. Therefore the experiment had a 3 x 4 experimental design, with 3 argument structure conditions (SA, SQT, QTPC) and 4 middle term conditions (H, P, CM, NM).

3.1 Material

The material of the pilot study was the already validated set of arguments in Italian used by Ervas and colleagues (2018, Supplementary table 10) to test the understanding of quaternio terminorum with literal vs. metaphorical middle terms. All the metaphors appeared in the first premise of the arguments. A total of 72 arguments were presented without middle terms and participants were asked to complete the arguments choosing the middle term among the different options summarised in Table 1.

Literal middle terms (H/P)	Metaphorical middle terms (CM/NM)
Lexically ambiguous term	Lexically ambiguous term
Literal meaning 1	Metaphorical meaning
Literal meaning 2	Literal meaning (of the metaphor)
Conventional metaphor	Literal unambiguous meaning
Random meaning (control)	Random meaning (control)

Table 1. Types of middle term to be selected in the argument production task.

In the case of literal (H or P) middle terms, participants could choose among the following five options: the ambiguous term (ex. "bank"), its two literal meanings (ex. literal meaning 1, "finance house" and literal meaning 2, "riverside"), a conventional metaphor (in Italian) that plausibly fits the first premise of the argument (ex. "a mine") and a randomly chosen term, without connection with the argument (ex. "apple"). In the case of metaphorical (CM or NM) middle terms, they could choose among the ambiguous term (ex. "star"), the metaphorical meaning (ex. "famous person"), the literal meaning of the term, i.e. the vehicle of the metaphor (ex. "planet"), a literal unambiguous appropriate meaning (ex. "an actor"), and a randomly chosen term, without connection with the argument (ex. "fork"). An example for both literal and metaphorical middle term conditions is given in Table 2.

Example of strong argument without H middle term	Example of standard quaternio terminorum without DM middle term
P1 Banco di Sardegna is ___ **P2** ___ is a financial institution. **C** Banco di Sardegna is a financial institution.	**P1** Clooney is ___ **P2** ___ is a celestial body. **C** Clooney is a celestial body.
Options:	**Options:**
A BANK	A STAR
A FINANCE HOUSE	A FAMOUS PERSON
A RIVER SIDE	A PLANET
A MINE	AN ACTOR
AN APPLE	A FORK

Table 2. Examples of arguments to be completed and middle term options.

3.2 Rating studies

We tested middle terms, premises and conclusions of the arguments in a series of rating studies. A first set of terms was selected according to the number of letters and frequency in the GRADIT (De Mauro, 2000), to form H, P, DM, LM middle terms in the premises of the arguments. The emotional (positive and negative) meaning and familiarity of the selected terms were tested in the first rating study, in order to select just the terms with "neutral" emotional meaning and sufficient familiarity. We used the unambiguous terms as novel metaphors and then we devised the arguments in three categories: strong arguments, standard quaternio terminorum and quaternio terminorum with plausible conclusion. In the second rating study, we tested the premises and the conclusions of the arguments separately, to make sure that participants attribute either the same meaning to the middle terms in case of strong arguments, or different meanings in case of fallacious arguments. In the third rating study, we asked participants to assess whether they perceived the premises and the conclusions as true, false or

plausible. The results of the rating studies showed that the majority of sentences with a conventional metaphor (83%) were perceived as true while the majority of sentences with a novel metaphor (79%) were perceived as false (Ervas & Ledda, 2014).

3.3 Procedure

All the participants were asked for a written informed consent and the test was submitted to participants online via Google Forms. After gathering initial information on language and education, participants were asked to read the instructions and complete two practice blocks. The arguments, as well as the options for each argument, were randomly presented to participants. We asked participants to choose the option that in their opinion best fits the argument presented to them, thus testing their argument production in all the structure conditions: strong argument vs. fallacious argument (in both the forms of standard quaternio terminorum and quaternio terminorum with plausible conclusion) structure conditions.

4. RESULTS

To determine the statistical significance of the results, a one way repeated measure ANOVA was performed, comparing strong arguments, standard quaternio terminorum and quaternio terminorum with plausible conclusion within the same middle term (H, P, CM, NM) condition. The results, for each middle term condition, are reported in Table 3.

In the case of H middle terms, participants selected the ambiguous term mostly to build quaternio terminorum than strong arguments, where they alternatively chose also the unambiguous term having the meaning that fits the first premise ($p < .05$). Interestingly, they selected the metaphor significantly more often in the case of quaternio terminorum with plausible conclusion ($p < .01$) rather than standard quaternio terminorum. In the case of P middle terms, participants selected the ambiguous term to build both strong arguments and quaternio terminorum ($p < .05$). Interestingly they selected the literal meaning that fits the second premise especially in the case of quaternio terminorum with plausible conclusion ($p < .001$), when compared to both strong arguments and standard quaternio terminorum.

In the case of CM middle terms, participants selected the ambiguous metaphorical term mostly to build quaternio terminorum than strong arguments, where they significantly chose the explanation of the metaphorical meaning or the literal unambiguous meaning. Interestingly, in the case of quaternio terminorum, they selected the explanation of the metaphorical meaning mostly for fallacious arguments with plausible conclusion ($p < .05$) rather than standard quaternio terminorum ($p < .05$). In the case of NM middle terms, there was no statistical significance in the selection of ambiguous metaphorical terms, when comparing strong arguments and quaternio terminorum. In each argument structure conditions, participants preferred to select the explanation of the metaphorical meaning ($p < .05$) or the literal unambiguous meaning ($p < .01$).

H middle terms

	Strong Arguments	Standard quaternio terminorum	Quaternio terminorum with plausible conclusion
Ambiguous term	47.5**	80.6**	81.1
Literal meaning 1	39.5*	10.4*	1.1*
Literal meaning 2	11.5	6.3	10.5
Metaphor	1.5**	0	7.3**
Random	0	2.7	0

P middle terms

	Strong Arguments	Standard quaternio terminorum	Quaternio terminorum with plausible conclusion
Ambiguous term	78.5*	87.5*	69.6
Literal meaning 1	17	8.5	5.4
Literal meaning 2	2***	1***	21***
Metaphor	1.5	3	4
Random	1	0	0

CM middle terms

	Strong Arguments	Standard quaternio terminorum	Quaternio terminorum with plausible conclusion
Ambiguous term	52.5	74.6**	60.7**
Metaphorical meaning	17*	5*	20.3*
Literal meaning	12.5**	9**	9**
Literal unambiguous	18	11.4	10
Random	0	0	0

NM middle terms

	Strong Arguments	Standard quaternio terminorum	Quaternio terminorum with plausible conclusion
Ambiguous term	18	20.5	19
Metaphorical meaning	39.8*	26*	32*
Literal meaning	1.2	9.5	16.5
Literal unambiguous	38.5**	41**	31**
Random	2.5	3	1.5

*= p < .05, **= p < .01, *** = p < .001

Table 3. Results in percentage for each middle term condition and argument structure condition.

5. DISCUSSION OF RESULTS

Overall the results show that participants avoid metaphorical terms when building strong arguments, when compared to other argument structure conditions, especially when metaphors are novel. As metaphors are a possible source of fallacies or they activate possible framing effects (Black, 1954; Lakoff, 2004; Thibodeau & Borodistky, 2011, 2013), participants probably avoided them in order to be sure to produce clear argument without source for misunderstanding. Moreover, they preferred to clarify the meaning of the metaphor, i.e. the way it is used in the first premise, or to use a literal (unambiguous) meaning. Interestingly, in the case of conventional metaphor, they significantly selected the corresponding literal meaning which still might work when the relevant property is selected in the second premise to produce a strong argument.

The results also show that participants selected the ambiguous term to produce fallacious arguments, especially in the case of standard quaternio terminorum. Unsurprisingly, lexical ambiguity is a good option to produce fallacious arguments that exploits the meaning shift of the middle term through the premises (Woods & Walton, 1989; Van Eemeren, 1992; Tindale, 2006; Copi, Cohen, & McMahon, 2014). However, NM middle terms seem to be an

exception: indeed, in the case of novel metaphors, participants never selected the ambiguous term (i.e. the novel metaphor itself), preferring the explanation of the metaphor, i.e. the metaphorical meaning, or even the literal appropriate meaning. The participants' choice might be due to the fact that novel metaphors, per definition, are more difficult to interpret, requiring a wider context to be fully understood (Gildea & Glucksberg, 1983; Glucksberg & Estes, 2000; Bambini et al., 2016). The selection of a novel metaphor is avoided even in the case of fallacious argument production, where arguments might easily be detected as fallacious when a novel metaphor appears in the first premise. Indeed, as testified by the rating studies, a majority of premises with novel metaphors are recognised as false by the participants, and possibly leading to an "ex falso quodlibet". A greater effort in interpretation is required to explain the meaning of a premise featuring a novel metaphor as it were meaningful and true (or at least plausible) (Gildea & Glucksberg, 1983; Glucksberg, 2003; Vega Moreno, 2007).

Also in the case of homonymous middle terms, participants significantly avoided ambiguous terms in the strong argument condition rather than in fallacious argument conditions, even though the ambiguous literal term could have been used with the same meaning in both the premises. Indeed, they significantly chose the proper literal meaning employed in the first premise they read to avoid ambiguity and thus possible misunderstanding. The case of polysemous middle terms seems somewhat different: participants significantly selected the polysemous middle term to build both clearly strong and clearly fallacious arguments. Differently from homonymous terms, where the disambiguation happens by default, by suppressing one of the two completely different literal meanings (Gernsbacher & Faust, 1991; Gernsbacher et al., 2001), in case of polysemy participants do not have a list of radically different lexicalised meanings to suppress, but instead different meanings overlapping in some semantic properties (Glucksberg et al., 2001; Rubio Fernandez, 2007).

As the two possible literal meanings of the polysemous middle term overlap, a strong argument precisely contains in the second premise the property that makes the argument a strong one (i.e. the property that clearly fits the meaning of the first premise), while a quaternio terminorum precisely contains the property that makes the argument a fallacious one (i.e. the property that clearly does not fit the meaning of the first premise). In both the cases, the property is given in the second premise of an argument with either a clearly true or a clearly false conclusion and therefore participants do not need to go through the process of disambiguation, which is more demanding when compared to the process required to disambiguate homonymous terms (Gernsbacher & Faust, 1991; Gernsbacher et al., 2001; Glucksberg et al., 2001). Indeed, in the process of homonymy disambiguation the irrelevant meaning disappears significantly more quickly, when compared to the process of polysemy interpretation, which requires more attentional resources to suppress the corresponding literal meaning (Rubio Fernandez, 2007), as a (set of) specific property(ies) need(s) to be detected. Instead, in the case of quaternio terminorum with plausible conclusion, the participants explicitly selected the literal meaning of the polysemous term that fits the second premise, plausibly because the property made explicit in the second premise does not align with neither a clearly true nor a clearly false conclusion. Therefore, instead of keeping the ambiguous term, participants are forced to select the literal meaning yielding the property that best aligns with the plausible conclusion.

In the case of quaternio terminorum with plausible conclusion with a conventional metaphor as middle term, participants selected either the ambiguous metaphorical term or the explanation of the metaphorical term. This suggest that, in order to maintain a plausible conclusion, participants deliberately chose to provide the middle term with either an implicit or even an explicit metaphorical reading. Instead, to maintain a clearly false conclusion, participants did not need to make explicit the metaphorical reading of the middle term: a conventional metaphor and an irrelevant (literal) property of the second premise are sufficient

to guarantee the production of the standard quaternio terminorum. In the case of novel metaphors, participants felt the necessity to make explicit the metaphorical meaning of the middle term not only for fallacious arguments with plausible conclusion but also for standard quaternio terminorum and strong arguments. Therefore for any argument structure condition with novel metaphors as middle terms, participants needed to clarify the metaphorical reading of the middle term to build an argument: the difficulty in novel metaphor interpretation and the possibility to be misinterpreted led them to make the metaphorical explicit in any case, independent from the argument structure condition and the type of conclusion.

6. CONCLUSION

In previous experiments on the understanding of arguments featuring metaphors as middle terms, results suggest that fallacious argument with conventional metaphors are more difficult to detect, as they covertly activate framing effects that lead participants to consider the premises as true and to adjust the metaphorical meaning according to the plausible conclusion. The revitalization of the conventional metaphors in the premises are guided by the need to confirm participants' belief in the conclusion (Ervas et al., 2018). Indeed, while novel metaphors consciously lead participants toward creative interpretations (Vega Moreno, 2007) from the reading of the first premise featuring the metaphor, conventional metaphors covertly influence their reading of the argument, especially when the conclusion is believable.

The results of the present experimental study on argument production suggest that participants generally avoid lexical ambiguities when producing strong arguments and vice versa exploit lexical ambiguities when producing fallacious arguments. However, the results show that novel metaphors are avoided in any case, even to produce standard quaternio terminorum. In order to produce an argument with a novel metaphorical meaning without being misinterpreted, participants prefer to make the metaphorical meaning explicit. On the contrary, participants made a deliberate use of conventional metaphors to produce fallacious argument and, in the case of plausible conclusion, they alternatively make the metaphorical meaning explicit, thus suggesting an overall metaphorical reading of the argument produced. The overall results suggest that it is easier to produce (believable) fallacies with conventional metaphors rather than with novel metaphors, where the implicitness of the metaphorical meaning is abandoned in favour of clarity and understandability of the argument.

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Is there such a thing as a "conductive argument"? Pro/con argumentation in the temporal unfolding of a deliberative process

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ABSTRACT: I examine a particular kind of so-called "conductive argument", i.e. a "balance-of-considerations", "pro/con argument" put forward in support a practical/normative conclusion. I argue that a "conductive argument" is not a single argument, but one of two main possible outcomes of deliberative activity. What (confusingly) appears to be a "conductive argument", as structure, is the summary of a process of critical questioning that has unfolded in time. "Conductive argument" is therefore, in my view, a misnomer.

KEYWORDS: deliberation, decision-making, decisive objection, conductive argument, counterconsideration, critical rationalism, practical proposal, practical reasoning, pro/con argument, time

1. INTRODUCTION

I propose to redefine so-called "conductive argument" in favour of a practical/normative conclusion ("proposal A is a reasonable course of action") in relation to the genre of deliberation[1]. Among Wellman's (1971) three "patterns" of "conductive argument", I am focusing on the third pattern, on "that form of argument in which some conclusion is drawn from both positive and negative considerations", or in which "reasons against the conclusion are included as well as reasons for it" (Wellman, 1971, p. 57). In the argumentation literature (Blair & Johnson, 2011), this pattern is also called a "pro/con", or a "balance-of-considerations" argument. Against previous proposals (Govier 2001), I argue that so-called "conductive argument" is not a single argument. What, confusingly, appears to be a "conductive argument", as a distinct structure, is a particular deliberative outcome (out of two main possibilities). A recapitulation or summary of a process of critical questioning, as it has unfolded in time, resulting in the conclusion that a particular proposal is reasonable and can be maintained, seeing as it has survived criticism, is indistinguishable from what is usually called "conductive argument".

Deliberating agents put forward (alternative) proposals for courses of action, conjecturing that these might help them achieve their goals. For decision-making to be rational, they should subject these proposals to criticism. The decision to adopt a particular proposal A will be reasonable if the hypothesis that A is the right course of action has been subjected to critical testing in light of all the knowledge available and has survived criticism. I adopt a critical rationalist view of decision-making (Miller 1994; 2006; 2013), seeing practical reasoning as a critical procedure that filters out those conclusions (and decisions) that do not pass the critical test of whether the consequences would be acceptable (Fairclough &

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[1] I take for granted the distinction made by van Eemeren (2010: 138-143) among *genres*, *activity types* and concrete *speech events*. A particular debate (e.g. on a particular policy proposal), as speech *event*, instantiates the abstract category of policy debate as *activity type*, which in turn instantiates the abstract *genre* of deliberation. The intended outcome of deliberative activity types is a normative-practical conclusion (judgment) that can ground decision and action.

Fairclough, 2012; Fairclough, 2015; 2016; 2018a; 2018b; forthcoming). "Consequences" include known impacts, but also risks (which may not materialize). In addition, the situation where a proposal would clash with, or go against a moral or institutional principle, rule or norm, would also be an unacceptable consequence, on my account, should those principles, rules and norms (singly or collectively) be assessed as ultimately non-overridable in a particular deliberative context. So "consequences" is understood in a broader sense than simple cost-benefit analysis.

Any practical proposal A is likely to have a number of undesirable consequences. For a deliberating agent, some of these might be merely undesirable, but not ultimately unacceptable (e.g. applying for a job that requires a short daily commute, rather than no commute), but some might be genuinely unacceptable (e.g. applying for a job that requires an impossibly long daily commute, or is likely to clash with important family obligations). In the former case, the agent might conclude that "Proposal A is reasonable, although it will result in some undesirable consequences", i.e. in spite of *counterconsiderations*. In the latter case, if the potential consequences are deemed unacceptable, the agent may find it more reasonable to abandon the proposal. I will call such reasons – "the potential consequences of proposal A are unacceptable" – "decisive objections". As strong critical objections to a proposal, they indicate that it is unreasonable and should probably be abandoned. "Decisive objections" are therefore overriding reasons why a proposal should not go ahead, effectively rebutting it. I distinguish therefore between two kinds of objections against a proposal: *counterconsiderations* and *decisive objections.*

While testing various possible alternatives for achieving their goals, deliberating agents will consider reasons in favour ("pro") and reasons against ("con") each of these, in the form of the desirable and undesirable consequences they might result in. Not all the reasons against a proposal, as objections, will be assessed as having the same strength. Depending on how strong the objections are assessed to be, deliberating agents may come to two main conclusions:

1) *Proposal A is a reasonable course of action, in spite of the existence of a range of counterconsiderations*. The conclusion that *A should not go ahead*, always possible in principle, does not follow in this case, because none of the objections ("con" reasons) are deemed to be strong enough to warrant that conclusion: none are *unacceptable* (either singly or collectively).

In the absence of decisive objections, and seeing as there are "pro" reasons, the conclusion in favour of A can tentatively be maintained.

2) *Proposal A is an unreasonable course of action because there are decisive objections against it* (possibly in addition to counterconsiderations), *and in spite of a number of potentially positive consequences.* In this case, the potential "conductive" argument tentatively supporting A (in light of its positive effects and in spite of counterconsiderations) will collapse into a deductive argument in support of not doing A. The conclusion in favour of A can no longer be maintained (not even tentatively).

The gist of my account is therefore the following: a practical proposal that has withstood critical testing (i.e. no *decisive objections* have emerged against it, capable of rebutting it), together with both the "pro" and "con" reasons that have emerged as relevant to it during deliberation (with oneself or with others), is indistinguishable from a so-called "conductive" argument in favour of that proposal. What appears to be a "conductive" argument is a recapitulation or summary of the deliberative process, as it has unfolded in time, in a particular situation. This is the situation where, having examined both "pro" and "con" reasons, and having concluded, by asking and answering critical questions, that none of the "con" reasons are *decisive objections* but only *counterconsiderations*, and also in light of proposal's potential to achieve the stated goals and other positive effects, the deliberating agents have concluded that proposal A can be maintained. What is meant by this is nothing more than: *proposal A has*

so far survived criticism and can be provisionally accepted, as a reasonable alternative, subject to decisive objections coming to light at a later date.[2]

2. THE CURRENT CONSENSUS: REPRESENTING "CONDUCTIVE ARGUMENTS" AS SINGLE ARGUMENTS

Interest in the concept of "conductive" argument was revived by Govier (1999; 2001; 2010a; 2010b), who suggested that *counterconsiderations* to a conclusion should be represented as "wavy lines" or "wavy lines and a bar" (Figure 1). On her view, "counterconsiderations should not be regarded as premises of an argument, because they do not support the conclusion and are not put forward by the arguer as supporting the conclusion" (Govier, 2001, p. 396). She also suggests that the "weighing" metaphor adequately captures what goes on in conductive reasoning. Namely,

> a person who acknowledges counterconsiderations and nevertheless still wishes to put forward the argument that his conclusion is supported by positively relevant premises is committed to the judgment that the supporting (positively relevant) premises outweigh the counterconsiderations.

In other words, "although there are reasons for [the] conclusion and reasons against it, the reasons for it are stronger and more convincing than the reasons against it" (Govier, 2001, p. 396).

In a more recent collection of proposals on how to define, analyze, represent and assess "conductive arguments" and "conductive reasoning", published by Blair & Johnson (2011), Hansen (2011) has suggested that "conductive arguments" contain an implicit *on-balance (OB) premise*, saying that *on balance, the pros outweigh the cons*, thus which acknowledging that the weighing of pro/con reasons is an essential part of such arguments (Figure 2).
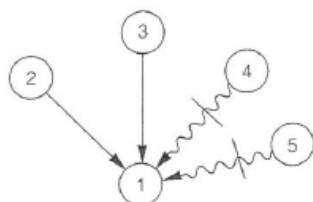

Figure 1. Representing conductive arguments (taken from Govier, 2001, p. 395)
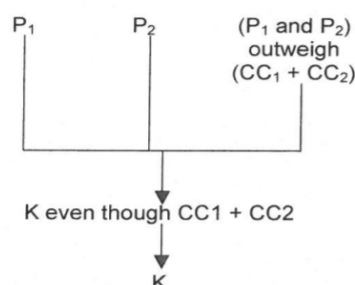
Figure 2. Representing conductive arguments (taken from Hansen, 2011, p. 40)

In the same volume, integrating proposals for the representation of pro/con arguments made by Govier (1999), and of objections by Hitchcock (1983), Jin (2011) suggested the diagram in Figure 3. Here, two considerations are independently supporting the conclusion, and two considerations are independently opposing it. Even if the latter are acknowledged by the arguer, the conclusion can still be maintained, because the cumulative support of the "pro" considerations outweighs the cumulative objection of the counterconsiderations. The "pro" reasons manage to "shunt aside" (Hitchcock's term) the "con" reasons.

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[2] The critical rationalist view of deliberation and decision-making adopted here is different but not incompatible with the frameworks for deliberation proposed by Hitchcock et al. (2001) and McBurney et al. (2007).
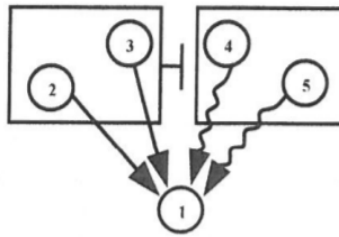
Figure 3. Representing conductive arguments (taken from Jin, 2011, p. 29)

3. MY PROPOSAL: REPRESENTING PRO/CON ARGUMENTATION AS DELIBERATIVE PROCESS

All of these proposals assume that "conductive argument" is a single argument. A particular conclusion is defended, for reasons X and Y, in spite of the existence of reasons Z and W. This is because reasons X & Y (the "pros") are said to outweigh Z & W (the "cons"). Because, on this view, a "conductive" argument is a single argument, and the negatively relevant reasons cannot by definition support the conclusion, but count against it, these reasons (generically called "counterconsiderations") are not (and could not be) "premises" (Govier, 2001, p. 396).

Contrary to these views, I suggest the following:

1) There are no "conductive arguments", if what is meant by the terms is a single argument, consisting of one conclusion and two sets of reasons (positively and negatively relevant to that conclusion). Instead, two possible conclusions ("A is reasonable" and "A is not reasonable") are always potentially in play, and which one will survive criticism is to emerge at the end of a process of critical questioning. For practical/normative conclusions, critical questioning takes place in a deliberative generic framework, and the acceptability of the conclusion is tested in the light of its possible or known consequences, and of how it might survive in conditions of uncertainty. (A critical rationalist perspective acknowledges that a proposal with potentially unacceptable consequences need not be discarded if there is a satisfactory Plan B, insurance or mitigation strategy in place; often, such proposals are not discarded because agents are willing to take the risk of unacceptable consequences materializing.)

2) The "con" reasons are premises (what else could they be?) in an argument criticizing the proposal, and thus potentially supporting the opposite conclusion ("A is not reasonable"). They originate as objections to proposal A, potentially supporting the opposite conclusion. If the "con" reasons, intended as objections to A, are found to be *decisive objections*, it will be more reasonable to abandon A. If these objections are found to be mere *counterconsiderations*, it will not follow that A should be abandoned. Nor will it follow that it should be adopted, or that it is recommended, least of all that it is the best course of action, but merely (at this stage) that it is a reasonable course of action (among other possibly reasonable alternatives). The conclusion that A is the *best among alternatives* can only emerge by further critical questioning, once all unreasonable alternatives have been eliminated, and in light of some criterion providing a reasonable basis for choosing the "best" course of action among *reasonable* alternatives (Fairclough, 2015).

3) A crucial distinction must be drawn between *counterconsiderations*, as objections that can be incorporated into the arguer's case, and *decisive objections*, as objections that (being assessed as stronger) cannot be thus incorporated, but lead to the collapse of the case in favour of doing A. I have previously (Fairclough, 2015; 2018) used the term "critical objections" for those objections that (unlike *counterconsiderations*) can rebut the conclusion in favour of a

proposal. To avoid confusion, seeing as all objections, weak or strong, are in a sense "critical", I have suggest here changing the term "critical objection" to "decisive objection". Thus, in a process of critical questioning, in dialogue, arguers may assess an objection aimed against a proposal as being a mere *counterconsideration*, in which case the case for A may still stand, or as a *decisive objection*, in which case the case for A is rebutted. In practical reasoning, potential consequences of a course of action that are deemed to be unacceptable will be decisive objections against it.

The distinction between *counterconsiderations* and *decisive objections* is emphatically not one and the same with that between *counterconsiderations* and *objections*, which has been usefully clarified by Johnson (2011) and acknowledged by Govier (2011b). If, originally for Govier (2001, p. 395), "counterconsiderations" and "objections" were one and the same thing, it has become clear, in the meantime, that it was in fact a mistake to conflate the two.

> Counter-considerations are claims negatively relevant (or taken to be negatively relevant) to the acceptability of the conclusion and acknowledged by the arguer to have that status. As such, counter-considerations are part of the arguer's case. If, after being raised in a dialectical context, objections come to be acknowledged by an arguer and incorporated into an adapted argument, at that point they would play the role of counter-considerations (Govier, 2011b, p. 2).

This is also the view taken here. Objections are raised by a critic (an external critic or, in the case of monological deliberation, the arguer him/herself, as antagonist of his/her own standpoint), and may be incorporated into the arguer's case as *counterconsiderations* (in which case the original standpoint can be maintained). Objections can also lead to the abandonment of the original standpoint, and the disintegration of the pro/con, "conductive argument", in those cases when they cannot be incorporated into the original argument, because they are *decisive objections* that simply rebut the case in favour.

My proposal is therefore to distinguish not only between *objections* (as raised by a critic) and *counterconsiderations* (as assessed by the arguer) – as Johnson (2011) has done – but between *objections* (as raised by a critic), on the one hand, and two ways these may be assessed by arguers, on the other hand: (a) as *counterconsiderations*, and (b) as *decisive objections*. If proposal A has survived criticism in light of the critic's objections, then those objections can be incorporated into the final argument as *counterconsiderations*. If the objections have been deemed to have a much stronger critical force, to be *decisive objections* (i.e. the consequences of A, if performed, would be unacceptable), then those objections, as rebuttals, will conclusively support the opposite conclusion, and A should be abandoned. These two distinctions are captured in Figure 4.

CRITICAL QUESTIONING OF *PROPOSAL A* IN A CONTEXT OF DIALOGUE	
CRITIC (ANTAGONIST) RAISES:	**ARGUER** (PROTAGONIST) ASSESSES OBJECTION AS EITHER:
OBJECTION AGAINST *PROPOSAL A*	**COUNTERCONSIDERATION** → *PROPOSAL A* HAS (PROVISIONALLY) SURVIVED CRITICISM
	DECISIVE OBJECTION → *PROPOSAL A* IS (CONCLUSIVELY) REBUTTED

Figure 4. The antagonist's *objections* (left) are evaluated by the protagonist (right) as either *counterconsiderations* or as *decisive objections*.

To sum up, in deliberative activity types, in a context of dialogue, objections may be raised by a critic against a proposal that is being tested. The critic may point out, for example, that A is likely to have an undesirable, possibly even an unacceptable consequence. Assuming the arguer acknowledges this objection, including the particular way it is formulated (or 'framed')[3], as relevant to his case, he can assess its critical force in two main ways:

(1) as a (mere) *counterconsideration*, incapable of rebutting the conclusion, in which case he may still maintain his commitment to the proposal and can incorporate the objection into his original case.

(2) as a decisive *objection* (or rebuttal), in which case he will no longer be able to maintain his commitment to the proposal; a *decisive objection* cannot be incorporated into the original case in favour of the conclusion, but indicates that conclusion is false, and the proposal must be abandoned. A *decisive objection* conclusively supports the opposite, negative conclusion ("A is not reasonable").

The assessment of an objection as being a *counterconsideration* or a *decisive objection* is the result of a process of critical questioning. Once an objection is raised, the arguer may or may not see immediately that it is decisive and rebuts his case, even if later on, as a result of further dialogue, he might assess it as such. Or, several objections that are individually assessed as mere *counterconsiderations* may end up being deemed to rebut the positive conclusion through their cumulative force. In this case, it may not be reasonable to go ahead with A in the face of so many *counterconsiderations*, though none was individually assessed as a *decisive objection*. What objections there are against a proposal and how strong they are is not known entirely in advance, but will emerge in a process of critical questioning, unfolding in time, within a deliberative process.

On a critical rationalist perspective, practical statements (like theoretical ones) can be provisionally accepted or conclusively rejected based on how they withstand criticism in light of their potential consequences. Let us assume that one alternative A_1 is being tested among several possible ($A_1 \ldots A_n$). Figure 5 represents both potential conclusions (A_1 and non-A_1): which one will be actualized depends on how the conclusion will fare in the process of critical testing. Clearly, both conclusions cannot both be true at the same time, and one will be discarded at the end of the deliberative process. The conclusion on the left side (*Proposal A_1 is not reasonable*) will follow conclusively if it is the case that one or more objections have been (singly or collectively) assessed as *decisive objections*. The conclusion on the right (*Proposal A_1 is reasonable*) can be tentatively, provisionally maintained if it survives criticism, that is, if it is indeed the case no objection, singly or collectively, is a *decisive objection*, but merely a *counterconsideration*.

A proposal can only be assessed as potentially reasonable if, having gone through a process of critical testing to the best of the deliberating agents' knowledge, it has withstood criticism (i.e. no decisive objections have emerged against it). In the diagrams below, the statements in the boxes shown in bold are added, as premises, to the original premise set as a result of the process of critical questioning, as it unfolds during deliberation.

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[3] Arguers (or the deliberating agents involved in the critical testing of a proposal) may not acknowledge their critics' objections, including the particular way they are framed. I focus here on the simple case in which the same objections are acknowledged by both parties, and there is no incompatible divergence between the way these objections are framed on each side. In the case discussed here, there can be intersubjective disagreement (resolvable or not) concerning the strength of objections (are they mere counterconsiderations or decisive objections?). I do not discuss the more complex case where there is divergence in the way the pro/con reasons are framed (discussed by Wohlrapp 1998; 2011), nor the case where the pro/con reasons advanced by one side are not recognized as relevant by the opposite side.
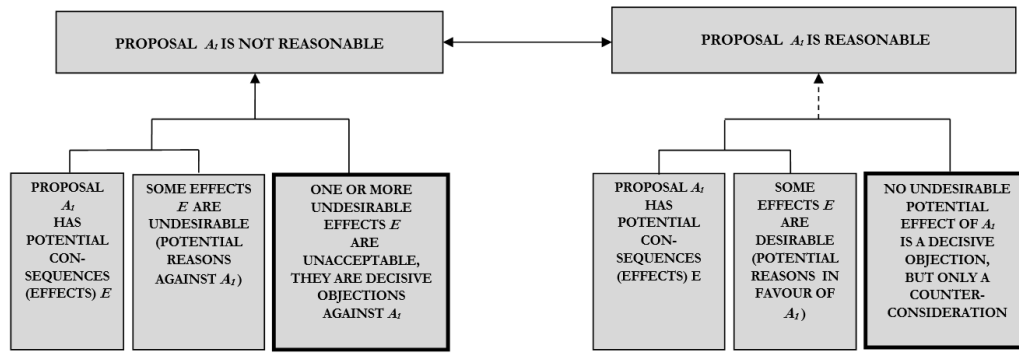
Fig. 5. Deliberation scheme: Proposal may be rebutted in light of *decisive objections* (left) or may survive criticism if there are no *decisive objections* (right).

Figure 6 represents the situation where the case in favour of doing A is rebutted by one or more *decisive objections* that have come to light by critical questioning. The argumentative configuration previously shown in Figure 5, *where either conclusion was in principle possible*, before critical questioning was allowed to proceed, has now collapsed into a deductive argument in favour of non-A (left-hand side). Namely, if it were true that the potential consequences (singly or collectively) were unacceptable, then it would follow conclusively that A is not a reasonable course of action. While the statements on the right-hand side (the positive consequences) may still be true, no argument (not even a defeasible one) can be made starting from these statements as premises (the blank box where the "pro" conclusion would have been is supposed to suggest this). The positive conclusion (*Proposal A₁ is reasonable,* possible in principle) cannot be drawn at all any more, not even defeasibly. In the absence of a premise saying that *there are no decisive objections*, it can no longer be maintained that the proposal is reasonable. That conclusion is in fact rebutted by the fact that there are such objections.
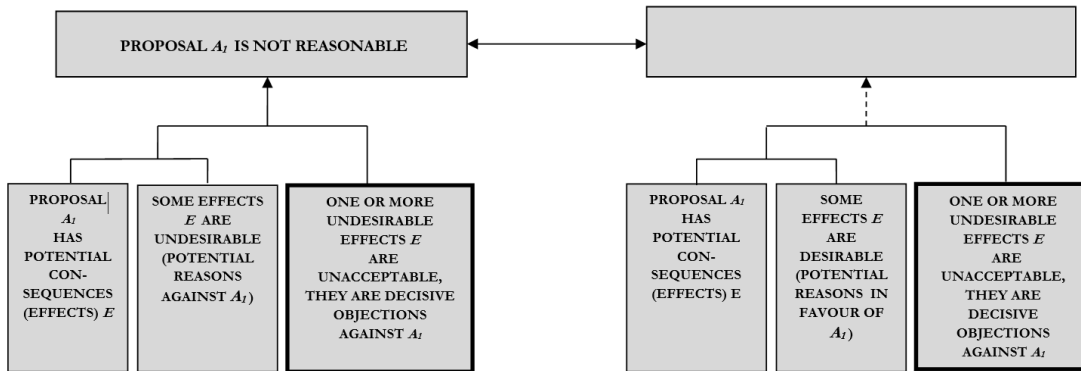

Figure 6. There are *decisive objections* to the proposal: it follows conclusively that it is not reasonable.

By contrast, Figure 7 captures the situation when, at the end of a process of critical questioning, to the best of the critics' knowledge, no *decisive objections* have come to light. The proposal has survived criticism: the objections have been assessed as (mere) *counterconsiderations*. In this case, it does not follow that the proposal should be abandoned. The proposal can be provisionally, tentatively, adopted, subject of course to stronger, decisive objections coming to light at a later date. The conclusion that A is not reasonable (left), while possible, in principle,

has not obtained in this case (the blank box where this conclusion would have been is supposed to represent this).
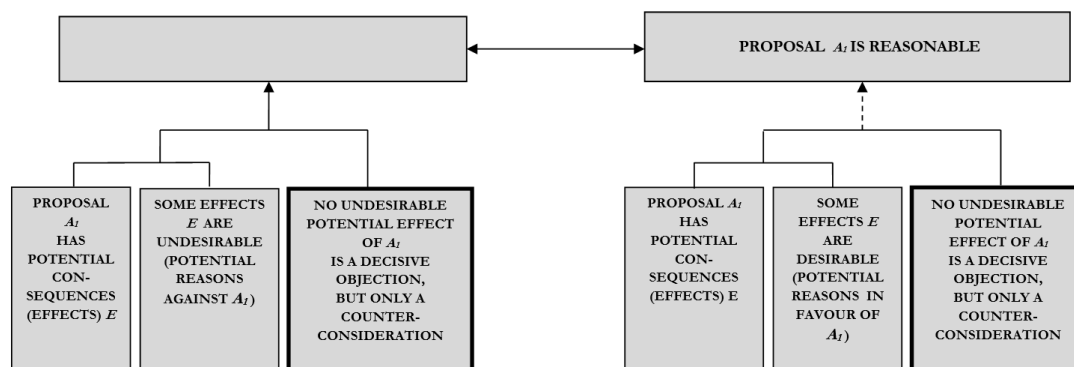

Figure 7. There are no decisive objections, only counterconsiderations; proposal A can be tentatively maintained.

In both Figures 6 and 7, the statements that used to be premises in the arguments shown in Figure 5, but no longer "support" any conclusion, and are left stranded, can be included into a summary of the deliberating process. Having assessed both "pro" and "con" reasons, deliberating agents may conclude that:

(1) although it has potential desirable consequences ("pro" reasons), proposal A is ultimately unreasonable and ought to be rejected, because (among the "con" reasons) there are decisive objections against it (Figure 6) – i.e. the proposal has not survived criticism, or:

(2) although it has potential undesirable consequences ("con" reasons), proposal A is reasonable and can be provisionally maintained, because (among the "con" reasons) there are no decisive objections against it (Figure 7) – i.e. the proposal has survived criticism and there is no compelling reason, at least for the time being, why it should be abandoned.

It is easy to see how the latter summary captures the logic of a so-called "conductive argument" in favour of proposal A. This summary, which reduces a process to its a-temporal end-result is in fact virtually indistinguishable from what is commonly called "conductive argument". To speak of this *process* – unfolding over time and involving the raising and assessment of objections in a context of dialogue – as a "single argument" (and somewhat on a par with deductive and inductive arguments, as a distinct "type" of argument), is in my view a category mistake.

4. CONCLUSION

Deliberation occurs in time. Arguers put forward proposals in view of goals, values and the situation they are in. Proposals are not strictly speaking supported or justified by these premises, but are informed guesses, hypotheses, or conjectures that some course of action might solve the problems and achieve the goals. Deliberating with themselves or with others, rational arguers will subject these conjectures to critical testing. What consequences might come about, assuming they went ahead with a proposed course of action? Would these consequences be ultimately acceptable? The answers provisionally given to these questions may themselves be questionable. There may be disagreement between the arguers and their critics, or between deliberating agents, on the severity of a particular consequence. What is a merely an undesirable but ultimately an acceptable consequence to someone may be totally unacceptable to someone else. At the end of a process of critical questioning, arguers will either conclude that, at least for them, and to the best of their knowledge, a particular proposal that seems capable of

achieving their goals may be maintained, seeing as there are no *decisive objections* against it, or they may conclude that it has to be discarded, seeing as there are such reasons.

I have argued against seeing "conductive argument" as a single argument, and suggested a view of deliberative dialogue, involving a process of critical testing of proposals, in which objections are raised and their critical force is assessed. A possible deliberative outcome is the conclusion that a particular proposal must be discarded as unreasonable, seeing as the objections that have been raised against it are *decisive objections*, not mere *counterconsiderations*. This is to say that the consequences of that proposal, if adopted, would be ultimately unacceptable. Having decided to abandon a proposal, deliberating agents can start testing another alternative. But whenever a proposal has survived criticism, i.e. whenever it is not rebutted by decisive objections, and whatever objections are raised are assessed as *counterconsiderations*, a recapitulation of the whole process of critical testing that deliberating agents have engaged in, including the reasons in favour and the reasons against the proposal, takes the form of what is usually called a "conductive" argument. This (instant) summary, at the end of a (temporal) process whose purpose has been the critical testing of a proposal, is in fact one and the same with a so-called "conductive" argument in favour of that proposal.

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Argumentation as a pathway to critical thinking

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ABSTRACT: Based on insights from the field of educational psychology, we designed and implemented an eight-week, small-scale intervention for first year university students in educational sciences. Critical thinking and argumentation skills were fostered through small-group classroom discussions. Tentative findings from focus-group interviews suggested that students benefited from our approach. Theoretical and educational implications are also presented.

KEYWORDS: argumentation, arguing to learn, critical thinking, epistemic cognition, inquiry dialogue, internalisation, reasoning, thinking skills

1. INTRODUCTION

Critical thinking is a core competence that enables 21st century citizens to navigate multiple streams of information and make informed decisions about increasingly complex issues (OECD, 2016); critical thinking is also more necessary than ever due to increased access to (diverging) information of varying degrees of reliability (Goldman, Braasch, Wiley, Graesser, & Brodowinska, 2012), social responsibility to act on available information (Murphy, Firetto, Wei, Li, & Croninger, 2016), and the prevalence of phenomena such as Fake News in the so-called "post-truth era" (Sinatra, 2018). However, while it is a national goal of education systems internationally (e.g. National Governors Association Center for Best Practices, 2010; Norwegian Ministry of Education and Research, 2016), teaching students to think critically remains a challenge; students at upper-secondary level feel unprepared for the academic demands of tertiary education and teachers in higher education view students' critical thinking skills as "underdeveloped" (Lødding & Aamodt, 2015).

We addressed the issue of developing critical thinking by designing and instructing a course with a focus on argumentation and critical thinking skills that was situated in the domain of education. We adopted a view of critical thinking as "purposeful, self-regulatory, judgment that results in interpretation, analysis, evaluation, and inference, as well as explanations of the considerations on which that judgment is based" (Abrami et al., 2015, p.275), and built on theoretical and empirical knowledge from research on educational psychology; specifically, the interrelated fields of epistemic cognition, critical thinking and argumentation.

In this paper we present the critical thinking class that was designed and taught in Norway. We begin by presenting the theoretical framework upon which the class rested, before describing main elements from the teaching, including an overview of the topics, methods and class environment, as well as tentative findings from focus group interviews, that form the basis of theoretical and educational implications, and suggestions for future research.

2. THEORETICAL BACKGROUND

In this section we briefly present three interrelated bodies of knowledge that provide our theoretical background: epistemic cognition, critical thinking and argumentation.

Educational research on epistemic cognition mainly focuses on students' beliefs and cognitions about knowledge and the process of knowing (Greene, Sandoval, & Bråten, 2016).We view epistemic cognition as a particularly important point of departure for our research in light of theoretical and empirical relations between academic achievement (Greene, Cartiff & Duke, 2018), comprehension of single and multiple texts (Bråten, Strømsø & Ferguson, 2016), written argumentation (Bråten, Ferguson, Strømsø & Anmarkrud, 2014) and disciplinary learning (Sandoval, 2016), which we view as pertinent for the development and practice of critical thinking. There are several approaches to educational research on epistemic cognition (Hofer, 2016), including developmental views outlining a general progression in individuals' understanding and views of knowledge (Kuhn, 1999); systems of beliefs views of epistemic beliefs as a set of independent-but-related beliefs about knowledge and knowing (Hofer & Pintrich, 1997; Schommer, 1990), and situated views of epistemic cognition (Chinn, Buckland & Samarapungavan, 2011). Notably, each of these approaches can be related to critical thinking and argumentation (Greene & Yu, 2016; Kuhn, 1999).

According to developmental views, epistemological understanding develops over time, as a result of experience and education (Kuhn, 1999). Accordingly, individuals may progress through general stages from *realists'* with faith in one true reality, to *absolutist* epistemological views, where knowledge is objective and resides in external authorities, to *multiplist* assertions that equate all knowledge claims with equally valid opinions, irrelevant of knowledge claimant, and finally, some individuals will adopt *evaluative* epistemologies, after realising that some claims are more valid and justified than others (Kuhn, 1999). With respect to developmental epistemological views, Kuhn (1999) suggests that absolutist and multiplist knowledge views are necessary precursors to engagement in critical thinking, but individuals that adopt such stances are unlikely to engage in critical thinking, since knowledge claims are either right or wrong and can be resolved through appeal to authorities, on the one-hand, or everything is correct and equally valid, rendering the need for critical thinking obsolete, on the other. Meanwhile, individuals that develop evaluativist understandings may engage in critical thinking in order to appraise or justify claims, based on scientific thinking or standards. Kuhn (1999) also relates views of knowledge to views of self and agency in relation to knowledge construction and metacognitive development, which may further influence engagement, as well as learning approach.

Educational researchers have also identified specific dimensions of beliefs about the nature of knowledge and the nature of knowing: specifically, beliefs about the relative certainty (or tentativeness), simplicity (or inter-relatedness), and source of knowledge (from personal, to external sources of knowledge), as well as ways of justifying knowledge claims (from personal experiences to testimony by alignment with external authorities), with each of the these four belief types existing on a continuum of more-or-less availing beliefs (Hofer & Pintrich, 1997; Muis, 2004). Systems-of-beliefs views of epistemic beliefs have identified relations between specific dimensions of epistemic beliefs and higher order thinking, including critical thinking (Chan, Ho & Ku, 2011), multiple documents literacy (Bråten, Britt, Strømsø & Rouet, 2011) and argumentation (Bråten et al., 2014). For example, students that believe that knowledge develops over time (rather than being static), is inter-related (rather than "chunks" of independent facts) and must be cross-checked with other sources, are more likely to engage in deeper processing and corroboration (Bråten et al., 2011), and produce more integrated (coherent) written arguments (Bråten et al., 2014).

The third strand of educational research on epistemic cognition that is relevant for our approach has its basis in philosophical literature and focuses on individuals' epistemic aims and values, ideals, and reliable processes for achieving said epistemic aims (Chinn, et al., 2011; Chinn, Rinehart & Buckland, 2014; Chinn & Rinehart, 2016). Thus, individuals are said to adopt certain aims, such as gaining knowledge and understanding or avoiding false beliefs in relation to different topics. These aims, as well as the values attached to them further influence cognitive processing, and their achievement will be judged in light of epistemic ideals, or standards, such as fitting with existing knowledge or evidence, or lack of counter-evidence. Lastly, the processes invoked by or relied upon by individuals to achieve epistemic aims, such as scientific experiments, replication or argumentation, may be more or less reliable for achieving the aims that have been set (Chinn et al., 2014). Inspired by this line of thinking, we view epistemic cognition as cognition aimed at developing knowledge, understanding and other epistemic aims. Further, we view reasoned argumentation as a reliable process towards developing deeper understanding, and a prerequisite for critical thinking.

Despite increased research focus on critical thinking, a long and interdisciplinary history have resulted in a construct that is neither well-defined nor understood (Alexander, 2014; Siegel, 2010). This paper adopts a working definition of critical thinking that consists of a skills and a will component; prominently featured skills have included interpretation, analysis and evaluation, and will components have varied from everything from dispositions and virtues, to metacognition and self-efficacy (Greene & Yu, 2016). Already in the first paragraph of the introduction to the Handbook of Epistemic Cognition (Greene et al., 2016), readers' attention is brought to a need for "critical reflexivity" and "critical thinking" (p.1), underlining strong theoretical links between the cognitive processes. Moreover, Greene and Yu (2016) assert the need for epistemic cognition in critical thinking, further highlighting links between analysis and evaluation (in critical thinking researchers' terms) and "discipline-specific epistemic practices" (p.48). Relations between critical thinking and argumentation are implied in the research areas' definitions and operationalisation (Cottrell, 2011), though their boundaries are often unclear.

In sum, there are complex relations among epistemic cognition, critical thinking and argumentation that we wished to further investigate. In this study, we focused primarily on critical thinking skills, in particular, evaluation and appraisal of others' arguments through critical reading and source evaluation, and production (composition and synthesis), or *reasoned argumentation* (see section below on Intervention). In light of the centrality of reasoned argumentation in learning and thinking generally and critical thinking specifically (Alexander, 2014), as well as our view of reasoned argumentation as a reliable process for learners to gain deep understanding and discipline-specific knowledge, we aimed to adopt a view of argumentation that aligned with Reznitskaya and colleagues (Bråten, Muis & Reznitskaya, 2017; Reznitskaya & Gregory, 2013; Reznitskaya & Wilkinson, 2013; see below), who emphasize the way that individual cognition is shaped by social interactions and the role of verbal dialogue in this process. We see this as aligning with Kuhn and colleagues' ideas on the importance of teaching the thinking skills underlying argumentation (Kuhn, Hemberger & Khait, 2016), which we further equate with evaluativist views of knowledge (Greene & Yu, 2016; Kuhn, 1999).

An important premise of this paper is that critical thinking skills and epistemic cognition can be improved through domain-specific interventions (Abrami et al., 2015; Greene &Yu, 2016). Recently, Murphy and colleagues (Murphy, Rowe, Ramani & Silverman, 2014; Murphy et al., 2016) suggested that critical thinking can be fostered by small group discussions, scaffolding and gradual release of control from teacher- to student-led discussions in classroom contexts where knowledge building and evaluation processes are cultivated and valued. This line of thinking is further supported by Reznitskaya and colleagues (Bråten, et al., 2017; Reznitskaya & Gregory, 2013; Reznitskaya & Wilkinson, 2013): In a program of research

examining the role of dialogic teaching in teacher and student thinking, Reznitskaya and colleagues have found that embodied sociocultural and constructivist theories of learning help students develop higher order thinking and deeper understanding. Specifically, having teachers involve students in collaborative construction of meaning and control in the classroom, focusing on use of open questions, persuasion and inquiry dialogue has been associated with increased epistemological understanding, argument skills and disciplinary knowledge in students.

3. CONTEXTUALISING THE INTERVENTION

On the basis of this theoretical and empirical framing, we set out to design and teach a critical thinking skills class that focused on argumentation and encouraged development and internalization of an evaluativist epistemology.

Teaching took place at the faculty of education of a relatively large university in Norway. The course was eight weeks long and there were initially 10 students and three staff members following the course. Due to the voluntary nature of the class, and its impractical teaching time, attrition levels were high. The final sample therefore consisted of two students and three faculty, and the class was taught by both authors, collaboratively. In terms of the students' 'critical thinking starting points', we viewed both their tendency to engage in, and knowledge of critical thinking as low. This is based on research findings in Norway (Lødding & Aamodt, 2015), as well as students' responses to Frederick's (2005) three-item Cognitive Reflection Test and the open question "What is critical thinking?".

We, the teachers, had a specific focus on creating and maintaining an epistemic climate of inquisitiveness and open-mindedness, and the students were constantly reminded that the "threshold" for participation should be as low as possible. The small group of faculty and students (or experts and novices) provided opportunities for small-group discussions, explicit modelling, as well as scaffolding by attending staff and the class-teachers.

In the preliminary lessons (1-3) there was extra focus on getting students used to the class ethos and working methods. Also, we explicitly taught aspects of argumentation theory based on an adapted version of Toulmin's model of argumentation (Felton, 2005). Thereafter students had to decompose short arguments in pairs, for example, by identifying claim and evidence. We also drew on longer, syllabus texts from educational sciences and interrogated these critically with the students. In lessons three and four we had students consider clarity, coherence, as well as underlying assumptions in texts. Source evaluation and reading strategies are intimately linked to epistemic cognition and critical thinking (Bråten et al., 2011). These were therefore addressed in subsequent lessons before more attention was given to argument construction. Our focus on argument deconstruction and production was mainly on short popular science texts with educational themes (e.g., relating to gender differences in education). Source evaluation was taught using a contrasting case approach that makes students explicitly consider ways of thinking about document features (Braasch, Bråten, Strømsø, Anmarkrud & Ferguson, 2013). The reading strategies lesson also drew on research on text comprehension. This teaching plan was inspired by Cottrell (2011).

Also, in keeping with inquiry dialogue principles, we worked with debatable issues throughout the class. Each class started with a brief introduction and there were ample opportunities to use the hands-on skills and ways of thinking that we were teaching. There was an explicit expectation that students attending the class should participate verbally. Following Halpern and Reggio (2003), we also intended to leave room for written reflection after every class, that we could collect and use as an empirical data source. However, this proved to be more challenging for the students than envisaged, with very few students engaging in the task

beyond short generalized and largely positive evaluations on the usefulness of the class. We did not pursue this beyond the second class.

4. METHOD

After the intervention, we conducted semi-structured interviews with both students and staff. The purpose was to provide both groups with a springboard to reflection on the content and format of the intervention. We interviewed two students and three members of staff as two separate focus groups. We followed an interview guide in each case which revolved around two inter-related issues: 1) teaching and instruction and 2) learning gains and value of the course.

The interviews were audio-recorded and transcribed verbatim. Our first analytical step was to conduct a frequency analysis of a selection of evidential expressions used in both interviews. We limited our selection to a set of verbs indicating cognitive states and attitudes (e.g. think, believe) and epistemic adverbs (e.g. maybe, absolutely). The purpose was to gain an insight into the kinds of epistemic positions the two participant groups adopted situationally, particularly how they constructed their access to evidence and the evidential strength of their justification (e.g. "think" versus "feel"). Furthermore, we were interested to see the degree of epistemic support given to propositions (e.g. "perhaps" versus "absolutely").

We then coded the data thematically in NVivo. The three focal, theoretically-grounded coding areas were: 1) knowledge, 2) critical thinking and 3) learning and instruction. Beyond this, our analysis was data-driven and exploratory, focusing on the participants' constructions and co-constructions of the key concepts. While some responses were prompted by specific questions that explicitly targeted the key concepts, some emerged spontaneously in the conversational flow of the interview.

Our coding categories were not necessarily discreet: for example, participants may have talked about *learning in a generic sense* but also *learning about critical thinking*. In such instances, the specific excerpt was coded as both. While we were primarily interested to see how the two participant groups chose to construct these concepts and what thematic dimensions they underscored, we also looked at the extent to which the two groups aligned in their views.

5. TENTATIVE FINDINGS

Table 1 gives an overview of the patterns that emerged from analysis of the data[1] in step one (Frequency analysis):

English	Norwegian	Students	% of total	Staff	% of total
Think	Tenker	23	0,73	38	0,51
Believe (personal access to evidence)	Synes	14	0,44	36	0,49
Believe (non-personal access to evidence)	Tror	2	0,06	34	0,46

[1] Expressions with frequencies below two were excluded. Note also that interviewer turns were excluded from the analysis.

Know	Vet	5	0,15	17	0,23
Feel	Føler	8	0,25	2	0,02
Maybe	Kanskje	13	0,41	35	0,47
Absolutely	Absolutt	7	0,22	5	0,06

Table 1: Frequencies of evidential expressions (total word count - student discourse: 3144; total word count - staff discourse: 7357).

Looking at the word frequencies relative to the total number of words, we see that the verbs "think" and "feel" figured relatively prominently in the student discourse and their relative frequencies of use were higher than in the staff discourse. The students also provided more epistemic support to their propositions through their use of the adverb "absolutely". The Norwegian non-personal access evidentiality verb "tror", on the other hand, hardly figured in the student discourse at all. Although the students used evidential expressions that indicate personal sources of evidence, such as the Norwegian "synes", less frequently than the staff, these expressions were nonetheless among the three most frequently used evidential expressions in the student corpus.

The staff discourse shows a different pattern. They used verbs that indicate personal access to experience ("synes") almost as much as verbs that indicate non-personal access to experience ("tror"). They also expressed more doubt through their use of the epistemic adverb "maybe". Of note is also the virtual absence of the perceptually-based evidential expression "feel" and the epistemic adverb "absolutely".

As will be clear through our subsequent presentation of findings, the frequencies also provide an indication of the wider thematic patterns in the data.

5.1 Knowledge

The course participants constructed the concept of knowledge along three main dimensions. The first was related to the notion of the simplicity of knowledge. Knowledge was seen as a human attribute that develops from simple/novice to more advanced/expert forms. In both student and staff interviews, this dimension was further nuanced in terms of two concepts, time and practice, seen as necessary for knowledge to evolve along the novice-expert continuum. This was marked by various temporal expressions, such as numerals denoting a specific passage of time and grammatical aspect, such as in the following examples: "I have had thirty years of practice in this." (Staff); "They have done this for many more years than I." (Student).

The second dimension concerns the notion of the certainty of knowledge. This was particularly dominant in the student interviews and emerged as both relational and processual. The relational aspect was constructed primarily as giving right and wrong answers in an interactional context with the staff: "The thing is one is a bit afraid of answering wrong" (Student). The processual aspect transpired in the students' descriptions of the ways through which one becomes more aware of the uncertainty of knowledge and even the liberating effects this may have. The deictic expressions used in these reflections refer specifically to participation in the intervention:

((Before))[2] I thought, well what is true and was is not… I was more lost, what can I trust in my own understanding? So it has become more - it is fun I think to look at and analyze things now" (Student)

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[2] Mentioned in preceding discourse, words in double parentheses have been added to retain grammatical correctness and ease reading.

The third dimension revolved round the issue of metacognitive development. Knowledge was here constructed as something that becomes explicit through training. It was particularly the intentional effort it takes to be acquainted with the tools for acquiring, systematizing and applying knowledge that was underscored here: "What does ((the text)) aim at, does the article try to trick me or is it realistic?" (Student 1); "Conscious, that's the key word for me, to be more conscious" (Student 2).

Additionally, our analysis revealed that knowledge was constructed as domain-specific. It was particularly the staff who made this pertinent in their reflections. They constructed educational science as an umbrella field that draws on knowledge of several academic disciplines and hence as challenging for a novice. In relation to domain-specificity, they also constructed knowledge specifically as a precondition for critical thinking. Given that our course was designed to enhance critical thinking in the domain of educational science and our interview questions targeted this domain, the participants were necessarily primed to touch on these issues. In this respect, their thematization was expected. As such, the limited degree to which this occurred in the student interview represents a significant absence.

5.2 Critical thinking

We see three dominant conceptualizations of critical thinking in the interviews as well as differences in terms of the degree to which each conceptualization predominates in the student versus staff discourse.

Firstly, critical thinking was explicitly constructed as a skill or as a set of sub-skills that can be taught and acquired through practice. The skills dimension revolved around two main themes: critical thinking as an academic skill, relevant in the academic setting, or critical thinking as a life skill, relevant beyond the academic setting. Relatedly, critical thinking was constructed as a methodic skill or as a tool that can be systematically applied in approaching a wide range of issues. Interestingly, the skills dimension was particularly dominant in the staff interview.

Secondly, critical thinking was constructed as something that stretches beyond the skills dimension and represents a way of seeing and approaching the world. De-emphasizing its instrumentality, it was constructed as part of one's personal development and thus as a broader construct. The following two excerpts from the data illustrate this point:

I think it will be beneficial for whatever you study and in your personal life and it is in a way a personal trait which you can acquire and, how should I say it, internalize. (Student). Critical thinking is something many students struggle with. And to - (it is) a kind of academic bildung - to invite to debate and reflect on theories and concepts, it's demanding. (Staff)

Thirdly, as with the participants' constructions of knowledge, critical thinking was seen as a process that takes time and training to develop. This was underscored by both groups throughout the interview, particularly the staff: "This thing with source evaluation and critical reading - practice practice practice and stuff that is, well, I think that is super important" (Staff).

5.3 Learning and instruction of critical thinking

In reflecting on the dimension of learning and instruction on critical thinking, both groups were preoccupied with the constructivist conception of learning as a collective, interactional achievement. Both groups were particularly concerned with discussing the benefits but also the challenges of the dialogue-based format of instruction. Here again, the novice-expert

dimension, particularly in its relational, contextual aspect, featured prominently in the interviewees' reflections.

Of particular note is the way the two groups positioned themselves as participants in the dialogues. The staff commended specifically the possibilities our instructional approach gave the students to question, discuss and practice their critical thinking. However, their own participation as discussants in and facilitators of these dialogues was not thematized. This absence was also marked discursively through their pronominal choices, indicating distance and otherness vis-a-vis the students (e.g. they, them, themselves): "I liked that students were supposed to sit in seminars and work and discuss and try themselves because that gave them a chance to really practice" (Staff).

The students too constructed a dichotomous, contextually-conditioned distinction between themselves and the more knowledgeable staff. As already noted above, they clearly positioned themselves as the less knowledgeable and more uncertain party. While they commented specifically on the benefits of the small-group instructional format, such as in providing genuine opportunities to engage in in-depth discussion, their reflections also show that it represented a potentially face-threatening situation where their own uncertainties about how much they know affected the degree of their participation in the class. One of the students voiced her otherness also in prosodic terms by lowering her voice, as if to question her right to speak about these issues: "I notice when these professors have comments and stuff I just "oh right, gee, right, I have not thought about that ((lowered voice))" (Student).

Both groups also thematized the need for balancing theory and practice in critical thinking courses. They underscored the experiential aspect of learning with hands-on exercises, thematically rooted in the domain of educational sciences, and hence the usefulness of the selected exercises, for example in terms of potential improvements on future achievement scores. Finally, a recurrent theme in our interviews, both groups saw the need for allowing for a longer time span before the benefits of participation in critical thinking interventions such as ours could be reaped.

6. SUMMARIZING DISCUSSION AND CONCLUSION

In terms of the implications from the study, we note that small-group, dialogue-based instruction focused on understanding and argumentation represents a promising pathway for developing critical thinking in young university students (Murphy et al., 2014; Murphy et al, 2016). In our instructional approach, we focused on making argument structures explicit through combining theoretical insights with hands-on collaborative exercises. Identifying the core elements of short, real-world examples of arguments, discussing their explicit and implicit features, assessing their coherence and evaluating the available sources of evidence were aimed at building the students' conceptual and methodological familiarity. It was also meant to provide them with a toolbox in approaching longer texts and composing their own arguments. An even greater embeddedness of syllabus-based literature in the instructional material could further enhance the relevance of the course and reduce attrition rates. With sustained efforts, our approach could potentially improve students' understanding of complex issues in academic argumentative discourse and make them more confident critical thinkers.

Relating to the construct of epistemic cognition, our instructional approach resonates with the aim of encouraging an adaptive, evaluativist approach to knowledge by targeting both generic and specific skills, dispositions and abilities necessary for critical thinking through reasoned argumentation (Alexander, 2016; Chinn et al., 2014; Chinn & Rinehart, 2016). As our interview data show, the students related their participation in our intervention to positive changes in how they viewed and worked with course literature and knowledge emanating

thereof, stressing in particular, its value in making textual complexity an object of conscious, critical interrogation. The data also indicate that having explicit tools to engage in such interrogations is a precondition for succeeding in such endeavours, an insight supported by other studies (e.g. Andreassen, 2007, Stang Lund, Bråten, Brandmo, Brante & Strømsø, 2018). However, the complex relation between epistemic cognition and critical thinking requires further empirical investigation. While this intervention provides interesting insights into students' and staffs' thinking about critical thinking and reasoned argumentation in the domain of educational sciences, scaling-up pilot studies such as ours in the form of interventions is needed to address specific relations among key constructs.

Relatedly, we would like to acknowledge that further research attention is needed to address the issue of how to measure the development and adaptive use of critical thinking skills. Greater use of self-reflection diaries could represent an important source of information for both instructors and researchers and, potentially, form a part of formative feedback for students that they could capitalize on in summative course assessments. Our data indicate that providing students with scaffolded training in how to make use of such tools may be necessary. While summative assessments may provide a static snapshot of students' declarative knowledge of critical thinking, more nuanced and dynamic measures applied in 'contexts that matter' are necessary to investigate actual practices (cf. Chinn et al., 2011). Since critical thinking is cognitively and motivationally demanding this may have to be incorporated in final examinations. Students are unlikely to exert themselves in researcher-administered tests with no consequences for school achievement. We therefore note the need for alignment of teaching and examination methods. If students are to value critical thinking and argumentation in specific domains then they must be tested in their use, rather than being rewarded for superficial engagement such as memorization skills and reproduction of course texts. In other words, the epistemic ethos of instruction, teaching materials and examination need to be aligned in order to avoid sending mixed epistemic messages to students (Greene & Yu, 2016).

As our interview participants underlined, critical thinking skills need time and practice if they are to become well-developed. Indeed, it is an endeavor that stretches well beyond the space of eight weeks that we had at our disposal. We therefore see the need for a lasting engagement in critical thinking through reasoned argumentation across the curriculum, so that it becomes an indelible part of university-level programs. As other research indicates (Murphy et. al, 2014, Reznitskaya & Gregory, 2013; Reznitskaya & Wilkinson, 2013), small-group, dialogic instruction where critical thinking skills are nurtured and regularly practiced is a promising instructional approach. In designing such instruction, attention should be paid to reducing barriers for participation by creating an ambience of trust through a low-threshold, scaffolded aid by experienced course instructors (Murphy et al., 2016). Indeed, the novice-expert differential may be a very real one for many freshmen, as our data indicate. This puts instructors in a position of additional responsibility as efficient and responsive dialogue-facilitators.

While research within educational psychology has made important contributions to our knowledge on the importance of small-scale, dialogue-based instructional programs on critical thinking through reasoned argumentation, we see that greater cross-fertilization between this and related fields, particularly argumentation theory, could prove beneficial. In our design, theoretical insights on reasoned argumentation represented an important starting point and inspiration. Beyond this, however, it remained largely underdeveloped. Collecting interactional classroom data and employing argumentation theory to explore in detail student argumentation discourse, including their use of different argumentation schemes, the linguistic tools they employ in argumentation or collaborative efforts at understanding and analyzing argument structures could be fertile soil to explore. Furthermore, philosophical insights from the related

fields of argumentation and critical thinking could add conceptual clarity and provide inspiration for further empirical work (cf. Chinn et al., 2011).

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Defining and managing intercultural disagreement

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ABSTRACT: What is intercultural disagreement? What is the most effective way to solve it? To answer those questions, I conducted two field studies. In order to better understand what an intercultural disagreement is, I asked secondary school teachers to describe situations in which they had to manage an issue with cultural differences in class. In the first section of this paper, I use the cases thus collected to refine the concept of intercultural disagreement. To reflect on the strategies to manage intercultural disagreement, I submitted some of the collected cases to master students. In the second section of this paper, I propose criteria to evaluate the management of intercultural disagreements from student performance analysis.

KEYWORDS: argumentation, education, empathy, deep disagreement, intercultural communication, moral foundations theory, rhetoric

1. INTRODUCTION

Multiculturalism is a stimulating challenge for argumentation studies. As people from different cultural background live side by side, argumentation scholars have countless opportunities to study the impact of culture on the production and the evaluation of arguments. The challenge is that, depending on how the discussion goes, intercultural contact can reduce as well as increase tolerance for other cultures (Pettigrew & Tropp, 2006). In this context, argumentation scholars might help to identify the facilitating conditions for positive contact between cultures.

A first step, in this respect, is to define what an intercultural disagreement is. How does culture impact arguers' ability to solve their disagreements? Do cultural differences lead to cognitive breaks (Angenot, 2008, pp. 16-23) that make us impervious to others arguments? Should we, on the contrary, consider cultural differences as ethnocentric biases (Johnson & Blair, 1983, pp. 172-176) that arguers should overcome to reach a more objective standpoint (Siegel, 1999)? To answer those questions, I conducted a field study in which I asked secondary school teachers in Belgium to describe intercultural disagreements they encountered in class. Based on the cases thus collected, I will argue that intercultural disagreements are deep (Fogelin, 1985) in the sense that they reveal different hierarchies of values (Haidt, 2012). As a consequence, arguers will rely on incompatible backings for their arguments (Toulmin, 1958).

The fact that intercultural disagreements are deep, however, should not impede the reflection on the best ways to manage them. In this respect, I submitted some of the cases collected in the first study to master students. Based on an analysis of their performances in judging those cases, I will support the following claim: as far as intercultural disagreements are concerned, the ability to justify one's opinion on the best possible arguments becomes as important as the ability to do it in a way that would demonstrate awareness and respect for opposite views (Ruben, 1976; Beamer, 1992; Bennett, 1998; Ferry, 2017).

2. WHAT IS INTERCULTURAL DISAGREEMENT?

The function of argumentation, as it has been argued from a philosophical (Popper, 1991, p. 132) and evolutionary perspective (Mercier & Sperber, 2011), is to allow humans to challenge their ideas and make better decisions. For argumentation to play this role, arguers should at least agree on what can be considered as a good argument (Fogelin: 1985). Argumentation, as a consequence, works better when practiced between people who share a common ground of beliefs and values. Does cultural diversity make argumentation a much more difficult task? This section answers this question by defining the concept intercultural disagreement and analyzing cases of intercultural disagreements.

2.1 Defining intercultural disagreement

Intercultural disagreement has been defined as a disagreement in which arguments are culturally sensitive (Kraus, 2009). This means that the strength of arguments will depend on arguers' cultural backgrounds. This definition raises two main questions.

One might, first of all, wonder what should count as "culture" in intercultural disagreement. Imagine, for instance, that A and B are arguing about the best way to tackle the problem of unemployment. A believes that we should make it more difficult for companies to fire people and B believes we should make it easier. Probably, they got such convictions through a process of education. Probably, this background influences what they will accept as a good argument[1]. Should we, therefore, conclude that A et B have an intercultural disagreement? Since, at the most general level, culture can be defined as what is common to a group of people (Hofstede, 1991; Matsumoto, 1996) and since people tend to belong to multiple groups, virtually any disagreement can be considered as an instance of intercultural disagreement. Although the concept of intercultural disagreement might evoke a disagreement between people with different origins (Kraus 2014), justifying the need for such a concept will require to identify more precisely what genuinely depends on cultural differences in the way people disagree.

If it is possible to demonstrate that there is such a thing as genuinely intercultural disagreements, a second question would be: how deep are those disagreements? As stated in introduction, cultural background might be considered as a bias that arguers should try to overcome in order to reach a more objective standpoint. This is, notably, Johnson and Blair's position when saying that "ethnocentric arguments propound beliefs as true that are often little more than just an expression of a visceral attachment to one's country, culture, race, special interest or sex" (1983, p. 175). If a disagreement originates from this kind of ethnocentric thinking, it can, at least theoretically, be solved by encouraging arguers to comply with a more demanding standard for the production and the evaluation of their arguments. On the contrary, a disagreement would be considered as deep if participants, even though they are able to move away from their own perspective and to understand opposite points of view, still continue to disagree. As Fogelin put it, "deep disagreements are generated by conflict between framework propositions" (1985, p. 5). Such a deep disagreement would be considered as intercultural if arguers' attachment to those conflicting framework propositions finds its origin in their cultures.

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[1] Unless arguers are committed to respect some rules for discussion (for instance: van Eemeren & Grootendorst, 1992), they will naturally tend to use their cultural background as the norm to distinguish between good and bad arguments. The fact that the strength of arguments will depend on arguers' beliefs and values seems to be more a basic feature of human psychology (Kahneman, 2011) than a specific feature of intercultural argumentation.

2.2 Study 1: collecting intercultural disagreements

To get a more concrete grasp on intercultural disagreements, I conducted a study with people who are often at the forefront of cultural diversity: secondary school teachers.

Between 2016-2018, I worked for the Belgian institute of in-service training (IFC) and gave eight two-days training sessions in the main cities of the French speaking part of the country. In all, about a hundred teachers participated in those sessions. During the trainings, I asked participants to describe a situation in which they faced a conflict that could, in their view, be described as an intercultural disagreement. Then, they discussed those cases in small groups, chose the one that they found the most interesting and changed it into a controversy (Sans, 2015)[2]. We then used those controversies to work on good practices to handle intercultural disagreements. Here is a sample of the controversies produced by the participants[3]:

Table 1: Three intercultural disagreements

Case 1: The boy who felt like a girl	In a high school, a 15-year-old boy, Paul, no longer considers himself a boy. He begins to dress like a girl and asks that his teachers and classmates call him Marie. Should the school management accept the student's request?
Case 2: A limit to tolerance?	The English teacher works with his students on the American elections. He organizes a vote on the programs of the two candidates: H. Clinton and D. Trump. Programs are presented to students anonymously. After the vote, a student realizes that he voted for Hilary Clinton. He tells the teacher that he wants to change his vote because he would never have voted for a woman knowingly. Should the teacher respect this opinion? Should the teacher sanction this opinion?
Case 3: Is this a family business?	Soumaya is a 17-year-old girl in the last year of secondary school. A teacher learns that her parents decided to marry her without asking for her consent the next time she goes back to her country of origin. Should the teacher prevent her departure?

Understanding the specificity of those disagreements' cases might require an incursion in the field of social psychology. More specifically, Jonathan Haidt's moral foundations theory (2012) helps to grasp the common denominator to those cases.

In order to study moral judgment, Jonathan Haidt wrote "harmless taboo violation stories" and submitted them to people from different countries and social backgrounds. Here is an example:

> A family's dog was killed by a car in front of their house. They had heard that dog meat was delicious, so they cut up the dog's body and cooked it and ate it for diner. Nobody saw them do this. (Haidt, 2012, p. 3)

When facing such stories, his students, that he describes as western liberal people[4], felt that something was wrong, but find it difficult to explain what. The reason is, according to

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[2] Here are the rules I asked them to follow when turning their cases into controversies: (1) The description includes enough elements to make the situation understandable (a place, characters, a situation, a reason for discord). (2) It includes a problem to be solved, a decision to be made (for example, a sanction). (3) It is possible to find reasonable arguments for opposite views on the decision to be made. (4) The controversy is written as objectively as possible: it does not incline (too much) towards one of the decisions.

[3] I collected about 20 them. I would be pleased to share them for research purpose: vferry@ulb.ac.be

[4] Or WEIRD, which stands for (Henrich, Heine & Norenzayan, 2010).

Jonathan Haidt, that educated western people such as his students, tend to ground their moral judgements on two foundations: care ("you should not hurt others") and fairness ("you should give people equal treatments"). In the above story, the ethics of care and fairness do not offer a ground on which to condemn the family (nobody was hurt and, somehow, it was fair since everyone got a piece of the dog). In order justify the feeling one might have that something morally wrong is going here, one needs to go beyond harm and fairness. Indeed, the value that seems to be violated is sanctity, according to which one should show respect for the body of a loved one.

By collecting moral judgements around the world, and across social backgrounds, Jonathan Haidt and his team concluded that human morality has six foundations (Graham *et al.*, 2013). In other studies, he also tried to explain from an evolutionary perspective why humans are equipped with those six moral receptors (Haidt & Joseph, 2007; Rai & Fiske, 2011):

Table 2: Six universal values

Values	Adaptive challenges
Care/Harm	Protect and care for children
Fairness/Cheating	Reap benefits of two ways-partnerships
Loyalty/Betrayal	Form cohesive coalitions
Authority/Subversion	Forge beneficial relations within hierarchies
Sanctity/Degradation	Avoid contamination
Liberty/Oppression	Resist domination

(From: Haidt, 2012, p. 146)

Although, from an evolutionary perspective, humans are sensitive to those six values, human communities will promote different ways to hierarchize them. For instance, a conservative community will give more importance to loyalty, authority and sanctity while a progressive community will praise care, fairness and liberty (Graham, Haidt & Nosek: 2009). With this in mind, the nature of the disagreements collected in my study becomes apparent.

Indeed, a common feature between the cases reported by the secondary school teachers, is that they reveal a clash between, on the one hand, western liberal values and, on the other hand, conservative values. And they do so with a remarkable consistency: the case 1 (The boy who felt like a girl) revolves around an opposition between care ("it would be violent to go against the boy's feelings") and sanctity ("one should not play with the body god/nature gave us"); the case 2 (A limit to tolerance?) revolves around an opposition between fairness ("men and women can and should have access to the same positions") and authority ("they are things men can do, things that women and we should respect this order of things") and the case 3 (Is this a family business?) revolves around an opposition between liberty ("getting married is a matter of individual choice") and loyalty ("getting married is a way to seal alliances between families"). Is there a ground on which arguers might resolve their disagreements on such issues?

To take, for instance, case 2, saying "the parents didn't ask their daughter's consent, therefore the teacher should oppose her departure" might be considered as a good argument in a liberal culture. On the other side, saying "the parents want to marry their daughter, therefore the daughter should go" might be considered as a good argument in a conservative one. If we take seriously the idea that cultures might differ in the way they hierarchize their values, intercultural disagreements should be considered as deep since arguers will back their arguments on different values:

Table 3: A clash of framework propositions (framed in Toulmin's model of argument)

Data	The parents didn't ask for their daughter's consent	The parents want to marry their daughter
Conclusion	The teacher should oppose to her departure	The daughter should get married
Warrant	Marriage is a matter of individual choice	Children should respect their parents' will
Backing	Freedom	Authority

Intercultural disagreements, as the one collected in my study, can be considered as deep in the sense that they indeed seem to be generated by conflict of framework propositions. Should we conclude, following Fogelin (1985, p. 7), that this kind of disagreements "by their nature, are not subject to rational resolution"? This question is all the more important that, in cases such as the one collected in my study, a decision has to be taken. Are decisions on intercultural disagreements bound to be perceived as irrational (and, therefore, arbitrary) by one camp?

3. MANAGING INTERCULTURAL DISAGREEMENTS

The fact that people, in a situation of intercultural contact, will ultimately rely on different fundamental values, might make argumentation scholars pessimistic on their ability to provide tools to resolve intercultural disagreements. In this section, it is argued that as far intercultural disagreement is concerned, one should take disagreement management rather than disagreement resolution as a target.

3.1 What is means to manage intercultural disagreement?

If intercultural disagreements are deep, it would be counterproductive to bet all our hope on the production of the best of all possible arguments. A wiser strategy might consist, in line with a pedagogical tradition that goes back to the sophists (Pearce, 1994; Tindale, 2010; Danblon, 2013), in exercising our ability understand both sides of an issue. Indeed, a good decision, in a multicultural context, is probably a decision that would not appear as arbitrary to those who would have decided otherwise (Perelman, 2012, pp. 678-679). In practice, the arguer, in the motivation of his decision, should demonstrate awareness and respect for the values of the other side. Moreover, this demonstration of awareness and respect should be perceived as sincere. It would, otherwise, appear as a vulgar ploy[5].

3.2 Study 2: evaluating attempts to manage intercultural disagreements

In order to test the above claim on the good management of intercultural disagreements, I submitted some of the controversies collected in the above study to master degree students following a class of intercultural communication. Most of the students following this class came from central and west Africa after a primary education in their countries of origin. I would argue that the following answers illustrate three different degrees in the mastery of intercultural disagreement management[6]:

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[5] As it was often argued (Gusdorf, 2013 [1952], p. 20; Bruner, 2005, p. 19; Schaeffer, 1999, p.34-42) humans tend to be highly suspicious as soon as they perceive an orator's trick to persuade them.
[6] I collected 10 answers on this assignment. I would be pleased to share them for research purpose: vferry@ulb.ac.be.

Table 4: Sample of students' attempts to manage an intercultural disagreement

Case 1: The boy who felt like a girl	In a high school, a 15-year-old boy, Paul, no longer considers himself a boy. He begins to dress like a girl and asks that his teachers and classmates call him Marie. Should the school management accept the student's request?
Student 1	In agreement with his father and mother we will accept the request of the student. It is his right as a man and we will enforce the law of the country.
Student 2	As a director, I will first have a conversation with the child so that I can dig a little deeper into this decision and check whether is not due to any influence. We are, however, in a country that advocates freedom and my freedom stops where his begins. I would also put the problem in the hands of the inspectors in charge of the school. In the meantime, the child can continue to come without being stigmatized but he will also have to know that one does not change his name so easily. He would also have to prove us that he has actually become a girl. We should also prevent him from contaminating others by his change. But, still, the law does not allow to exclude a boy who has become girl.
Student 3	First, in a case like this, we cannot say yes to quickly since it might be a mere teenage whim. We cannot either, say no to quickly, because it could be the expression of a deep malaise that will hurt him in the long run. It is important to have a conversation with the child in order to understand this request. It is also important, during the conversation, even if our beliefs are totally opposed to his, to focus on what the teenager needs, not to make a value judgment and provide him with frank help. It is also important to seek the views of parents, with a particular focus on what would be best for their child even if it goes against their own will. It is also important for parents to benefit from support when they will have to face the realities of the change. They will all have to be prepared, and the comrades too. It is as a result of these conversations, that the decision to accept his request may or may not be taken.

I regard the first answer as the weakest, since the student didn't show neither awareness nor respect for the values opposite to the one on which he based his argument (freedom of choice). The second one demonstrates awareness for opposite views but does give the feeling that he respects them. Finally, the third one demonstrates awareness and respect for conservative as well as for values. The performance is, however, diminished by the fact that the student does not take a clear stand on the issue.

In order get a more objective assessment of the management of intercultural disagreements, the next step would be, in addition to such kind of qualitative analysis, to collect the judgement of a wide and diverse audience on those three performances.

4. CONCLUSION

The fields of argumentation studies, critical thinking and informal logic developed in a relatively homogenous context in terms of background beliefs and values. This explains why Fogelin's concept of deep disagreement appeared at first as thought-provoking. In the era of multiculturalism, however, deep disagreement isn't exceptional: it tends to be the rule. This, of course, does not mean that we should abandon the ideal of producing arguments that would be rational and convincing for a universal audience (Perelman & Olbrechts-Tyteca, 1958, p. 465). This, rather, implies that rhetoric should not anymore be considered as a mere decoration for argumentation. Rhetoric, defined as the art of addressing our speeches not only to the mind, but also to the feelings and the characters of our audiences (Grimaldi, 1980, p. 350), might become a necessary condition to have a reasonable, if not rational, discussion with our fellow citizens.

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The reconstruction of visual argumentation in editorial cartoons with a visual metaphor

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ABSTRACT: The aim of this contribution is to develop a method for a systematic reconstruction of the argumentation in editorial cartoons with a visual metaphor. I formulate a conceptual framework for reconstructing the argumentation on the basis of an analysis of the visual rhetoric by specifying a pattern of complex argumentation in editorial cartoons. I demonstrate how the conceptual framework can be used by giving an exemplary analysis.

KEYWORDS: analysis, argumentation, argumentative activity type, argumentative obligation, argumentative pattern, editorial cartoon, reconstruction, scenario metaphor, visual metaphor, visual rhetoric

1. INTRODUCTION

Editorial cartoons express a critical stance towards a public official or a public event. This critical stance is substantiated by indicating that the behaviour has certain characteristics that are incompatible with certain common values. In the literature on visual/multi-modal argumentation and visual rhetoric, the way in which cartoonists convey their message is considered as a form of argumentation aimed at convincing the intended audience of a particular point of view.

In a cartoon, a large part of the message, such as the critical stance and the reasons for this stance, are conveyed in an indirect and implicit way by means of visual techniques, such as visual metaphors. To reconstruct the message that the cartoonist wants to convey, we need to make the standpoint and the arguments explicit. This implies that the visual and verbal elements of the cartoon must be analyzed by translating them in terms of the standpoints and arguments that form part of the commitments of the cartoonist.

In research of visual argumentation authors have paid attention to specific aspects of the visual rhetoric used in editorial cartoons. Groarke (2017) gives a description of recurrent patterns of argumentation in editorial cartoons. Van den Hoven and Schilperoord (2017) describe techniques used to convey visual argumentative meaning in editorial cartoons. Negro Alousque (2013, 2014) describes patterns of visual metaphors in French and Spanish political cartoons. Schilperoord and Maes (2009) describe what types of standpoints are expressed by means of visual metaphors in editorial cartoons. However, no systematic conceptual framework has been developed that can be used in fully reconstructing the, often complex, argumentative message underlying editorial cartoons.

To take the research of the argumentative analysis of editorial cartoons a step further, the aim of this contribution is to develop a method for a systematic reconstruction of the argumentation in editorial cartoons. I develop a conceptual framework for reconstructing the argumentation in an editorial with a visual metaphor that is based on symptomatic argumentation referring to certain characteristics of the behaviour of a politician. on the basis of an analysis of the visual rhetoric. In this contribution I will proceed as follows. In section 2 I characterize editorial cartoons with a visual metaphor as a particular argumentative activity

type. In section 3, on the basis of this characterization, I develop a conceptual framework for the reconstruction by specifying a pattern of complex argumentation in editorial cartoons. In section 4 I explain the role of visual metaphor in the presentation of elements of the argumentation that forms part of the pattern discussed in section 3. In section 5 I demonstrate how the conceptual framework developed in section 2 and 3 can be used by giving an exemplary analysis.

2. ARGUMENTATION IN EDITORIAL CARTOONS WITH A VISUAL METAPHOR

Editorial cartoons are a specific argumentative activity type. In an editorial cartoon the behaviour of a public official, often a politician, or institution is criticized in light of certain common norms that are shared by the cartoonist and his/her audience.[1] One of the characteristics of an editorial cartoon is that the critique is always presented in an indirect way. A rhetorical technique often used by cartoonists to present their message in an indirect way is a visual metaphor.
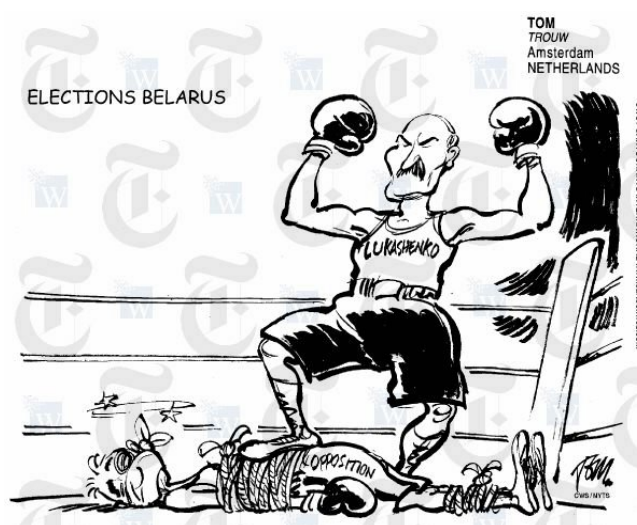
Source: Tom Janssen, www.cartoonweb.com
Date: March 20, 2006

Cartoon 1

An example of a visual metaphor can be found in cartoon 1 in which the Dutch cartoonist Tom Janssen criticizes the victory of Lukaschenko in the presidential election campaign in Belarus in 2006. It was published in the Dutch newspaper *Trouw*. The message of Janssen is that the behaviour of Lukaschenko must be evaluated negatively because the way in which he has disabled the opposition in the election campaign constitutes a violation of the international norms for democratic elections. Janssen presents his standpoint and argument in an indirect way by using the visual metaphor of a boxer who has tied up his opponent to be able to knock him out and to win the game. The cartoonist and the Dutch reader of the

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[1]   For a characterization of different argumentative activity types see van Eemeren (2010). See Andone (2010) and Mohammed (2008) for a description of other forms of political discourse in which the behaviour of a public official is submitted to a critical test in light of certain common values.

newspaper *Trouw* share knowledge of the characteristics of the genre of the cartoon (implying that images should not be interpreted literally but metaphorically), knowledge of the world (the rules of boxing) and knowledge of the actual political situation (the elections in Belarus and the international critique on these elections). Therefore, Janssen can convey his critique in an indirect way by using a metaphor that expresses the violation of a rule of boxing. To demonstrate that the behaviour of public officials must be evaluated negatively, cartoonists often use a deviation of a scenario as a metaphor to convey in an indirect way the violation of a political, ethical or other rule of behaviour.[2] An example of violation of such a scenario is the violation of a rule of a sport as boxing.

3. PATTERN OF COMPLEX ARGUMENTATION IN EDITORIAL CARTOONS WITH A VISUAL METAPHOR BASED ON SYMPTOMATIC ARGUMENTATION

As I have explained, in an editorial cartoon the cartoonist takes the standpoint that the behaviour of a public official should be evaluated negatively. To make this standpoint acceptable, the cartoonist will have to defend it with arguments that are relevant in the activity type of editorial cartoons. In what follows I explain the argumentation underlying an editorial cartoon that is, as is explained in section 2, expressed in an indirect way. To establish what the argumentative obligations of a cartoonist are in light of the characteristics of the argumentative activity type, in 3.1 I describe the argumentative obligations of a cartoonist in terms of the complex argumentation he will have to put forward to defend his standpoint. On the basis of these obligations in 3.2 I explain how a reader can reconstruct the complex argumentation underlying an editorial cartoon, making explicit the arguments to which the cartoonist can be held committed.

3.1 The argumentative obligations of a cartoonist in an editorial cartoon with a visual metaphor based on symptomatic argumentation

To make his standpoint acceptable, a cartoonist will have to put forward certain arguments in order to convince his audience. To defend his standpoint that the behaviour of a public official (politician) or institution must be evaluated negatively, there are certain lines of argument that he can take. Like in cartoon 1, he can choose to show that the behaviour has certain characteristics that must be evaluated negatively because these characteristics violate or conflict with certain generally accepted values. This type of defence is based on an argumentation scheme of *symptomatic* argumentation.[3]

In *symptomatic* argumentation it is argued that the characteristics of a particular form of behaviour conflict with certain values. In the case of symptomatic argumentation the complex argumentation can be reconstructed as in Figure 1. The standpoint that the behaviour must be evaluated negatively is first supported by the argument 1.1a that this behaviour has certain characteristics. It is second supported by the argument 1.1b that these characteristics must be evaluated negatively. To be able to counter critique with regard to argument 1.1b, why the characteristics Y1, Y2 etc. must be evaluated negatively, the cartoonist will have to put

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[2] For a further description of the concept of a scenario metaphor see Schilperoord and Maes (2009).

[3] Since I concentrate on editiorial cartoons with a visual metaphor, in this contribution I restrict myself to the discussion of an argumentative pattern based on symptomatic argumentation. In other types of cartoons, for example those that concern a comparison of the behaviour of a particular politician with another politician or a certain type of animal etcera, also other argumentative patterns such as patterns based on analogy argumentation can be reconstructed. See also Garssen (2009:136-138) for an analysis of a metaphor as symptomatic argumentation.

forward a supporting argument. In 1.1b.1 it is claimed that these characteristics conflict with certain values that are generally accepted in a particular culture.

1   The behaviour X of politician P in situation S must be evaluated negatively
       1.1a The behaviour of politician P in situation S has characteristics Y1, Y2 etc.
       1.1b The characteristics Y1, Y2 etc. of the behaviour X of politician P in situation S must be evaluated negatively
           1.1b.1   Characteristics Y1, Y2 etc. conflict with value W

Figure 1: Visual argumentation based on a symptomatic relation

This argumentative pattern of complex argumentation reflects the argumentative obligations in the activity type of an editorial cartoon for a cartoonist who bases his critical stance on a particular type of argument.

3.2 The reconstruction of the argumentation underlying an editorial cartoon

In an editorial cartoon in which the argumentation is expressed by means of a visual metaphor, the largest part of the complex argumentation described in the previous section remains implicit.[4] The cartoon contains certain visual and verbal information about politician P in situation S, as well as a characterization of the behaviour X with characteristics Y. The exact content of the standpoint and the complex argumentation must be reconstructed by the reader by translating the visual and verbal cues in terms of a standpoint and the different components of the argumentation as represented in figure 1.[5] Solving this 'puzzle' will reveal the argumentative message the cartoonist wants to convey.

The most important task for the reader is to reconstruct the *main argumentation*. In the case of symptomatic argumentation the reader must reconstruct argument 1.1a that the behaviour has certain characteristics Y and the argument 1.1b that these characteristics Y must be evaluated negatively. When the argumentation is expressed in an indirect way by means of a visual metaphor, large part of the propositional content of Y and the negative evaluation of Y must be reconstructed by the reader on the basis of an analysis of the visual metaphor, in combination with certain visual and verbal information provided in the cartoon. The reader must establish what the propositional content is of the metaphor that the cartoonist is committed to. When the reader has reconstructed the content of the visual metaphor it can be established to what propositional content of Y and to which negative evaluation of Y the cartoonist can be held committed.

To reconstruct the *subordinate* argumentation in support of argument 1.1b, the next step is to establish what the valuess W are that can be considered as the basis for the negative evaluation of Y. Often the cartoon does not contain information about these values because the audience and the cartoonist are supposed to share certain common values. Because these values are tacitly shared, the expression of the criteria for evaluating Y in a negative way can

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[4] For the enthymematic nature of cartoons as argument see Medhurst and DeSousa (1981:204) who conceive cartoons as entymematic arguments in which the audience must fill in the missing premises such as the 'warrant' that makes a connection between the arguments and the conclusion.

[5] The description of the reconstruction that is performed by the audience/reader is a normative-analytic description of the reconstruction of the commitments of the cartoonist and not a description of the cognitive processes that take place in the mind of an actual audience/reader.

be considered as superfluous because they concern the tacit common values of a particular audience or culture.

4. THE ROLE OF VISUAL METAPHOR IN THE PRESENTATION OF ELEMENTS OF THE ARGUMENTATION

In this section I explain the way in which the complex argumentation described in the previous section is expressed and presented by means of a visual metaphor. I explain the way in which certain parts of the argumentation are expressed and I explain the possibilities a cartoonist has on the basis of the characteristics of the activity type to leave certain parts of the argumentation implicit so that they can be 'filled in' by the audience.

As indicated, the reader will have to reconstruct the characteristics of the behaviour that is criticized. In the editorial cartoon discussed here, the aspects of the behaviour that are criticized are conveyed by means of a visual metaphor. This implies that the reader will have to reconstruct the content of the visual metaphor in order to be able to reconstruct the underlying argumentation as described in the previous sections. Metaphors are rhetorical figures that make it possible to express a particular concept in terms of another concept with the aim of transferring certain characteristics of one concept (from a particular domain) to another concept (belonging to a different domain). In metaphor theory the first domain is called the 'source' domain or the 'phoros', and the second domain the 'target' or the 'theme'.[6]

The rhetorical advantage of the use of a metaphor is that this technique makes it possible to express certain abstract concepts, meanings or associations in such a way that they are made more concrete by presenting them in terms of an image that the reader is familiar with. In the case of cartoons, the metaphor also has the advantage that the critique that is conveyed is made less overt because it is 'wrapped up' in the form of a metaphor. The metaphor is often combined with certain visual techniques that form part of the genre to give the image a humorist or ironic aspect and contribute to the appreciation of the cartoon.

A type of metaphor that is often used in editorial cartoons is the so-called '*scenario metaphor*' in which the cartoonist uses the knowledge of the audience of a certain scenario. An example of such a scenario is the boxing game in example 1 in section 2 that is used as a source domain. A scenario, that Lakoff and Johnson (1980) call a conceptual schema, consists of a number of dimensions such as participants, roles, relations, objects, attributes, etcetera. Reference to a particular scenario makes it possible to leave certain information implicit because it is assumed that people in a particular culture are familiar with such scenario's or schemas and are capable of filling in the missing information. In the source domain of a particular scenario certain units are connected with each other by means of certain relations such as thematic, causal, spatial and temporal relations that the cartoonist can use as a basis for his implicit critique (Shen 1999:1633).

As has been indicated in the literature on metaphors, when interpreting a metaphor the reader has a certain space in establishing the interpretation. McQuarrie and Phillips (2005) explain that a visual metaphor that is used to express an indirect claim can be considered as what Sperber and Wilson (1986) call a 'weak implicature'. Such a weak implicature leaves open various alternative interpretations. This possibility of alternative interpretations created by the interpretation space of a visual metaphor can be used strategically by the cartoonist to leave the formulation of the critique to the reader.

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[6] For the use of the terms 'source' and 'target', 'phoros' etcetera see Black (1979), Forceville (1996), Lakoff & Johnson (1980), Schilperoord & Maes (2009), Shen (1999).

Given the interpretation space for the reader, the cartoonist can use certain characteristics of the scenario to convey his critique in an indirect way. By changing certain elements in a particular scenario (such as the strangled boxer in the boxing game in example 1), that is in itself neutral, the cartoonist can steer the reader in the direction of recognizing the deviation of the standard scenario. On the basis of the identification of this deviation the reader will interpret that aspect of the scenario metaphor as the 'phoros' for the indirect critique that the cartoonist wants to convey. The problematic aspect of the interpretation of the critique is often that there are different possibilities for filling in the propositional content of the indirect critique that the cartoonist wants to transfer from the phoros to the theme of the metaphor, the behaviour of the politician. This enables the cartoonist to make strategic use of the possibilities of the metaphor to leave the interpretation of the critique to the audience so that the various readers can formulate the critique that best fits their preferences.

In the case of a political cartoon with a scenario metaphor, the reader will have to reconstruct the predicate Y and the negative evaluation of this predicate to which the cartoonist can be held committed. This predicate is a characteristic of the behaviour X of P in the case of symptomatic argumentation. The propositional content can be reconstructed on the basis of an analysis of the metaphor in terms of certain aspects of the 'source' domain that must be evaluated negatively and are transferred to the 'target' domain (the behaviour X of P that has characteristic Y). The function of the metaphor is to express in an indirect way that certain characteristics of the behaviour of the politician (the target domain) must be understood in terms of the source domain.

Apart from reconstructing Y the reader must also reconstruct the negative evaluation of Y. In the case of a scenario metaphor, like in cartoon 1, the negative evaluation is implied by the deviation of the standard scenario of a boxing game and can be reconstructed on the basis of the analysis of the visual metaphor of this scenario.[7]

5. EXEMPLARY ANALYSIS OF A CARTOON WITH A VISUAL METAPHOR

As an illustration of the reconstruction of the general argumentative pattern underlying the complex argumentation in an editorial cartoon, in what follows I give a possible analysis of the cartoon 'Elections Belarus' by Tom Janssen discussed in section 2. I give an exemplary analysis of the complex argumentation underlying a cartoon by showing how Tom Janssen makes use of the scenario metaphor of the boxing game.

The cartoon by Tom Janssen refers to the critique given by a.o. the Organization for Security and Co-operation in Europe (OSCE) on the presidential elections of March 19, 2006 in Belarus.[8] President Lukashenko presented himself for re-election as president, the opposition had presented Milinkevich as their candidate. Lukachenko threatened to wring the neck, 'as one might a duck', of anyone going to opposition protests. Lukashenko was re-elected and the international critique of this result was that the elections had not taken place in accordance with the international OSCE norms for fair and democratic elections to which the participating states of the United Nations have committed themselves. The critique was that Lukashenko, as president of Belarus, had misused the authority of the state in a way that impeded citizens to vote during free and fair elections and that during the election campaign a systematic use was made of intimidation and suppression of the opposition.

[7] See Medhurst & DeSousa (1981) for a discussion of visual cues for a negative evaluation of a situation or form of behaviour.
[8] See Kramer, David (21 March 2006). "Ballots on the Frontiers of Freedom: Elections in Belarus and Ukraine". United States Department of State. Archived from the original on 11 October 2007.

In his cartoon Tom Janssen uses the scenario metaphor of the boxing game to transfer certain characteristics of the source domain (a violation of a ruling of the boxing game) to the target domain (the violation of the rights of the opposition and the voters). The elements of the scenario are in this example the participants (Lukashenko and Milinkevich), the roles (the opponents in the boxing game), the relation (winner vs. loser of the game), and the attributes (boxing gloves and a rope that is used to tie Milinkevich). De deviation of the standard scenario of the boxing game is the way in which Milinkevich is tied, representing the violation of a rule of the boxing game. A possible reconstruction of the propositional content of the critique of Tom Janssen on the basis of a reconstruction of the argumentation can be found in figure 3.

1   The threat to wring the neck, 'as one might a duck', of anyone going to opposition protests (X) by president Lukashenko (P) during the election campaign of 2006 in Belarus (S) must be evaluated negatively

      1.1a The threat to wring the neck, 'as one might a duck', of anyone going to opposition protests (X) by president Lukashenko (P) during the election campaign of 2006 in Belarus (S) has as characteristics that it has impeded the opposition to conduct their campaign (Y1) and that he has 'permitted State authority to be used in a manner which did not allow citizens to freely and fairly express their will at the ballot box...a pattern of intimidation and the suppression of independent votes' (Y2).

      1.1b The characteristics of impeding the opposition to conduct their campaign (Y1) and permitting state authority to be used in a manner which did not allow citizens to freely and fairly express their will at the ballot box...a pattern of intimidation and the suppression of independent votes (Y2) must be evaluated negatively

            1.1b.1a   The characteristics of impeding the opposition to conduct their campaign (Y1) and permitting state authority to be used in a manner which did not allow citizens to freely and fairly express their will at the ballot box...a pattern of intimidation and the suppression of independent votes (Y2) conflict with the international norms for democratic free elections to which the participating states of the OSCE (Organization for Security and Co-operation in Europe) and the United Nations (UN) have committed themselves

Figure 3: Reconstruction of the argumentation in cartoon 1 by Tom Janssen

The reconstruction is based on an analysis of the source domain of the critique that is formed by the scenario metaphor and is translated in terms of characteristic Y of the behaviour of Lukashenko that is to be evaluated negatively. The reconstruction of the propositional content, the tying up of the opponent in a boxing game to be able to knock him out, is transferred to the behaviour of Lukashenko. The behaviour that is criticized concerns the fact that he has impeded the opposition to conduct a campaign so that they had no chance of winning the elections. The reconstruction of the characteristic Y forms the basis of the reconstruction of argument 1.1a and 1.1b. In this example the critique of tying up the opponent as a violation of a rule of the boxing game is a metaphor for the critique that he has impeded the opposition to conduct a campaign.

5.   CONCLUSION

In this contribution I have explained how political cartoons can be analysed as an attempt to convince an audience of the acceptability of a critical standpoint about the behaviour of a public official or politician. I have indicated how the attempt to convince can be analysed in terms of a standpoint that is defended with a complex argumentation and I have indicated what the argumentative commitments of a cartoonist are. I have demonstrated that a cartoon can be considered as a form of indirect argumentation and I have specified how a reader can reconstruct the complex argumentation underlying a cartoon, given the knowledge of the rules of the genre.

On the basis of an integration of insights from argumentation theory and metaphor theory, I have developed a conceptual framework for the analysis of the visual metaphor and the argumentative obligations of a cartoonist. I have described the argumentative obligations of a cartoonist who expresses his critique in terms of a complex argumentative message based on symptomatic argumentation aimed at convincing an audience of his critical stance. On the basis of an example of a cartoon with a scenario metaphor I have given an analysis of the argumentation. In future research, for other types of messages with visual metaphors that are based on other argumentation schemes, and other forms of visual rhetoric, different argumentative patterns have to be investigated that represent different argumentative obligations for cartoonists in light of the various forms of critique that are expressed.

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Assessing connection adequacy for arguments with institutional warrants

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ABSTRACT: An institutional warrant is backed by rules. Appraising strength involves going from the rules to the warrant to strength assessment. The strength is resistance to rebutting by values of relevant variables. Sufficient strength for cogency depends on the backing institution, e.g. preponderance of evidence versus proof beyond a reasonable doubt. Strength involves characterizing counterexample resistance. Where the warrant resists counterexampling at each level below the threshold for counterexample indifference, the warrant is sufficient for cogency.

1. WARRANTS "BACKED FROM ABOVE" AND RULES

A warrant is "backed from below" when the backing consists of perceptually observed evidence. By contrast, a warrant is "backed from above" when the backing consists of a rule, typically a member of a body of rules which constitute an institution. The law is a paradigm case, but as Searle points out in (1969, p. 51), there are many other institutions, games being prime illustrations. Also, certain human relations such as marriage presuppose institutions to be entered into. In this paper, we shall develop our account with respect to warrants backed by laws, and then point out how our conclusions may be applied to warrants in general backed from above. We may distinguish two types of rules, both included in bodies of law. Cohen in (1970) considers legal hypotheses having the following form:

> For any persons *x* and *y*, if *x* has R to *y*, then *x* has good cause of action against
> *y* (i.e. if *x* sues *y* *x* ought to win).

(1970, p 157) This hypothesis and the law from which it is derived (more on this later) is regulative. It specifies that certain conditions where two persons are related in a particular way have legal consequences. The rule assumes that we can recognize when this relation holds. We do not need this rule for the condition to be defined or to exist.

By contrast, constitutive rules are necessary for certain conditions to obtain or for certain properties to be satisfied. A constitutive rule has the form "*X* counts as *Y* in context *C*" (Searle 1969, p. 52). For example, a piece of paper of a certain composition and bearing certain marks counts as a $10 bill, given the declaration of such an object, of such a composition, bearing such a pattern of marks being a $10 bill by a duly authorized government body. As Searle would emphasize, one cannot completely describe the object as a $10 bill without the constitutive currency rules.

How do rules of either type back warrants? We regard warrants as licences to move

from a set of premises to a conclusion. Consider Toulmin's paradigm example:

From:	x was born in Bermuda
To infer:	x is a British subject

Why, Toulmin invites us to ask, does the warrant have "authority and currency"? (1958, p. 103) Although warrants are inference rules, not statements, corresponding to the warrant in our paradigm example is a universally generalized statement, "All persons born in Bermuda are British subjects." Such statements are not accidental generalizations but law-like, presupposing the truth or at least truth-likeness of subjunctive conditionals. Our generalization requires not just that all those born in Bermuda are British subjects but that if someone *were* born in Bermuda, he or she *would* be a British subject.

Returning to our question of backing institutional warrants, in (2005), we pointed out that there are two ways in which one may come to know the rules upon which institutional subjunctive beliefs are formed. We may learn these rules either informally through practice or formally through encountering some official or authoritative formulation of the rule. Informal learning is the primary way one may come to learn rules. Coming to believe some generalization by consulting some certified source presupposes that one understands the language used to communicate the rule. But language is a system of syntactic, semantic, and pragmatic constitutive rules. One learns one's first language informally, by "picking up" its rules.

What we have said about institutional generalizations applies straightforwardly to institutional warrants. Learning constitutive rules involves learning to make certain projections (i.e. inferences). Upon observing that a soccer ball has taken a certain trajectory, one projects that one has scored a goal. If one has learned a system of rules constituting some practice through engaging in that practice or observing others engaging in that practice, the test of one's having learned the rule is projecting competently from one's practice or observation. If the fans erupt cheering, one needs no further confirmation of one's projection that one has scored a goal or of one's having learned correctly the rule behind it, at least for this application. A correctly learned rule backs a reliable warrant.

2. RELIABILITY FOR FORMALLY BACKED WARRANTS AND SPEECH ACTS

A formally backed warrant is reliable when it expresses a correctly drawn inferential moral from a statement of the rule or rules constituting its institutional backing. When is there a presumption that we have drawn the moral correctly? We approach this question through Searle's speech act theory. Suppose the formulation we consult is included in the official published record of the acts of some legislative body. We are dealing here with two speech acts in tandem. The formulation is an assertive that certain constitutive rules containing certain provisions have been enacted. These assertives report that another speech act has taken place, then, a declaration by a formal legislative body. Searle defines a declaration as an illocutionary act whose successful performance "brings about the correspondence between the propositional content and reality, successful performance guarantees that the propositional content corresponds to the world" (1979, pp. 16-17). Thus, if the official rule keepers of baseball have declared that balls hit with a certain trajectory are foul, balls hit with that trajectory *are* foul.

For one's formally acquiring a warrant to be presumptively reliable, four conditions are necessary: (1) One must understand the assertion that a successful declaration has been made. (2) That assertion must be true. (3) One must understand the propositional content of the declaration. (4) That content must give the warrant authority or currency. (Notice that if one heard the declaration of the constitutive rule from the declaring authority directly, as opposed to encountering some assertion of that declaration, to form a warrant properly one would still have to understand both that the authoritative body had made a declaration and what was the propositional content of that declaration. Again that content must authorize the warrant.) Under what circumstances will these four conditions be satisfied?

That an assertion is true is simply a matter of how the world is. The second condition, then, is totally straightforward. What is involved in the issue of understanding that an assertive has been made to the effect that a declaration with a certain propositional content has been made? Here again we may turn to Searle's speech act analysis. We may factor a sentence expressing a declarative into two parts, a declarative illocutionary force indicator D, such as "I declare" or "It is being declared that" and a sentence *P* expressing a proposition that *p*, the proposition declared. One understands a sentence of the form D*P* then when one knows the rules for the declarative operator and the rules for understanding *P*. In (2005), patterned on Searle's account of rules for the illocutionary promise operator, we presented four rules for using D:

Rule 1. D is to be uttered only in the context of a sentence *P* used to express *p*.
Rule 2. D is to be uttered only if that *p* does not occur in the normal course of events.
Rule 3. D is to be uttered only by a speaker in a position of legislative authority.
Rule 4. Uttering D in the context of *P* brings it about that *p*.

(2005, p. 198; compare Searle 1969, p. 63.) According to Searle, one understands a sentence *P* when one knows its meaning, which is determined by rules specifying both conditions of utterance of the sentence and what the utterance counts as (1969, p. 48).

Clearly, a sentence with the illocutionary force of an assertive that a declarative has been made is of the form AD*P*, where A is the assertive operator "I assert" or "It is asserted that." Understanding such a sentence, in addition to understanding D*P* is a matter of knowing the rules for using A. Hence, properly acquiring a warrant when confronted either with the declaration of a constitutive rule or an assertive to the effect that such a rule has been declared requires understanding both the propositional content of the constitutive rule, the rules for the proper use of the declarative operator and, in the case of assertives, for the assertive operator as well. According to Searle, "Understanding the speaker's utterance is closely connected with recognizing his intentions," more specifically "to get the hearer to know (recognize, be aware of) that certain states of affairs specified by certain of the rules [of the language common to speaker and hearer] obtain" (1969, p. 48). Hence, as long as the assertion that a constitutive rule has been declared is true and the declaring body has the legitimate authority to declare this rule (the declaration is successful), unless there is a problem with the meaning of the constitutive rule *P* or reason to doubt that the declaring body has the proper authority to declare that *P*, the warrants derived from *P* are reliable. We shall return to the problem of meaning with rules and institutional warrants shortly.

3. RELIABLE INSTITUTIONAL RULES, REBUTTALS, AND ARGUMENT COGENCY

Turning to connection adequacy considerations, should an institutional warrant be reliable, then where it licences a move from premises to conclusion, the premises are *ipso facto* relevant to the conclusion. What may we say about warrants and argument strength? Toulmin ties argument strength in general to warrants, the degree of strength being expressible through a modal qualifier or modality.

> Warrants...may confer different degrees of force on the conclusions they justify. Some warrants authorize us to accept a claim unequivocally..., others authorize us to make the step from data to conclusion either tentatively, or else subject to conditions, exceptions, or qualifications (1958, p. 100).

Although the modality expresses the strength, Toulmin does not make it clear–at least not here–how warrants confer their respective degrees of strength. But this is not hard to see. As we have indicated, corresponding to a warrant is a generalized conditional supporting a subjunctive. If that conditional is unrestrictly general

> For all x, if it were the case that φx, then it would be the case that ψx
> In a game of baseball, if a ball were hit with a trajectory taking it across the first base line, that ball would count as (would *be*) a foul

the corresponding warrant's force is "unequivocal" or conclusive.

> Given that $\quad\quad\quad$ x was hit with a trajectory across the first base line
> We may take it that $\quad$ x is a foul ball.

Whereas if the associated generalization is qualified by a *ceteris paribus* clause or a list of excepting conditions,

> For all x, *ceteris paribus* if it were the case that φx, then it would be the case that ψx

or

> For all x, if it were the case that φx, then it would be the case that ψx, unless $\chi_1 x$ or $\chi_2 x$ or...or $\chi_n x$

the warrant's force is only defeasible. But a *ceteris parbus* clause admits the possibility that all things might not be equal, i.e. that there are certain unspecified rebutting conditions. On this conception, warrant strength, at least the distinction between unequivocal and qualified warrant strength, is a function of the possibility of rebuttals.

Are institutional warrants then subject to rebuttals? At least some are, depending first on whether the rules backing them involve exceptions. Ordinarily, someone named in a will to receive a bequest of a certain amount of money will have the right to receive that amount upon the testator's demise and proper probate of the will. But one does not have this right invariably. If the person who made the will was mentally incompetent at the time or under duress, the will could be declared invalid. We may expect that in many cases, the exceptions would be built into the rules themselves.

To use Toulmin's example, we may expect that built into the British Nationality Acts, at least implicitly, would be the provisos that even if one were born in Bermuda or other crown

colony, should neither of one's parents be British subjects or should one have renounced one's British citizenship, one would not be a British subject. The corresponding warrant then would be subject to rebuttals, and the strength of the warrant a function of the plausibility of those rebutting conditions.

4. RECOGNIZING REBUTTALS

From an epistemological point of view, this raises at least two questions. First, in the general case, how does one determine the plausibility of these rebuttals? Secondly, how does one come to identify or recognize the rebuttals associated with a particular warrant? In the institutional case, this will in some cases simply be a matter of understanding the constitutive rule. The "C" in Searle's paradigm scheme for a constitutive rule "X counts as Y in context C" includes a list of rebuttals, as Toulmin's example concerning birth in Bermuda and British nationality suggests. Our recognizing the rebuttals, then, is a matter of our having properly learned the rule or of our having sufficiently learned the language in which the assertive reporting the declarative was uttered, and our being aware of presupposed rebutting conditions.

Recognizing rebuttals, however, may not always be a matter of simply acquiring or understanding rules. Some rules can be vague, others ambiguous. We might also expect that in certain systems of rules, there will be conflict of rules due perhaps to the vagueness or ambiguity of certain rules constituting the institution. Most importantly, as we have just noted, given a rule we may be aware of possible exceptions to it. How then can one determine what warrants are backed or authorized by these rules and what may be their associated rebuttals? This raises what one may call the he hermeneutical problem for institutional warrants. Taking the legal case as paradigm, resolving such hermeneutical problems involves the ongoing development of law. A judicial ruling may provide a precising definition adapting the law to current conditions. This court ruling then supplements the current system of constitutive rules, allowing recognizing more clearly which warrant is supported and its associated rebuttals upon understanding the original statute in light of the court ruling.

Will this always be the case? May not different courts give different precisings of a certain vague statute, raising the possibility of conflicting principles? Cohen in (1970) has suggested a way of dealing with such cases. Although his discussion is framed with respect to regulative rather then constitutive legal principles and with no reference to the categories of the Toulmin model, I believe adapting his account is straightforward. Consider the following example:

> x and y's declaring intent to take each other as spouse and exchanging vows before a duly authorized peace officer (civil servant or clergy member) count as x and y's having married each other.

Just what does declaring intent and exchanging vows entail? Must both persons be physically present? Can one act by proxy? Can both act by proxy? Some religious traditions have various orders of clergy. Are all such persons duly authorized to act as peace officers in instituting the state of matrimony? To diminish the vagueness of this rule, one might moot the following as a hypothesis:

> If x and y were to declare intent to take each other as spouse and exchange vows before a duly authorized peace officer, where at least one of x and y were physically present before the officer and the officer was either a duly licensed civil servant or any

duly ordained member of the clergy, then x and y would be married to each other.

As Cohen points out, such a hypothesis may be supported by appeal to legal precedents. Unlike backing an institutional warrant or its associated subjunctive "from above" through understanding the meaning or import of certain declarations, this support is "from below," through amassing data on judicial decisions. Following Cohen's suggestion (Compare 1970, p. 157), to establish such a proposition from legal precedent, one must show that in a variety of situations where x and y could be said to have declared intent and exchanged vows, they are judged married. "But what constitutes an appropriate variety of situations here (Cohen 1970, p. 157)?" Determining relevant variety involves identifying the branch of law to which this hypothesis belongs and the legal relevant variables which are proper to this branch (Cohen 1970, p. 157). In this example, identifying branch of law is straightforward. Marriage is a contract and so the laws governing contracts apply here. Relevant variables might include the ages of one or both partners to the contract, evidence of coercion, or mental incompetence. The relevance of these variables would be determined by referring to previous judicial decisions where there being a state of marriage was contested. If the marriage were declared invalid when at least one of the parties was below a certain age, but not when both were above that age in circumstances otherwise similar, age is a relevant variable.

Our knowledge of the class of contract laws presumably will include information on conditions invalidating contracts. Support for the hypothesis (backing of the corresponding warrant) would be generated by identifying analogous cases where there had been a declaration of intent and exchange of vows between two persons before a duly authorized peace officer where some further invalidating condition or combination of invalidating conditions held, i.e. cases satisfying different combinations of the values of the relevant variables identified for contracts. The evidence sought would be the last rulings of the highest court of appeals to hear the case. In an ideal situation, one would have access to the decisions of cases in which each combination of values of relevant variables were present. If in all such cases the highest court had ruled that the marriage contract was valid, none of the possible rebutting conditions would have served to rebut the warrant, the hypothesis would be fully supported.

5. REFINING WARRANTS

Suppose, however, that in not all cases do we have evidence that the court ruled that the marriage contract was valid and thus our hypothesis not fully supported. This can happen for at least two reasons. First, for some combinations of values of the relevant variables, the court would have ruled the marriage invalid. Secondly, we may lack evidence of court rulings for certain combinations of relevant variables. The appropriate appeals court may have made a ruling, but we have no record of the decision, or the court may not have made any ruling for that combination of relevant variables. In either case, we are faced with proceeding without this information. Such a case has never come before the court. To address this issue properly, we consider first how relevant variables may be qualified and secondly how they may be ordered. In (2018), we addressed both of these issues for the paradigm case of warrants backed from below by empirical investigation. What may we say for warrants backed by legal rules?

Return to our example of the marriage warrant. We have already noted that where a marriage has been legally contracted, the contract may be judicially invalidated should neither party to the contract have been present at the contracting or should the person officiating not

be duly authorized. Marriage, then, is a contract, a species within the genus of contracts, if you will. We all know that contracts in general and not just marriage contracts may be invalidated or declared invalid under certain conditions. Those conditions then are the relevant variables for contracts. We have information that for some types of contracts, if certain values of relevant variables or combinations of values of relevant variables are satisfied, the contract is invalidated. We may not know whether such conditions, if satisfied, also invalidate marriage contracts. We only know that they invalidate some types of contracts. We may then seek evidence for whether these conditions also suffice to invalidate marriage contracts, i.e. whether they serve ro rebut our warrant or to constitute a counterexample to its associated generalization. If we find that no ruling of a court of appropriate jurisdiction has sustained a decision of invalidity, for any value of a particular relevant variable, then this value of a relevant variable fails to be an invalidating or rebutting value.

Suppose, however, that the court has given a decision of invalidity for a given value of a relevant variable or combination of values. We have a disconfirming case. One way to handle the disconfirming cases is to refine the hypothesis, specifying in the antecedent that the values of the relevant variables in the disconfirming cases do not occur. This is to reduce the scope of the terms involved. The revised hypothesis will be less general but closer to being fully supported by the results of our investigation, since it has been narrowed to apply only to cases where the disconfirming values of the relevant variables do not hold. Where our warrant is of the form

From: φx
To infer: ψx

and 'χx' expresses that x satisfies a rebutting value of a relevant variable or a conjunction of rebutting values of various levels, we may modify the warrant by adding '$\sim\chi x$' to the premise, i.e.

From: φx & '$\sim\chi x$
To infer: ψx

Now we are attempting to argue that ψa from the fact that φa. If we know in addition that $\sim\chi a$, we have a licence to move to the conclusion that ψa which is not rebutted by the fact that χa occurs. Unless further rebutting values for our warrant emerge, our warrant is reliable.

But suppose a does not satisfy '$\sim\chi x$' but rather 'χx.' Then the warrant of our argument has been rebutted and the argument not cogent. By contrast, suppose our modified rule passes a given level i of our test. Up through i, we have now seen that the potential defeating values of the warrant do not hold through level i. But we have not, at this point, tested to see whether any of the values of variables i+1 - n are defeating. Must we test through level n before we may regard our warrant to adequately connect the premise or premises to the conclusion? Where rebutting values of a relevant variable may occur, must we add to the premise the condition that these rebutting values are not satisfied? Such an argument would have a conclusive warrant, given the relevant variables recognized from our current epistemic viewpoint. But suppose we do not have this information about values of relevant variables i+1 - n. Remember that we are concerned with defeasible arguments. Where we have no information concerning whether the rebutting values at these levels hold, does the warrant have sufficient strength to convey the acceptability of the premise to the conclusion?

6. REBUTTALS, WARRANT STRENGTH, AND PLAUSIBILITY

Sufficiency depends on the plausibility of values of the relevant variables at a given level. The motivating idea is that if encountering a rebutting value of a relevant variable at that level is implausible–perhaps because encountering any values of the relevant variable at some level i+1 - n is implausible–we need not take account of the relevant variables at those levels. That the warrant has level i reliability means it has sufficient strength to convey us from premise to conclusion, until or unless some evidence that a relevant variable at level j, i+1 ≤ j ≤ n, has some defeating value. Ordinarily those born within a certain jurisdiction are born to parents who are citizens of that jurisdiction. As both Rescher (1977, p. 37) and Perelman and Olbrechts-Tyteca (1969, p. 71) point out, there is a presumption for the ordinary, for the way things are. A rebutable institutional warrant, then, will be deemed reliable, at least presumptively reliable, when there is a presumption that the potential rebutting conditions of the warrant above a given level do not hold, even if there is no evidence of whether they do or do not hold. In light of such presumptions, the warrant is sufficiently strong to transfer the acceptability of its premises to its conclusion. Should any of these presumptions be lacking, the argument must be strengthened to counter them.

We have given a full discussion of how plausibility considerations may be used to order relevant variables when the warrant is backed from below, ultimately by the results of empirical observation, in (2018). But, as we have already indicated, when dealing with legal warrants, the rebutting conditions are legal decisions establishing legal precedents. But we learn of these decisions also "from below." The plausibility considerations are the same as with warrants backed from below. A law belongs to a "species," a subfield of a wider field of law, its "genus." Our knowledge of conditions under which laws within some species of the genus are overturned by judicial decision determines the set of variables against which we must test a legally backed warrant to identify which values of the relevant variables constitute rebuttals when satisfied. The issue of plausibility concerns how plausible a given condition may hold. Hence, our considerations on plausibility apply here also. What is significant for our purposes is that plausibility considerations allow us to identify a level above which a warrant is rebuttal tolerant. That conditions under which rebutting values above that level would be realized are too implausible to require their consideration.

The level of rebuttal tolerance may be set not simply by plausibility considerations but by the strength of an argument the context requires, witness the familiar legal distinction between proof beyond a reasonable doubt in criminal prosecutions and preponderance of evidence in civil cases. The level of rebuttal tolerance will be higher in criminal cases than in civil cases. What may be reasonable doubt in a criminal case need not indicate failure of preponderance of evidence.

7. APPLICATION TO INSTITUTIONAL WARRANTS IN GENERAL

So far, we have confined our discussion to the legal paradigm for warrants backed from above. Can this discussion be generalized for the entire class of such warrants? The answer is straightforward. Institutions consist of declared rules. The legal case includes both constitutive and regulative rules. We have already seen how legal constitutive rules can be analyzed as having the form 'DP,' where 'D' is the declarative operator and 'P' indicates some propositional content. Consider again Cohen's paradigm of an elementary regulative rule:

For any persons *x* and *y*, if R*xy*, then if *x* sues *y*, *x* ought to win.

(1970, p. 157) But clearly for "R*xy*" to be a sufficient condition for "if *x* sues *y*, *x* ought to win," "R*xy*" must be *declared* a sufficient condition by an agent with authority. Hence, the rule's being in force presupposes the truth of

D(For any persons *x* and *y*, if R*xy*, then if *x* sues *y*, *x* ought to win.).

But there is nothing specific to law which would make the propositional content of its rules the only propositional content substitutable for 'P' in the declarative action schema. We might conclude then that as long then as institutional rules are declared rules and thus open to the "DP" analysis, they may back warrants–institutional warrants.

A question still remains. Cohen's paradigm example is a generalized conditional. We may argue that some constitutive rules at least may be paraphrased in this form. Consider

Kicking the ball into the net counts as scoring a goal in soccer.

In the general form

X counts as *Y* in context *C*

(Searle 1969, p. 35), instances of '*X*' are instances of types of action or behavior. But we cannot have an action without an actor (and where the action is transitive, an object of that action). So taking '*A*' as a schematic letter for a subject-verb-object action, the form of a constitutive rule can be straightfowardly paraphrased as

if *Axy* & *Cxy*, then *Yxy*
if x kicks y into the goal and x is playing soccer with y, then x has scored a goal with y

Likewise,
if *x* has damaged some *y* which is owned by *z*, (i.e. the context of doing this damage is the institution of property) *x* has injured *z*

But can the propositional content of an institutional rule always be paraphrased as a universally generalized conditional? Cases not open to such a paraphrase, should there be any, pose no problem. Since corresponding to a warrant is a generalized conditional, if the propositional content of a rule could not be paraphrased as a universally generalized conditional, it would not back any warrant. One would not appeal to that rule to back any institutional warrant. So for warrants backed from above, institutional warrants, the 'DP' analysis suffices. If the declaration is successful, the warrant is reliable to some extent. That extent, likewise the strength of the warrant, depends on the falsifying conditions for the generalizations. That depends to what extent we know that the generalization is not falsified by a rebutting condition and how plausible are the remaining unexplored conditions. We rest our case. We have presented a method for assessing the strength of warrants backed from above and for judging whether arguments with such warrants are connection adequate.

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Interrogative burden of proof in philosophical argumentation

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ABSTRACT: My claim is that some argumentative moves are based on mechanisms of question generation that have the objective of allocating the burden of proof. Although these argumentative moves might occur in other domains, I shall argue that such argumentative moves are characteristically philosophical. The application to examples of argumentation in philosophy will show that questions have a role in the evaluation of the arguments and the allocating the burden of proof.

KEYWORDS: analytic dilemmas, burden of proof, counterargumentation, mechanisms of question generation, philosophical argumentation, pragmatic self-refutation

1. INTRODUCTION

In the process of argumentation we not only provide reasons but also ask questions. The questions we ask are used for several purposes. First of all, we use questions to express our doubts or disagreements ('Is that really so?', 'Do you really think so?') and to request reasons ('Why do you claim that?', 'On what basis do you say that?', 'What is your evidence?'). Then, we use them to ask for clarification, either of the claim or of the argument itself or of its warrant ('What do you mean?', 'What do the premises have to do with your claim?', 'How does that follow?'). All these are obvious uses, and nobody can deny that questions in one form or another play an important role in any argument (see van Eemeren, Houtlosser & Snoeck Henkemans, 2007). However, in this paper I shall explore some properly argumentative functions of asking questions which, being less obvious, have received less theoretical attention.

Briefly stated, my claim is that some argumentative moves are based on mechanisms of question generation that have the objective of allocating the burden of proof. Although these argumentative moves might occur in other domains, I shall argue that such argumentative moves are characteristically philosophical. But first, let me clarify what I understand by the key terms of "question-generating mechanisms" and "allocating the burden of proof".

It is a commonplace to distinguish between rhetorical and non-rhetorical questions. Rhetorical questions are ordinarily believed to be disguised claims, and so not really questions at all. Things are probably more complicated than that, but I shall leave that aside in this paper. As for non-rhetorical—or authentic questions—very often they are considered to be requests for information. There is much evidence (Graesser, 1992) that this is an incomplete description, and that we ought to distinguish at least four main question-generating mechanisms:

1.   Knowledge deficit questions: These appear when the one who asks the question detects a lack of information in their knowledge base and questions are formulated in order to obtain the missing information. This is the standard use of questions as requests for information. ('Who was present?')

2. Common ground questions: They are formulated to make sure that a piece of knowledge is shared between the participants of the dialogue. ('Would you agree that…?')

3. Social coordination questions: They focus on the participants' roles in the dialogue, such as often in student-teacher exchanges ('Can we take the recess now?').

4. Conversation control questions: These serve to direct the flow of the dialogue and/or the attention of the participants ('May I ask you a question?')

All these mechanisms play a role in argumentative exchanges, but I am interested in conversational control questions, particularly those that redirect the dialogue in counter-argumentation, in connection with knowledge deficit questions. The latter are usually raised when the questioner:

1. Finds an obstacle in a plan or problem.
2. Encounters a contradiction.
3. Perceives an unusual or abnormal event.
4. Perceives an obvious lack in the questioner's knowledge base.
5. Finds a need to evaluate and make a decision between a set of alternatives that are equally likely.

I will analyze and illustrate the second case, i.e. when the questioner finds a contradiction.

There are many studies of questions in formal semantics and logic that are relevant to discussions about knowledge deficit and conversational control questions (Which- and Why-questions, embedded and indirect questions, etc.). At the moment, the form of the questions is not of interest, but the central concept in all these, namely the presupposition of a question, is.

Belnap and Steel (1976, p. 5) define a question as presupposing a statement if and only if the truth of the statement is a logically necessary condition for there being a true answer to the question. If an answer cancels the presupposition, then it is usually called a "corrective answer". For example, the presupposition of the question: 'When did the Third World War end?', is: 'There was a Third World War.' If one answers that question by saying 'It never happened', or 'There has not yet been a Third World War', then one has given a corrective answer. As is well known, the many question fallacy is related to presuppositions ('Have you stopped beating your wife?', 'Did you hide the stolen goods in your house?'). The only answer to such questions is a corrective answer which denies the presupposition. Just remember its application in Walton's Profile dialogues.

In sum, the three auxiliary concepts for the part of my claim that regards mechanisms of question generation are: conversational control questions, knowledge deficit questions (related to inconsistencies of different types), and corrective answers.

Now let me explain what I mean by "the allocation of burden of proof". First of all, by "burden of proof" I mean the dialectic obligation often expressed in the norm: 'The person one who makes a claim has the burden of proof.'

I will follow Rescher's distinction (Rescher, 1977, p.27) between Initiating burden of proof (I-burden) and Evidential burden of proof (E-burden). The obligation to support an assertion with arguments in a dialectic situation has I-burden. On the other hand, counter-considerations and responses to counter-argumentation have E-burden.

We can distinguish, with Marraud (2017, pp. 54-55) three types of counterargumentation each having a different E-burden. Using Toulmin's well-known terminology, we have:

- Objection: It questions the truth of data, giving reasons.
- Rebuttal (Pollock's 'undercutting defeater'): It questions the warrant.
- Refutation: It directly questions the claim by providing an argument with an opposite (contrary or contradictory) conclusion.

The distribution of the burden of proof, both I-burden and E-burden, can be represented by the following tables (inspired by Lorenzen's dialogical logic):

Prop = Proponent
Opp = Opponent
W = Warrant
C = Claim
Rn =Reason
* = Burden of proof
! = Assertion
/ = Because
¬ = negation

Objection
Table 1

Prop	Opp
1. $*!C$	
2. C/R_1	
3.	$*\neg R_1$
4.	$\neg R_1/R_2$
5. $*!C$	

The proponent has the I-burden [1] and advances an argument [2]. If a counterargument challenges the reason given to hold the thesis, the E-burden is transferred to the opponent [3], who discharges it by providing an argument [4] with the result of returning to the initial state [5].

Rebuttal
Table 2

Prop	Opp
1. $*!C$	
2. $C/_w R_1$	
3.	$*\neg/_w$
4.	$*\neg/_w /R_2$
5. $*!C$	

The proponent again has the I-burden [1] and discharges it with an argument [2]. If the warrant is challenged by the opponent, the E-Burden again falls on him [3] and must in turn give a reason [4]. The result is that the proponent's argument is deleted and we return again to the initial state [5].

Refutation
Table 3

Prop	Opp
1. *!C	
2. C/R$_1$	
3.	*!¬C
4.	¬C/R$_2$

The proponent begins with the I-burden [1] and discharges it [2]. Now, the opponent denies the conclusion. The E-burden passes to the opponent [3], who discharges it with an argument [4], which is, precisely, the refutation of the proponent's claim. The result is that we have now two counter-oriented arguments. Deciding between them requires weighing reasons. These counter-argumentation moves can be reiterated.

This terminology is probably enough to explain the meaning of the phrase "allocation of the burden of proof".

And now we come to the point—the argumentative moves, especially those characteristics of philosophical argumentation. We find them in arguments, counter-arguments, and even in argumentative plans and strategies. For the moment, I will use it with the deliberate intention of not speaking about its exact nature, but towards the end I'll propose some hypotheses.

What matters now is that the argumentative moves I selected are paradigmatically philosophical, as found from Plato's Dialogues to the most recent papers. I was tempted to call them "philosophical tricks", not so much because they are, like tricks in general, everywhere, but because they take lay readers by surprise and strike them as strange, even awaking in them the suspicion of a sleight of hand. However, the word "trick" has negative connotations: it suggests a hoax. I don't mean that, so I use the more neutral term "argumentative moves".

I will analyze two argumentative moves:

- Analytic dilemmas
- Pragmatic self-refutation

Below, I will explain each one and illustrate them with examples.

But, before that, let us recall my original claim. The coarse-grained version was: Some argumentative movements are based on question-generating mechanisms that have the objective of allocating the burden of proof. They are characteristically philosophical.

A fine-grained version might be: Analytic dilemmas and pragmatic self-refutation charges are based on conversational control questions, knowledge deficit questions (related to inconsistencies), question presuppositions and corrective answers, all of which aim to allocate I-burden and E-burden.

I shall take them in turn:

2. ANALYTIC DILEMMAS

Philosophers are famous for making distinctions, finding ambiguities, carrying out semantic ascents, and analyzing the meanings of words. But what is much less well understood is that, in the case of philosophers, these activities are not merely lexicographical, but have an argumentative function.

The best way to see this is by means of an example. The argumentative move in question is characteristic of philosophy. It consists in questioning the meaning of a word or the interpretation of a proposition with the objective of confronting the proposer with the following claim:

"If you mean such-and-such, that is the truth but trivial; if such-and-such, it is then not trivial, but neither is it obviously true" (Passmore, 1961, p.14).

This is not an argumentation scheme, since there is no pattern of inference. Rather there is a main question (about the meaning of a word or the interpretation of a statement), a series of auxiliary questions whose function is to make the opponent, in a dialectic situation, answer affirmatively by directing him to the analytic dilemma.

There may be different versions depending on the second horn of the dilemma, for the first horn is always the same:

1.   First horn: 'What you say is trivial.' Second horn: 'What you say is not obvious' (we do not know if it is true or false).
2.   First horn: 'What you say is trivial.' Second horn: 'What you say is prima facie false.'
3.   First horn: 'What you say is trivial.' Second horn: 'What you say is patently false (or absurd).'

Each of these three combinations have consequences for the distribution of the burden of proof.

Now let's consider an example in detail, excerpted from Williamson's recent *Tetralogue* (2015). In spite of the fragmentary character of the text, it is a procedure, as I mentioned before, that we find repeatedly in the philosophical tradition.

Two people are in a train discussing science and witchcraft. One is a confessed relativist; the other uses a somewhat impertinent logic:

> Sarah: Let me try again. Can we express your relativism as 'Every point of view is just a point of view'?
> Zac: In a sense, Sarah. We can talk that way if you like.
> Sarah: If Bob says 'Witchcraft works' and I reply 'That's just your point of view', I'm refusing to endorse his statement. I'm accepting that it's his belief but by putting in the word 'just' I'm rejecting the idea that it's more than his belief, that witchcraft actually does work. In the same way, when Zac says something and then later says 'That's just my point of view', he sounds as if he's refusing to endorse his own earlier statement, disowning it. That's the retreat Bob and I complained about. But now Zac tells us he isn't disowning his earlier statements.
> Zac: Exactly, Sarah.
> Sarah: You're accepting that it's what you believe but you're not rejecting the idea that it's more than that. You are adding to what you previously put on the table, not replacing it. So we should delete the word 'just', because you don't really mean that it's just your point of view.
> Zac: Delete it if you like, Sarah. The wording was yours, not mine.

Sarah: I will. So instead of saying 'Every point of view is just a point of view', relativism says 'Every point of view is a point of view'.

Zac: So it is.

Sarah: Yes, but that makes relativism utterly trivial! Everyone, even the most hard-line absolutist, will agree that every point of view is a point of view (Williamson, 2015, pp.32-33).

Let's look at the burden of proof table:

* = Burden of proof
Knowledge deficit questions = ?KDQ
Conversation control questions =   ?CCQ
Corrective Answer = CA.

Table 4

Prop (Zac)	Opp				
1.	?CCQ Can we express your relativism as 'Every point of view is just a point of view'?				
2. *Yes			If Bob says 'Witchcraft works' and I reply 'That's just your point of view', I'm refusing to endorse his statement.		
		Warrant: If A says that *p* and B says that *p is* just your point of view, then (material inference) B does not endorse *p*.	Therefore		
			"just your point of view" implies disowning the embedded proposition	Zac asserts '"Every point of view is just a point of view'	
			Therefore		
			Zac says something and then later says 'That's just my point of view', he sounds as if he's refusing to endorse his own earlier statement, disowning it.		
3. CA (not disowning the embedded proposition)	?CCQ accepting that it's what you believe but you're *not* rejecting the idea that it's more than that. You are *adding* to what you previously put on the table, not *replacing* it. So we should delete the word 'just', because you don't really mean that it's *just* your point of view.				
4. Yes (you can delete "just")	One horn analytic Dilemma: Yes, but that makes relativism utterly trivial! Everyone, even the most hard-line absolutist, will agree that every point of view is a point of view.				
5.*I-burden					

3. PRAGMATIC SELF-REFUTATION

Another characteristically philosophical procedure (from Plato to Nagel) is frequently used in discussions against relativists and skeptics. It's about finding inconsistencies, but of a specific kind.

The point is not only to show that someone held that p and, say at another time, held that not p (like a philosopher in two different papers or books), for we might call that a mere inconsistency, and the proponent can reply by saying that they have changed their mind. Nor is it a reduction in the sense of extracting remote consequences involving the self-contradictory statement 'p and not p'. Rather, it looks like a pragmatic paradox, like saying "I can't talk," in the sense that something that is said is the best counterexample of what is stated. Of course, as we shall see, the procedure is more subtle.

Again, we find a set of auxiliary questions that lead the opponent step by step until the desired end is reached by showing that what is done is the best counterexample to the content of their thesis.

The only defensive movement/choice is to argue that it's not really a counterexample.

Consider another example from Williamson's book:

> Zac: Whoa there, everyone, not so fast! Surely once you start using the word 'true' you imply certainty. You can't call something true unless it's certain, beyond doubt. If you don't want to imply certainty, don't say 'true'.
> Sarah: Let me ask you a question. You'll see why in a minute. Is it true that there is life on other planets?
> Zac: I've no idea, Sarah. Nobody knows—at least, not from my point of view.
> Sarah: OK, but is it certain that there is life on other planets?
> Zac: No, Sarah, it isn't. As I just said, nobody knows.
> Sarah: There you are. Truth doesn't require certainty, even from your point of view.
> Zac: Sarah, what are you talking about? I get to tell you what my point of view is. You can tell me what your point of view is. You don't get to tell me what my point of view is.
> Roxana: Listen and learn. I will analyse the logic of Sarah's questions. If truth entails certainty, then uncertainty entails untruth. Yes?
> Zac: Yeah, OK, we can play those logic games if you insist, Roxana.
> Roxana: I insist. Sarah's first question was 'Is it true that there is life on other planets?'; call that the truth question.
> Her second question was 'Is it certain that there is life on other planets?'; call that the certainty question.
> Your response to the truth question was 'I don't know'. Your response to the certainty question was 'No'. Do you accept that those were your responses?
> Zac: Yeah, Roxana, they were, but where is all this heading?
> Roxana: You do not treat truth and certainty as the same. Your responses to the truth question and the certainty question were not equivalent. 'I don't know'
> is quite different from 'No'.
> Zac: They are both negative responses, Roxana. What's the big difference supposed to be?
> Sarah: When you next have to apply for a visa, try responding to the question 'Have you ever been involved in smuggling drugs?' with 'I don't know' instead of 'No'. You will soon find out the difference.
> Roxana: If you, Zac, inferred untruth from uncertainty, you would have answered 'No' to the truth question, since you answered 'No' to the certainty question. But you did not. Sarah's questions caught you out. They revealed that in practice even you do not take truth to require certainty (Williamson, 2015, pp.51-54).

Let's look at the burden of proof table:
TQ = The truth question: Is it true that p?
CQ = The certainty question: Is it certain that p?

Table 5

Suppose that X asserts that the word 'true' imply certainty.	If truth entails certainty, then uncertainty entails untruth.	If truth entails certainty, TQ and CQ have the same presupposition.

<div align="center">Therefore</div>

If X inferred untruth from uncertainty, X ought to answer 'No' to the truth question, since 'No' to the certainty question	'Is it true that there is life on other planets?' Zac's answer: 'I don't know' 'Is it certain that there is life on other planets?' Zac's answer: No

<div align="center">Therefore</div>

<div align="center">In practice Zac does not take truth to require certainty.</div>

Table 6

Prop (Zac)	Opp
1. the word 'true' imply certainty ¨*	?KDQ Is it true that there is life on other planets?
2. Answer: I've no idea, Sarah. Nobody knows— at least, not from my point of view.	?KDQ OK, but is it certain that there is life on other planets?
3. Answer: No, it isn't. As I just said, nobody knows.	PRAGMATIC SELF-REFUTATION: There you are. Truth doesn't require certainty, even from your point of view *

	Suppose that X asserts that the word 'true' imply certainty.	If truth entails certainty, then uncertainty entails untruth.	If truth entails certainty, TQ and CQ have the same presupposition.	
	Therefore			
	If X inferred untruth from uncertainty, X ought to answer 'No' to the truth question, since 'No' to the certainty question			'Is it true that there is life on other planets?' Zac answer: 'I don't know' 'Is it certain that there is life on other planets?' Zac answer: No
	Therefore			
	In practice Zac does not take truth to require certainty.			

4. CONCLUSION

The first thesis I am defending is that some argumentative movements are based on question-generating mechanisms that have the objective of allocating the burden of proof. They are characteristically philosophical. A fine-grained version is: analytic dilemmas and pragmatic self-refutation charges are based on conversational control questions, knowledge deficit questions (related to inconsistencies), question presuppositions and corrective answers, all of which aim to allocate I-burden and E-burden.

Two examples are analyzed, in both cases the analysis uses techniques from Rescher's formal dialectic (1977), Walton's profiles of dialogue (1998) and Marraud's diagrams of argumentation techniques (2013). I think the diagrams support my thesis. Although research is restricted to these examples of philosophical argumentation, the analysis techniques are easily extrapolated to other arguments.

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And then you are left holding the baby! Strategic manoeuvring with the *argumentum ad consequentiam*

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ABSTRACT: In argumentative discourse fallacies occur regularly, but often they seem not to be noticed by the participants. In spite of the fact that people generally denounce this fallacy when confronted with clear case, this also goes for the fallacy known as the *argumentum ad consequentiam*. In explaining this paradox it is argued in this paper that certain types of *argumentum ad consequentiam* are modes of strategic manoeuvring which take on a reasonable appearance by mimicking legitimate pragmatic argumentation or *reductio ad absurdum* argumentation. In an experiment we tested the following hypothesis: fallacious *argumentum ad consequentiam* argumentation is regarded less unreasonable when it is presented in this way as reasonable pragmatic argumentation.

KEYWORDS: argumentum ad consequentiam, fallacy, hidden fallaciousness, Pragma-dialectics, pragmatic argumentation, strategic manoeuvring

1. INTRODUCTION

In a discussion with evolutionary biologist and fervent atheist Richard Dawkins, Wendy Wright, Chair of the conservative-Christian Concerned Women of America, defends creationism. She supports her standpoint that there is a loving "creator" as follows:

> What people believe about how human beings are created shapes what they believe about human beings. And if we believe that human beings were created out of love, by a loving creator that has given each one of us not only a material body but also a spirit and a soul, we are more likely to treat others with respect and dignity.

Put briefly: there is a loving creator, because if we believe that we will treat others with more respect and dignity. In this way Wright tries to prove that something exists by pointing at the favourable consequences of that existence.

Something similar happened after the American rapper Kanye West had stated on 2 May 2018 in an interview with the American entertainment channel TMZ that as far as he is concerned slavery is a matter of choice:

> When you hear that slavery lasted for 400 years. 400 years? That sounds like a choice.

Van Lathan of TMZ tackled him about these words:

> You may think as you like, but your statements have world-wide consequences. While you are making music and lead the luxury life of an artist, we – the remainder of society – are still being marginalized by the consequences of 400 years of slavery.

Next West just repeated that slavery is a choice.

Both Wendy Wright and Van Lathan point at the effects of what is claimed in an assertion about a certain state of affairs ('there is a loving "creator"' and 'slavery is a choice' respectively). Their argumentation is based on the positive or negative consequences of what is asserted in the standpoint that is defended.[1] For this reason in both cases the fallacy is committed that is known as the *argumentum ad consequentiam*. In an *argumentum ad consequentiam* a non-legitimate step is made from a normative premise to a descriptive standpoint. An assertion about the existence or non-existence of a certain state of affairs is then defended by pointing at the positive or negative consequences that this state of affairs would have.

The *argumentum ad consequentiam* is not a fallacy we encounter daily. In discussions about religion and discrimination however this unreasonable argumentative move appears to occur regularly. In particular in situations in which speakers take refuge to "wishful thinking" the *ad consequentiam* fallacy can often be heard. Anthony Beevor, the British World War II historian, describes in this way the desperate statements of German soldiers after their defeat at Stalingrad:

> Soviet intelligence officers, however, found their German prisoners still in a state of denial and confused logic at the possibility of defeat. "We have got to believe that Germany will win the war," said a Luftwaffe navigator from a JU 52 shot down on the Stalingrad run, "or what is the use of going on with it?" A soldier reflecting the same obstinacy: "If we lose the war we have nothing to hope for" (Beevor, 2012, p. 257).

In this kind of simple cases the unreasonable character of this argumentative move is clear immediately, even to laymen who have never heard of this fallacy. This has become clear in our empirical examination of reasonableness judgments of ordinary arguers (van Eemeren, Garssen & Meuffels, 2009). The results of this experimental research make clear that ordinary arguers judge the *argumentum ad consequentiam* as a very unreasonable fallacy (pp. 176-179). In our research we started from "clear cases". In the daily practice of argumentation however such fallacies will as a rule not manifest themselves so noticeably and revealing their unreasonable character will be more difficult. Therefore the question arises how it can be that in practice argumentation in which the argumentum *ad consequentiam* is committed is sometimes presented in such a way that it gets a more reasonable appearance. We will offer an explanation for this phenomenon and test this explanation subsequently in an experiment.

The research we are reporting about is part of a project named "Hidden Fallaciousness", in which we investigate how ordinary arguers manoeuvre strategically in order to give a less unreasonable appearance to the fallacies they commit. In earlier research conducted in this project we have examined how in practice the *argumentum ad hominem* and the *argumentum ad baculum* can be disguised or camouflaged (van Eemeren, Garssen and Meuffels, 2012, and van Eemeren, Garssen and Meuffels 2015, respectively). In our current contribution we shall first set forth the pragma-dialectical view of the *argumentum ad consequentiam*. After having paid attention to strategic manoeuvring with the *argumentum ad consequentiam* and discussing

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[1] Van Lathan does not go into the factual correctness of West's assertion, but shifts the topic of discussion to the question of whether it is wise to make an assertion like that. In ordinary discussions such a shift occurs rather often.

two disguised manifestations of this fallacy we will report about an experiment that pertains to one of them.

2. TWO DISGUISED MANIFESTATIONS OF THE ARGUMENTUM AD CONSEQUENTIAM

In the pragma-dialectical theory of argumentation fallacies are viewed as violations of rules for conducting a critical discussion. The *argumentum ad consequentiam* is one of the violations of the Argument Scheme Rule (Rule 8):

> In case the defence does not take place by means of formally valid reasoning, standpoints may not be regarded as conclusively defended if the defence does not take
place by means of appropriate argument schemes that are applied correctly(van Eemeren & Grootendorst, 2004, p. 194).

The Argument Scheme Rule consists in fact of two parts: (1) the argument scheme must be suitable, and (2) the argument scheme must have been applied correctly.

An argument scheme, the central notion in this rule, characterizes the way in which the acceptability of the reason advanced is transferred to the standpoint defended. The suitability of the argument scheme is an intersubjective matter in the sense that in principle the protagonist and the antagonist agree (or are supposed to have agreed) in the opening stage of a critical discussion which argument schemes may be applied. Some argument schemes are by definition unsuitable or do not lend themselves for being used in certain contexts. The structural unsuitability of an argument scheme can, for instance, be due to an inadequate combination of the type of standpoint that is defended and the reason that is advanced in its support. This is the case when an *argumentum ad consequentiam* is used, because a normative reason is then supposed to justify a descriptive standpoint (van Eemeren & Grootendorst, 1992, p. 162).

Whether an argument scheme that is judged appropriate is also correctly applied is in the testing procedure determined by means of critical questions that are associated with the argument scheme concerned and the protagonist's responses to these questions. From the fact that no critical questions can be sensibly associated with the *argumentum ad consequentiam* it already clear that this is an argument scheme that is inherently inappropriate as a reasonable means of defence.

The *argumentum ad consequentiam* is an inappropriate argument scheme due to the combination of a descriptive standpoint and a normative reason, which makes it impossible to have a transfer of acceptability from the reason to the standpoint. The acceptability of a descriptive standpoint is in all cases independent of the value that is attributed to the consequences of having that standpoint. The question now is how it can be explained that a mode of argumentation that is clearly unreasonable can still be used with some success in the discussion. Why would participants in a discussion openly pose as unreasonable in this way? The answer to this question can be found in the extended pragma-dialectical theory, in which the strategic manoeuvring that takes place in argumentative discourse is taken into account (van Eemeren, 2010).

In their pursuit of effectiveness participants in a discussion will try to manoeuvre strategically in such a way that they can realize their dialectical goal by means of their contributions to the discussion by complying with the rules for critical discussion while they are trying at the same time to achieve their rhetorical aim of getting their standpoint accepted by the other party. In balancing between dialectical reasonableness on the one hand and rhetorical effectiveness on the other hand in order to realize these two (sometimes seemingly

incompatible) aims at the same time, the participants in a discussion make use of strategic manoeuvring (van Eemeren, 2010, p. 40).

In itself there is nothing wrong with the participants' zeal to win the discussion, but when achieving this aim gets the upper hand this can lead to an unrestrained pursuit of effectiveness which results in the abandonment of a party's commitment to a reasonable exchange and thus in a derailment of the strategic manoeuvring. Viewed in this perspective, fallacies are derailments of strategic manoeuvring which involve a violation of the rules for conducting a critical discussion. By violating the rules for critical discussion, such argumentative moves obstruct or frustrate the process of resolving a difference of opinion on the merits, so that these strategic manoeuvres must be characterized as fallacious.

Derailments of strategic manoeuvring can easily escape from being noticed by the participants in a discussion because in ordinary argumentative practice deviations from the rules for critical discussion may be hard to detect. None of the parties will be inclined to manifest itself openly ("on the record") as an unreasonable person – if only because this would make their contribution completely ineffective. Therefore: […] arguers will most likely try to stick to the established dialectical means for achieving rhetorical objectives which are possibly at odds with the dialectical rationale for a certain discussion rule, and "stretch" the use of these means so much that the fallacious maneuvering is also covered (van Eemeren, 2010, p. 140).

As a consequence of exploiting the dialectically appropriate means by "stretching" their applicability in order to achieve the arguer's rhetorical aims, derailments of strategic manoeuvring may in certain cases strongly resemble reasonable strategic manoeuvres. For this reason it will in everyday discussions not always be crystal clear where exactly the boundary between reasonable and fallacious needs to be drawn. Put differently: the distinction between reasonable strategic manoeuvring and fallacious strategic manoeuvring is often not simply a matter of black and white. The various modes of strategic manoeuvring that can be distinguished in ordinary argumentative practices often cover a continuum that goes from evidently fallacious to evidently reasonable variants (van Eemeren, Garssen & Meuffels, 2015). This also applies to the *argumentum ad consequentiam*.

Several variants of the *argumentum ad consequentiam* prove to be strikingly similar to modes of strategic manoeuvring in which a standpoint is defended in a reasonable way by pointing at its consequences. There is, for instance, a variant of the *argumentum ad consequentiam* which resembles in its appearance pragmatic argumentation and there is also a variant which has a great many points in common with the argument form known as *reductio ad absurdum* (Garssen, 2006).

This is an example of *ad consequentiam* argumentation that resembles pragmatic argumentation:

> This research concerning differences in intelligence between different races cannot be right because its results will lead to the discrimination of certain groups of people.

In the pragma-dialectical typology of argument schemes pragmatic argumentation, a sub-category of causal argumentation, is schematized as follows:

> 1 Standpoint: Action X should be carried out
> 1.1 Because: Action X leads to positive result Y
> (1.1') (And: If action X leads to a positive result such as Y, it must be carried out)
> (van Eemeren, 2017, 23)

The *argumentum ad consequentiam* resembles pragmatic argumentation because of two common features: the hypothetical causal claim and the negative or positive valuation that is

attached to the claimed consequence. In the *argumentum ad consequentiam* as well as in pragmatic argumentation the argument boils down to a prediction that what is mentioned in the standpoint will have a positive or negative effect.

As a matter of course, there are also differences. While in pragmatic argumentation a prescriptive (inciting) standpoint is defended, the standpoint is in the *argumentum ad consequentiam* always descriptive. It is the prescriptive nature of the standpoint that makes it possible for pragmatic argumentation to be sound whereas *ad consequentiam* argumentation is *qualitate qua* fallacious. When *ad consequentiam* argumentation manifests itself in a similar way as pragmatic argumentation, it can therefore be viewed as a derailment of the use of pragmatic argumentation: the arguer who commits this fallacy goes too far in the strategic manoeuvring of by changing the initially descriptive standpoint into a prescriptive standpoint.

The second disguised variant of *ad consequentiam* argumentation does not resemble pragmatic argumentation but is more like a specific application of the formal-logical argument form of *modus tollens* known as *reductio ad absurdum* or the *ad absurdum* argument. This is an invented example of such an *ad consequentiam* argumentation:

> Evolutionism cannot be right
> Because according to evolutionism we would be descendants of the apes
> And that would be a horrible idea.

The following is an example of a non-fallacious application of *ad absurdum* argumentation:

> Evolutionism cannot be right
> Because according to evolutionism we would be descendants of the apes
> And genetic research shows that this is certainly not the case.[2]

What is striking when we compare *ad consequentiam* argumentation and *ad absurdum* argumentation is that it is not the standpoint that differs – this is in both cases descriptive – but only the last premise. In the non-fallacious *ad absurdum* variant this premise is a descriptive statement, whereas in the case of the *ad consequentiam* it is evaluative.

Table 1 portrays the two variants of the *argumentum ad consequentiam* and their reasonable counterparts:

Pragmatic argumentation	*Ad consequentiam* **I**
Standpoint: X should be carried out *because* X leads to positive consequence Y (*and* If X leads to consequences of type Y, then X should be carried out)	Standpoint: X is true *because* X leads to positive consequence Y (*and* If X leads to consequence of type Y, then X is true)

Reductio ad absurdum	Ad consequentiam II
Standpoint: X is true *because* If X is not true, then Y is true *and* Y is not true	Standpoint: X is true *because* If X is not true, then Y is true *and* Y is not desirable

Table 1: Comparison of the pragmatic argument scheme and the pragmatic variant of the *argumentum ad consequentiam* (*ad consequentiam I*) and *reductio ad absurdum* and the *ad absurdum* variant of the *argumentum ad consequentiam* (*ad consequentiam II*)

These two variants of the *argumentum ad consequentiam* have both been examined in our extensive research of the conventional validity of the pragma-dialectical rules for critical discussion (van Eemeren, Garssen & Meuffels, 2009). The results showed that the two variants were both judged to be very unreasonable by ordinary arguers (pp. 176-179).

The fact that the *ad consequentiam* fallacy resembles certain reasonable counterparts in its appearance already offers a first explanation for the potential problems involved in identifying this fallacy in argumentative practice. The speaker who is guilty of an *ad consequentiam* can make the fallacy less easily identifiable by using specific presentational means that make it look the same as its reasonable counterpart (Garssen 2016, p. 251). What happens in fact is that a confusing ambiguity is created by leaving room for two possible interpretations: a reasonable one and an unreasonable one. In cases where there is no indication that this is not justified, ordinary arguers will start from the presumption of reasonableness and opt for the reasonable interpretation.

In the case of the pragmatic *ad consequentiam* variant it is pretended that the standpoint is not descriptive but prescriptive/inciting. In strategic manoeuvring with this variant directed at disguising this manipulation, it is a question of presenting the standpoint in such a way that it can be interpreted as a descriptive as well as a prescriptive statement. In the next example, J. Wiese, an "alternative" medical doctor adhering to the "Moerman method", phrases his standpoint in such a way that both interpretation are possible:

> It is a careless way of expressing oneself to say that cancer is mainly a matter of uncontrollable cell growth which can only be stopped by quasi-heroic interventions of doctors. To put it more strongly: this is even untruthful, because this unproven theory takes away the patient's confidence in his self-curing powers, which can destruct the cancer from the inside (van Eemeren & Snoeck Henkemans, 2011, p. 201).

Because of the phrasing "it is a careless way of expressing oneself" the standpoint can be interpreted in two ways: "cancer is not mainly a matter of uncontrollable cell growth" and "it is not a careful way of expressing oneself to say that …." When we interpret the standpoint in the first way, the argument that expressing this view leads to undesirable consequences results in an *ad consequentiam* fallacy. When the standpoint is interpreted in a prescriptive way, reasononable pragmatic argumentation agrees with it. However, because the speaker also uses the qualification "untruthful", the descriptive interpretation seems in fact to be the most likely one. These problems of interpretation are only caused by the ambiguous phrasing of the standpoint, which makes it difficult to detect the *ad consequentiam* fallacy immediately.

To make the pragmatic variant of the *ad consequentiam* harder to recognize, it is, as we have just shown, instrumental to phrase the standpoint in an ambiguous way. This can be achieved, for instance, by means of phrasings such as *x should (not) be seen as y* or *x should*

(not) be regarded as y. In the example we just discussed the phrasing could also have been: *cancer is not to be seen as a matter of uncontrollable cell growth* (ambiguous formulation) instead of *cancer is not a matter of uncontrollable cell growth* (non-ambiguous formulation).

It should be noticed that by using this variant in fact more fallacies are committed at the same time. By the unclear phrasing of the standpoint the speaker violates Rule 10 of the code of conduct for reasonable discussions: the Language Use (or Usage) Rule. If it was clear that the speaker has a descriptive standpoint and now he seems all of a sudden to defend a prescriptive standpoint, Rule 3, the Standpoint Rule, is also violated, because then the speaker readjusts the initial standpoint.[3]

Using the *ad absurdum* variant of the *ad consequentiam* fallacy does not involve a manipulation of the standpoint but a manipulation of the nature of the reason that is advanced in the argumentation. Whereas it is asserted in its reasonable counterpart that the consequence of what is said in the standpoint is untrue, in the *ad absurdum* variant of the *ad consequentiam* it is said that the consequence of what is said in the standpoint is undesirable. In the speaker's strategic manoeuvring phrasings can therefore be chosen that allow for both interpretations (untrue and undesirable). As we can illustrate by re-using an earlier example, this can, for instance, happen by making use of the word "absurd":

Evolutionism cannot be true
Because if that theory were true, we would be descendants of the apes
And that is absurd.

Here the use of "absurd" ensures the ambiguity that is aimed for because it can mean both "that idea is untrue" and "that idea is awful" (Garssen, 2016, p. 251)

In short, in the use of both variants an effort can be made to make the *ad consequentiam* fallacy less conspicuous by sowing doubt about what is the right interpretation.

3. THE EXPERIMENT

In our experiment we have concentrated on the pragmatic variant of the *argumentum ad consequentiam*; we will report later about the results of our research concerning the *ad absurdum* variant. We have tested the following hypothesis: *ad consequentiam* fallacies will be judged as less unreasonable when they are committed in argumentation in which the initial standpoint is presented as prescriptive. In total 35 discussion fragments were presented to the respondents; some of them contained fallacies, other fragments did not. For each fragment the respondents had to indicate on a 7 point Likert type scale how (un)reasonable they judged the last contribution to the discussion to be. The scale varied from 'very unreasonable' (= 1) to 'very reasonable' (= 7).

3.1 Material

In the 35 constructed discussion fragments 7 different types of fallacious and non-fallacious contributions were included, each of them represented by 5 items:

(1) moves that are openly *ad consequentiam*
(2) disguised *ad consequentiam* moves of the pragmatic type
(3) sound moves containing pragmatic argumentation

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[3] Strictly speaking there not really a violation of the Standpoint Rule because the speaker leaves it a question which interpretation of his unclearly phrased standpoint we have to choose.

(4) sound moves containing other types of argumentation
(5) moves containing the circumstantial variant van the *ad hominem* fallacy
(6) moves containing the *tu quoque* variant of the *ad hominem* fallacy
(7) moves containing the *abusive* variant of the *ad hominem* fallacy.

All 35 discussion fragments were structured in the same way: they existed of three speaking turns in an exchange between 2 persons. Every fragment was preceded by a short description of the context. This description always made clear which standpoint occasioned the discussion. In the case of the *ad consequentiam* fallacies this standpoint is always descriptive.

Just like in our earlier empirical research concerning the (un)reasonableness of fallacies, charged subjects were avoided. In the first turn the protagonist advances a standpoint. In the items containing the disguised *ad consequentiams* the ambiguous phrasing also allows for a prescriptive interpretation of the standpoint. In the second turn the antagonist makes explicitly or implicitly clear that the standpoint is not accepted. In the third turn the protagonist provides a reason for accepting the standpoint.

An example of an item with a disguised *ad consequentiam* fallacy is the following:

Sanne and Alex are having a discussion about the question whether men are more rational than women.

Sanne: Rationality and analytic capability cannot be seen as male properties.
Alex: Why not?
Sanne: If we saw it like that, we would give men unintentionally and advantage in applications and getting promotion.

It is clear from the description of the context given in italics that a descriptive standpoint is discussed. Sanne's formulation of the standpoint in the first turn makes it ambiguous; it could also be interpreted as a prescriptive standpoint.

The following is an example of an openly expressed *ad consequentiam* fallacy:

Lisa and Yvon are discussing the future of life on earth.
Lisa: It is plausible that the sun will never stop functioning.
Yvon: Why?
Lisa: Otherwise life on earth would become impossible, wouldn't it?

In this item the standpoint is not ambiguous and cannot be interpreted as prescriptive. This makes the argumentation used in this type of item an openly expressed *ad consequentiam*.

The additional items of type (5), (6) and (7) have a double function. They serve in the first place as "fillers", which are meant to obscure the true nature of the experiment: it should not become clear to the respondents that we were only out to get their judgments on the *ad consequentiam* fallacies. In the second place, as we will explain in Section 3.3, these items serve as *gate-keepers* for the reliability of the experiment.

3.2 Respondents

31 adult volunteers took part in the research, which were selected by students Language and Communication of the University of Amsterdam. All respondents were 18 years old or older and they had not received any education about argumentation theory. The questionnaire was presented in writing. There was only a short written instruction; no further oral instruction was

offered. There were no indications that the respondents did not understand the explanations that were given to them. The test instructors did not know which hypothesis was tested.

3.3 Results

The results for the three fillers included in Table 2 agree as far as reasonableness is concerned with the results we found repeatedly in the project *Conceptions of Reasonableness.* Again, the *abusive* fallacy is seen as the most unreasonable argumentative move. Next comes the *circumstantial* attack and finally the *tu quoque* variant. Again, the latter two types of fallacies tend to score around the neutral middle of the 7 point scale. The reasonableness scores for the 3 types of fillers prove to be a good indication of the reliability of the experiment. In addition, the judgments concerning the unreasonableness of openly presented *ad consequentiam* fallacies and the judgments concerning the reasonableness of sound argumentation are completely in agreement with our findings is the *Conceptions of Reasonableness* project.

Type of fallacy	Reasonableness score
*Ad homin*em *abusive*	2.9 (0.8)
Ad hominem tu quoque	4.1 (1.2)
Ad hominem circumstantial	3.5 (0.7)

Table 2: Average reasonableness scores for the three filler items

Do our respondents – as predicted in our hypothesis – indeed regard the disguised *ad consequentiam* moves as less unreasonable than the openly expressed, 'clear-cut' cases of the *ad consequentiam* fallacy? The relevant data are recorded in Table 3.

Pragmatically reasonable	5.58 (0.9)
Reasonable	5.10 (0.6)
Ad consequentiam openly	2.10 (1.2)
Ad consequentiam disguised	3.13 (1.4)

Table 3: Average reasonableness scores for the experimental items

The average reasonableness scores for the four types of argumentative moves appear – as expected – to differ from each other in a statistically significant sense: F' (2,36) = 35.21, p < .01; η^2 = .48.[4] With the help of an orthogonal *post hoc* comparison we have contrasted the openly expressed *ad consequentiam* fallacy and the disguised *ad consequentiam* fallacy with each other (for our purposes the most important comparison). The disguised *ad consequentiam* fallacy was indeed considered less unreasonable than the openly expressed *ad consequentiam* fallacy: F' (1,36) = 17,31, p < .01. In absolute terms the respondents still consider the disguised *ad consequentiam* unreasonable, but 1 point more reasonable than the *clear cases*. This experiment therefore provides no grounds for rejecting our hypothesis.

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[4] The data were analysed with the help of a multivariate analysis of variance ('mixed model' approach for repeated measurements), with 'respondent' and 'instantiation' as *random* factors and the variable 'type of fallacy' as a fixed factor. The *random* factor 'instantiation' is nested in the levels of the fixed factor 'type of fallacy', while the *random* factor 'respondent' is fully crossed with the *random* factor 'instantiation' and the fixed factor 'type of fallacy'. The statistical consequence of this design is that – instead of ordinary F-ratios – so-called *quasi* F-ratios must be calculated (noted as F'), while the accompanying degrees of freedom must be approximated (cf. Clark, 1973).

4. CONCLUSION

The mode of strategic manoeuvring we have examined in this experiment is complex. In order to camouflage the unreasonableness of the pragmatic variant of the *argumentum ad consequentiam* and to make it resemble reasonable pragmatic argumentation more closely, another fallacy needs to be committed: the fallacy of changing the initial standpoint. Doing so involves committing at the same time a third fallacy: the ambiguity fallacy. All the same our research concerning strategic manoeuvring with the *ad consequentiam* fallacy shows indeed certain effects. When it is disguised as pragmatic argumentation the *ad consequentiam* fallacy is judged less unreasonable, even though this disguised fallacy is still regarded unreasonable.

The *ad absurdum* variant of the *ad consequentiam* fallacy was not included in this experiment. The camouflaging by means of this variant will be examined in our next research in the "Hidden Fallaciousness" project.

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Building argumentative adpositional trees: Towards a high-precision method for reconstructing arguments in natural language

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ABSTRACT: There is a need for a tool for reconstructing arguments that describes their linguistic elements with high precision and at the same time identifies their type. In this paper, we prepare the ground for developing such a tool by introducing the notion of 'argumentative adpositional tree'. The notion is based on a combination of the linguistic representation framework of *Constructive Adpositional Grammars* (CxAdGrams) and the argument classification framework of the *Periodic Table of Arguments* (PTA).

1. INTRODUCTION

An argumentative analysis usually proceeds from the original text in natural language to a reconstructed version that highlights its argumentative aspects. In order to grasp, for example, what is at stake in Donald J. Trump's tweet pictured in Figure 1, an analyst may have to reconstruct the original text as *I am the world's greatest writer of 140 character sentences, because many people have said so*.[1]

Figure 1   The original text of a tweet by Donald J. Trump

During the reconstruction process, the analyst has to address a number of important issues. One of them concerns the selection of those parts of the original text that are relevant to include in the reconstruction. Whereas a minimal reconstruction includes only the statements that function as premise and conclusion, more sophisticated ones may also include statements expressing

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[1] For a more detailed analysis of this example see Wagemans (2017, URL = www.periodic-table-of-arguments.org/periodic-table-of-arguments/delta-quadrant/argumentum-ad-populum)

doubt or criticism with regard to the acceptability of a certain point of view, statements expressing common starting points, and statements that relate to procedural aspects of an argumentative discussion such as the division of the burden of proof.[2]

A subsequent issue the analyst has to address is how to represent the selected parts of the original text in the reconstruction. The decisions regarding this issue are usually taken on the basis of the envisioned aim of the analysis. When that aim is, for instance, to obtain an overview of the all the premises that the arguer has put forward in support of the conclusion, it may suffice to provide a numbered list of literal representations of the statements that function as such. But if the aim is to provide an evaluation of the quality of the individual arguments, the analyst may want to represent the original statements in such a way that it becomes possible to determine the role the individual linguistic elements of each of the premises play in supporting the conclusion. This is a challenging task, even more since there is so far no analytical tool for reconstructing arguments that describes their linguistic elements in great detail and at the same time identifies their type.

In this paper we present a new method for reconstructing arguments in natural language that enables the analyst to perform this task. Our method centers around the notion of 'argumentative adpositional tree' (or 'argumentative adtree'). Like its linguistic counterpart, an argumentative adtree represents sentences on the morphosyntactic level. In addition, it contains pragmatic information regarding the argumentative function of their constituents and the type of argument they instantiate.

The notion of 'argumentative adtree' is the result of combining two theoretical frameworks. Its basic characteristics are derived from *Constructive Adpositional Grammars* (CxAdGrams), a linguistic representation framework developed by Gobbo and Benini (2011) that employs adtrees for the purpose of representing natural language. The addition of a layer of pragmatic information to these adtrees is carried out by using the *Periodic Table of Arguments* (PTA), an argument classification framework developed by Wagemans (2016) that is especially suitable for formal linguistic and computational approaches to argument.

We begin the paper with a general introduction to the two frameworks involved. In Section 2, we lay out the fundamentals of CxAdGrams. We explain the theoretical starting points of this approach as well as the central notion of 'adtree'. In Section 3, we discuss the way in which the PTA describes and classifies the types of argument. We describe the three partial characteristics of argument that constitute its theoretical framework and provide two concrete examples of so-called 'first-order arguments'. Then, in Section 4, we combine the two frameworks and introduce the notion of 'argumentative adtree'. We illustrate its use by generating and elucidating the argumentative adtrees of the two examples presented in the previous section. Finally, in Section 5, we briefly summarize and discuss our method of reconstructing arguments in natural language and indicate the main directions for further research.

2. CONSTRUCTIVE ADPOSITIONAL GRAMMARS

The theoretical framework of *Constructive Adpositional Grammars* (CxAdGrams) is the result of the application of constructive mathematics to the adpositional paradigm in linguistics. We first elucidate this framework by explaining the meaning of the key terms.

The adpositional paradigm in linguistics is the idea that each pair of linguistic elements can be conveniently described in terms of asymmetrical relations, that is, in such a way that their arrangement cannot be reversed. Thus, given a pair of morphemes, words or expressions,

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[2] For an overview of analytically relevant contributions to an argumentative discussion, see van Eemeren and Grootendorst (2004, p. 68).

there is always one element that 'governs' the other, and consequently, the latter element 'depends' on the former. An example is the phrase *Children play*, which has the verb *play* as the governing element (*gov*) and the noun *children* as the dependent element (*dep*). The hierarchical relation between a pair of linguistic terms is conventionally called an 'adposition' and can be pictured in a so-called 'adpositional tree' (or 'adtree').

The set of rules for building adtrees that is admissible within a given natural language forms an 'adpositional grammar' (or 'adgram'). The term 'adgrams' denotes all the possible grammars of any human language. In CxAdGrams, more specifically, the formation of adgrams follows certain meta-rules that are described in terms of Grothendieck topoi – the most important instrument in topos theory, a branch of constructive mathematics. Since in constructive mathematics, unlike in classical logic, the use of the so-called 'law of excluded middle' is not allowed, the information content of any statement regarding the formulas of a theorem is strictly preserved – see Bridges and Richman (1987).

There is a tradition of using constructive mathematics to formally represent natural languages, starting from the work of Adjukiewicz (1935) and Church (1940). CxAdGrams, to the best of our knowledge, is the only framework that uses topos theory for this purpose. As a result, the adtrees it produces do not only represent natural language expressions in the form of recursive trees but can also be interpreted as formulas – which means that they are suitable for the purpose of natural language processing.[3]

We now turn to explaining the notion of 'adpositional tree' in more detail. A minimal adtree consists of a pair of linguistic elements and their relation, expressed in terms of their adposition. Figure 2 shows the abstract structure of such a minimal adtree – adapted from Gobbo and Benini (2011, p. 15).
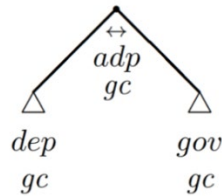

Figure 2   The abstract structure of a minimal adtree

Within this adtree, the positions of the governing and the dependent elements are conventional: the governor (*gov*) is put on the right leaf at the bottom of the rightmost branch, while the dependents (*dep*) are put on the left leaves at the bottom of the branches on the left (in this case, there is only one). Their relation is represented by the adposition (*adp*), depicted as a hook under the bifurcation of the two branches. The variable *gc* under the hook and the leaves means 'grammar character'. Finally, the triangles on the leaves (△) indicate that adtrees can be applied recursively one under the other, if needed.

While each dependent can have one and only one governor, a governor can rule more than one dependent. The exact number of dependents, which ultimately determines the shape of the adtree, is defined by the Tesnerian concept of valency.[4] In order to illustrate this concept, we picture in Figure 3 the adtree of the phrase *Children play* that was mentioned above.

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[3] The linguistic and formal rules of CxAdGrams are not discussed here for reasons of conciseness. For a comprehensive presentation of this approach to linguistic analysis, see Gobbo and Benini (2011). The formal model is presented in Appendix B of this work.

[4] The concept of valency was introduced by Tesnière (1959, 2015) within the framework of Structural Syntax. Gobbo and Benini (2013) clarify the relation between that framework and CxAdGrams.
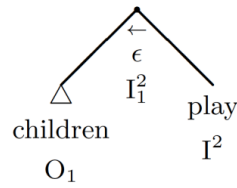
Figure 3   The adtree of the phrase *children play*

The adposition (*adp*) is in this case instantiated by an epsilon (ϵ), indicating that there is a syntactic relation between the two words. The triangle ($\triangle$) indicates an adtree that represents morphological information regarding the word *children* and is hidden because it is irrelevant for our purposes. The grammar characters (*gc*) are in this case instantiated by O, I, and I. The theoretical framework of CxAdGrams uses five different grammar characters, which are represented by five vowels (A, E, I, O, U). Table 1 explains their meaning – adapted from Gobbo and Benini (2011, p. 41).

gc	*name*	*function*	*examples*
A	adjunctive	modifier of O	adjectives, articles, determiners
E	circumstantial	modifier of I	adverbs, adverbial expressions
I	verbant	valency ruler	verbs, interjections
O	stative	actants	nouns, pronouns, name-entities
U	underspecified	transferer	prepositions, derivational morphemes

Table 1   The meaning of grammar characters in adtrees

The shape of an adtree is mainly defined by verbants – typically, verbs (see Table 1). Their grammar characters (I) and those of the correlated nominal expressions (O) may show additional parameters. In the case of verbants, an apex indicates the verbal valency (*val*), i.e., the number of actants that are potentially involved in the activity described by the verb. The I^2 in our example indicates that the verb *play* is bivalent (*val* = 2), as semantically it implies a player (the first actant) as well as a game or a musical instrument (the second actant). In the case of the nominal expressions correlated with the verbant, a pedix indicates the number by which they are identified. In our example, *children* acts as the first actant (O_1), while the second actant has remained implicit. Finally, the information expressed in the complete adtree is summarized by the grammar character I_1^2 under the hook. Here, again, the apex indicates the valency value (*val*) of the verb, while the pedix indicates the number of actants (*act*) present in the sentence.[5] Since the former is bigger than the latter (*val* = 2 and *act* = 1), the verb is only partially saturated.

We now discussed most of the basic aspects of linguistic adtrees. The meaning of the arrows – for instance the left arrow ($\leftarrow$) above the epsilon in Figure 3 and the generic leftright arrow ($\leftrightarrow$) above *adp* in Figure 2 – is explained in Section 4.

3. PERIODIC TABLE OF ARGUMENTS

The *Periodic Table of Arguments* (PTA) is a classification of argument that integrates the traditional dialectical accounts of argument schemes and fallacies as well as the rhetorical accounts of logical, ethotic, and pathetic means of persuasion into a systematic and

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[5] Please note that if the adposition of the second actant of *to play* is filled by the preposition *with*, the overall semantics slightly changes. Thus, in CxAdGrams, *to play* and *to play with* are considered different verbs.

comprehensive whole.[6] The theoretical framework of the table is based on three partial characterizations of argument, namely (1) as first-order or second-order arguments; (2) as predicate or subject arguments; and (3) as a specific combination of types of statements. The superposition of these three partial characterizations yields a factorial typology of argument that can be used in order to develop tools for analyzing, evaluating, and producing argumentative discourse.

The types of arguments described in the PTA are 'atomic' in the sense that they consist of exactly one premise and one conclusion, both of which are expressed by means of a statement that consists of a subject and a predicate. Closely following logical conventions, subjects are indicated with letters $a, b,$ etc., predicates with letters X, Y, etc. (predicate $\top$ having the fixed meaning 'true'), and complete propositions with letters p, q, etc.

The classification of the types of argument takes place by determining the 'argument form', a notion that comprises the first two partial characteristics mentioned above, and by subsequently determining the combination of types of statements instantiated by the argument, which yields the third partial characteristic. Without going too much into the details of the Argument Identification Procedure (Wagemans, 2018), we turn to mentioning the most important ingredients of the argument classification framework of the PTA.

From the above description it follows that the determination of the argument form involves an identification of the argument as either a first-order or a second-order argument and as either a predicate or a subject argument. These distinctions allow for four different possibilities: first-order predicate arguments, first-order subject arguments, second-order subject arguments, and second-order predicate arguments. For this reason, the visual representation of the PTA consists of a plane that is divided into four quadrants (Wagemans, 2017). The argument forms just mentioned correspond to the quadrants $\alpha, \beta, \gamma,$ and δ respectively. In Table 2, for each quadrant we list the corresponding argument form and provide a concrete example.

| quadrant	argument form	example
α	a is X, because a is Y	The subject (a) is driving fast (X), because he (a) left a long trace of rubber on the road (Y)
β	a is X, because b is X	Cycling on the grass (a) is forbidden (X), because walking on the grass (b) is forbidden (X)
γ	q is $\top$, because r is $\top$	He must have gone to the pub (q), because the interview was cancelled (r)
δ	q is $\top$, because q is Z	We only use 10% of our brain (q), because that (q) was said by Einstein (Z)

Table 2   Argument forms and examples in the four quadrants of the PTA

The argument types situated within each of the quadrants are further differentiated on the basis of a determination of the specific combination of types of statements they instantiate. For this purpose, the PTA makes use of a tripartite typology consisting of statements of fact (F), statements of value (V), and statements of policy (P). The conclusion and premise of the argument may thus instantiate one of the following nine combinations of types of statements: *PP*, *PV*, *PF*, *VP*, *VV*, *VF*, *FP*, *FV*, *FF*. An example is *The government should invest in jobs, because this will lead to economic growth*, which has a statement of policy (P) as its conclusion and a statement of fact (F) as its premise and therefore instantiates the combination '*PF*'.

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[6] The present explanation of the theoretical framework of the *Periodic Table of Arguments* is based on Wagemans (2016, 2017, 2018).

When taken together, the three partial characterizations of argument constitute a theoretical framework that allows for 2 x 2 x 9 = 36 systematic types of arguments. Each of these systematic types hosts a number of 'isotopes', which are named in accordance with the existing dialectical and rhetorical classifications of argument classification. The traditional names usually originate in the linguistic formulation of the relation between the premise and the conclusion. The argument *The suspect was driving fast, because he left a long trace of rubber on the road*, for instance, can be identified as a first-order predicate argument that combines a statement of fact with another statement of fact. The systematic name of this argument is therefore '1 pre FF'. Given that the relation between the premise and the conclusion can be captured by saying that the predicate of the statement expressed in the premise, *leaving a long trace of rubber on the road*, is an 'effect' of the predicate of the conclusion, *driving fast*, the traditional name of this specific isotope of '1 pre FF' is 'argument from effect'.

Within every quadrant, the systematic place of the type of argument is determined by the specific combination of types of statements it instantiates (*FF*, *VF*, *PF*, etc.), while the isotopes representing the traditional names are placed in a vertical line. In Figure 4, we picture the current version of the PTA – for updates and more detailed analyses of examples, see its official website www.periodic-table-of-arguments.org.
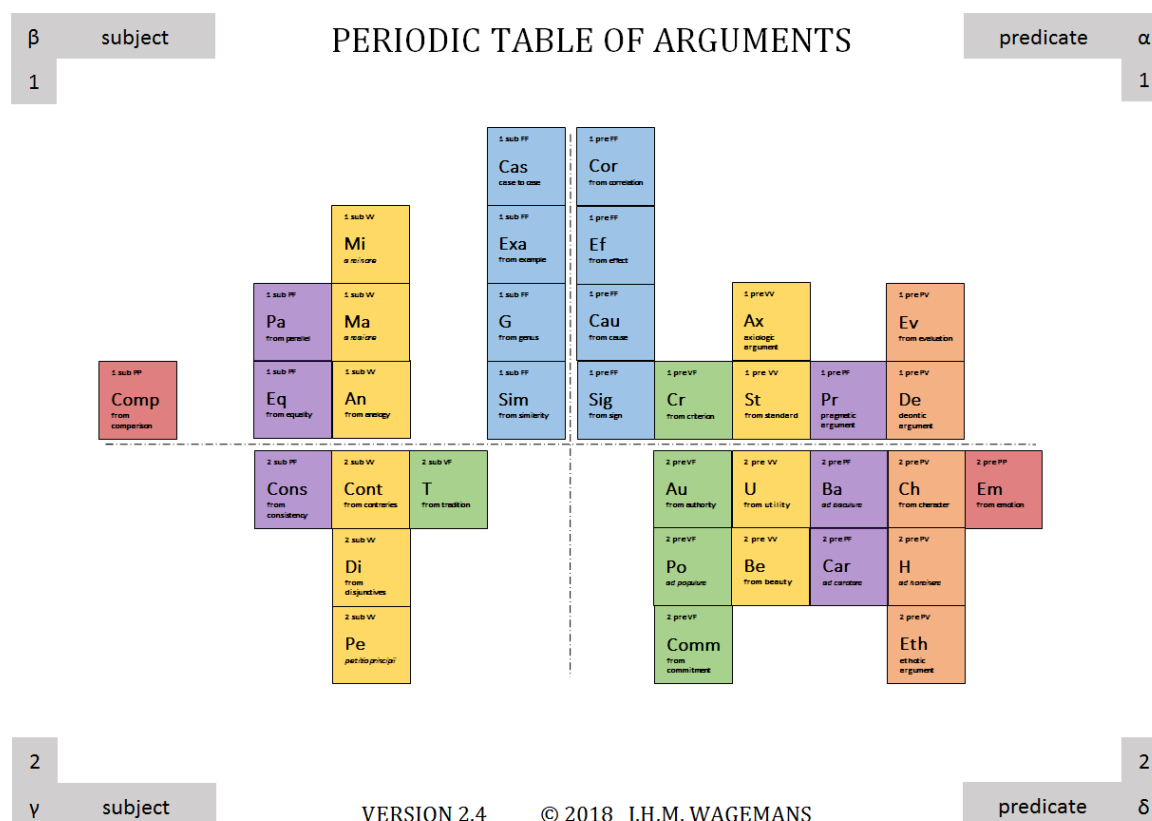
Figure 4   Version 2.4 of the *Periodic Table of Arguments*

In the next section we demonstrate how the theoretical framework of the PTA can be used for enriching the linguistic adtrees generated by CxAdGrams with pragmatic information regarding the type of argument. We do so by providing an analysis of two of the concrete examples of arguments that were mentioned in Table 2. The first example, *The suspect (a) was driving fast (X), because he (a) left a long trace of rubber on the road (Y)*, is a first-order predicate argument

that combines a statement of fact with another statement of fact ('1 pre FF') and is traditionally known as the 'argument from effect'. The second example, *Cycling on the grass (a) is forbidden (X), because walking on the grass (b) is forbidden (X)*, is a first-order subject argument that combines a statement of value with another statement of value ('1 sub VV') and is traditionally known as the 'argument from analogy'.

4. COMBINING CXADGRAMS AND PTA

Although CxAdGrams is built mainly for expressing morphology and syntax, the adtrees generated by its theoretical framework are also suitable for expressing pragmatics.[7] In this section we show how to insert pragmatic information about the type of argument into a linguistic adtree, thereby developing the notion of 'argumentative adtree'.[8]

As explained in the previous section, the PTA takes an argument to be formed by two statements, each of which consist of a subject (indicated by *a*, *b*, etc.) and a predicate (indicated by *X*, *Y*, etc.). In the corresponding adtrees of these individual statements, the predicate is represented by the leaf of the rightmost branch. While the position of the predicate does not change in transforming linguistic into argumentative adtrees, in the latter the subject is emphasized. In particular, the first actant (O_1), which corresponds to the subject, is put in evidence as the topmost left branch of the tree. The remaining linguistic material automatically becomes part of the predicate.

For the analyst, the identification of the subject and the predicate of the statements involved in the argument can be complicated by the fact that the arguer has left certain linguistic elements implicit. This is a well-known problem in argumentation analysis, for which our method provides an extra tool. In order to represent the elements that function in the argumentation in an adequate way, the analyst can consider the valency of the verb which rules the predicate and check whether or not the verb is saturated. If in the original text some actants are explicitly stated and some others have remained implicit, the implicit actants should be inferred and extracted from the semantic interpretation of the statement itself. This procedure of elicitation of the in-valent structure eventually deepens the analysis of the argument in terms of robustness. In fact, the overall goal of the reconstruction is to understand better how the argument works, and the analysis of the in-valent structure can play a major role in achieving this goal.

After having identified the subject and the structure of the predicate of the two statements, the analyst can determine their argumentative function and collocate the argument in the PTA. In the argumentative adtree, the conclusion is indicated by σ (sigma), standing for the Greek equivalent *συμπέρασμα* (sumpérasma), and the premise by π (pi), standing for *πρότασις* (prótasis). Regarding the order of presentation of these statements in the original text, van Eemeren and Snoeck Henkemans (2016, p. 33) distinguish between a progressive and a retrogressive mode. The former presents first the premise (π) and then the conclusion (σ), connecting them by means of the conjunction *so*, *therefore*, or another one with a similar function. Since there is a multitude of equivalent expressions, in argumentative adtrees of reconstructed arguments the progressive mode is represented only formally, by a left arrow ($\leftarrow$). The retrogressive mode starts from the conclusion (σ) and then arrives at the premise (π), connecting them with a conjunction such as *because*, *since*, etc. This mode is represented in argumentative adtrees by a right arrow ($\rightarrow$). For the sake of simplicity and conciseness, the

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[7] Gobbo and Benini (2011, Ch. 6) have already provided pragmatic adtrees, representing the relation between illocutionary and locutionary acts as described in Searle (2010).

[8] The transformation from linguistic adtrees to argumentative adtrees is formally justified by the so-called conjugate construction in the formal model of *CxAdGrams* – see Gobbo and Benini (2011).

examples we have chosen for our analysis below are retrogressive in nature and use *because* as a conjunction. In the corresponding argumentative adtrees, this is represented with a right arrow (→).

Figure 5 shows the argumentative adtree of the two main types of first-order arguments distinguished in the PTA in an abstract way, i.e. showing their regressive normal form, regardless of the linguistic information. In each argumentative adtree, the adpositions representing the premise (π) and the conclusion (σ) appear once and once only. On the left we pictured the adtree of first-order predicate arguments, situated in the alpha quadrant (α) and having the form "*a is X, because a is Y*", and on the right the adtree of first-order subject arguments, situated in the beta quadrant (β) and having the form "*a is X, because b is X*".
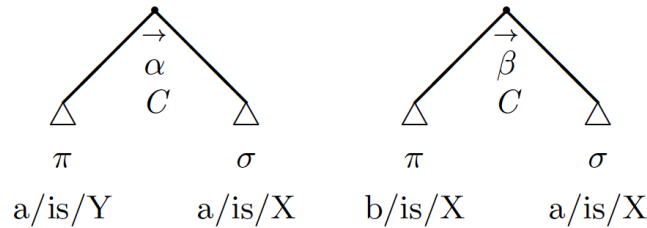
Figure 5   The abstract argumentative adtrees of first-order arguments

In both adtrees, the relation between the premise (π) and the conclusion (σ) is represented by the adposition, which is the hook. The quadrant is indicated under the arrow. The letter *C* indicates generically the combination of the types of statements (*FF*, *VF*, *PF*, etc.) instantiated by the argument. The quadrant and combination indicators together enable the analyst to identify which of the 36 possible types of argument distinguished in the PTA describes the concrete argument under scrutiny.

We now turn to illustrating our method of reconstructing arguments by building the argumentative adtrees of the two concrete examples mentioned at the end of the previous section. Both are examples of first-order arguments, their variation lies in the other two partial characteristics that constitute the theoretical framework of the PTA. The first example is a predicate argument that supports a statement of fact with another statement of fact ('1 pre FF') and the second a subject argument that supports a statement of value with another statement of value ('1 sub VV').

Example 1
The first example we analyze is *The suspect was driving fast, because he left a long trace of rubber on the road*. Figures 6 and 7 picture the linguistic adtrees respectively of the premise and the conclusion of the example.[9] At first, a trivial parser will identify the two verbal forms that rule the two phrases: respectively, *was driving* (ruling the conclusion, which is the governor of the sentence and is therefore put at the rightmost subtree) and *left* (ruling the premise, which depends on the conclusion). At this point, the respective first actants (O_1) are identified, i.e. *the suspect* and *he*. In the conclusion, there is an adverb, *fast*, that specifies a quality of the verb (therefore, it has the grammar character E). In the premise, a similar role is played by the locative expression *on the road*. Its global adposition is E, and its internal structure contains a preposition (*U*), a noun (*O*) and a determiner (*A*). Unlike in the conclusion, in the premise there is a complex expression, *a long trace of rubber*, that saturates the second valency (O_2). Finally,

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the triangles △ are used to hide linguistic details that are not immediately relevant for the present purpose – in this case, the morphological information regarding *was driving*.
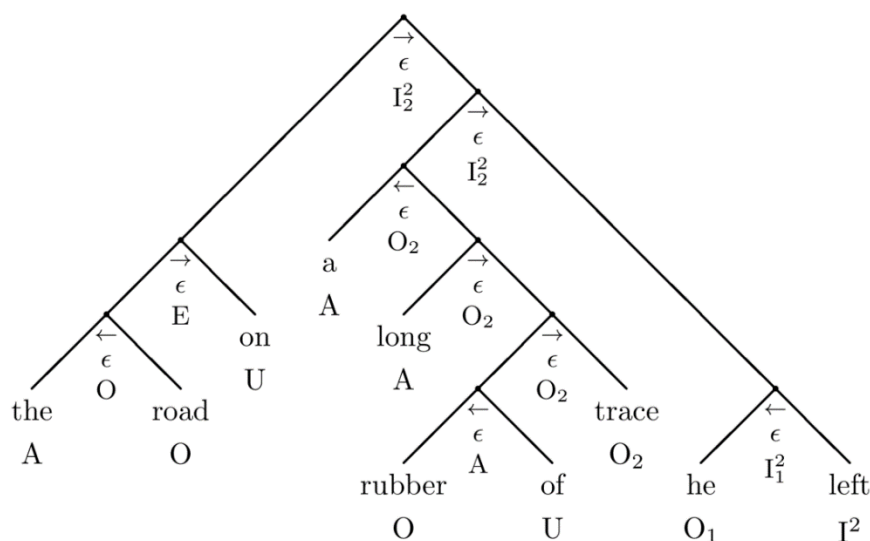

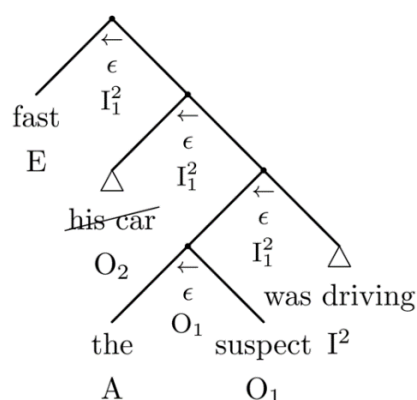Figure 6   The fully expanded linguistic adtree of the premise of Example 1

Figure 7   The linguistic adtree of the conclusion of Example 1

At this point, we can transform the linguistic adtree into the argumentative one. We take the premise *he left a long trace of rubber on the road* as an example and show how the transformations mentioned above take place (see Figure 8). The argumentative function of this sentence, a premise, is reflected in the adposition π, which is placed under the topmost hook. Then, the analyst identifies the type of statement expressed in the premise as a statement of fact. In the argumentative adtree, this information is put as grammar character F under adposition π.
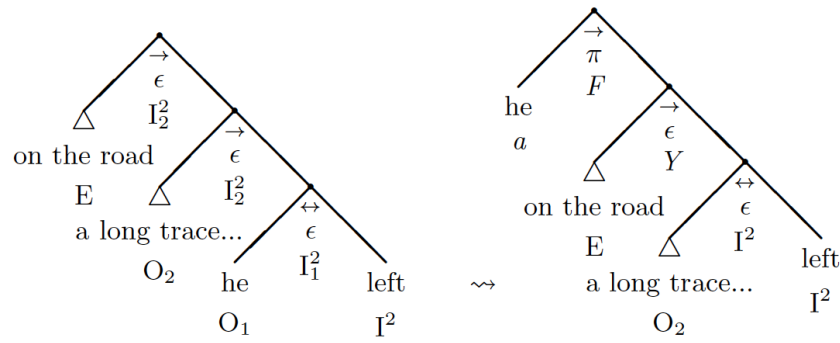
Figure 8   The transformation from linguistic to argumentative adtree

After having inserted this argumentative information in the adtree, the analyst proceeds with the extraction of the subject (a), which is put at the leftmost subtree, leaving the other elements of the sentence as parts of the predicate (Y). The extraction, which in this case results in a different position of the leaf *he*, highlights the subject-predicate structure of the sentence, which in turn enables the identification of the type of argument.

Then, after a similar procedure is carried out for the conclusion (σ), the analyst can put the two adtrees together (see Figure 9). This will create a new adtree with pragmatic information about the type of argument in the topmost hook. In this case, the premise and conclusion together form a first-order predicate argument (α) that combines a statement of fact with another statement of fact (FF).
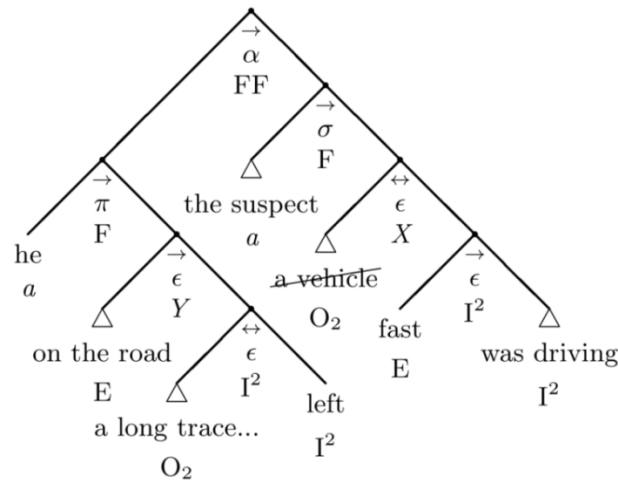

Figure 9   The argumentative adtree of Example 1

The analyst is helped in her work by the linguistic analysis performed through CxAdGrams. In fact, the in-valent structure reveals that the verbal form ruling the conclusion, *was driving*, implies the possible presence of two actants: the driver (O_1) and the vehicle (O_2). In this example, the second actant (O_2) is not expressed, which is why that information is hidden. An adtree can show hidden information under the form of a barred leaf. Although at first sight, this hidden information does not seem to be that relevant, on closer inspection it could be crucial for the argumentation analysis, especially when the analyst is dealing not with a single argument but with a whole argumentative text. In fact, if the analyst forgets to represent hidden information, she risks to lose an important piece of information. Omissions can be very important to understand if the argument structure of the whole text is robust or not, and in

particular to detect the weak points in the reconstruction. In this example, the subject, *the suspect* (*a*), is metonymically identical with the driver (O_1) even if, strictly speaking, it is the vehicle (O_2) that *left the long trace on the road*, not the subject. This shows an important difference between linguistic adtrees and argumentative adtrees: what is peripheral from a linguistic point of view, can be central from an argumentative perspective. In particular, the circumstantial *fast* (E) of the premise (π) is linguistically merely a decoration of the ruling verbal form *was driving* (I^2). But it plays a central role in the persuasive force of the argument: if the suspect weren't driving *fast* (E), he could have never *left* (I^2) *a long trace on the road* (O_2). In other words, *long* is the key term and it is related to *fast*.

Example 2
The second example is *Cycling on the grass is forbidden, because walking on the grass is forbidden.* Like with the previous example, the analyst should start from the linguistic analysis of the two statements that form the argument. Figure 10 shows the linguistic adtree, whose main subtrees, representing respectively the main and the secondary phrase, are almost identical, as they share the same linguistic structure. It is worth noting that the preposition *on* is the adposition of the two identical expressions *on the grass* that modify the subjects (O_1) of both subtrees, and therefore takes the adjunctive grammar character (A).
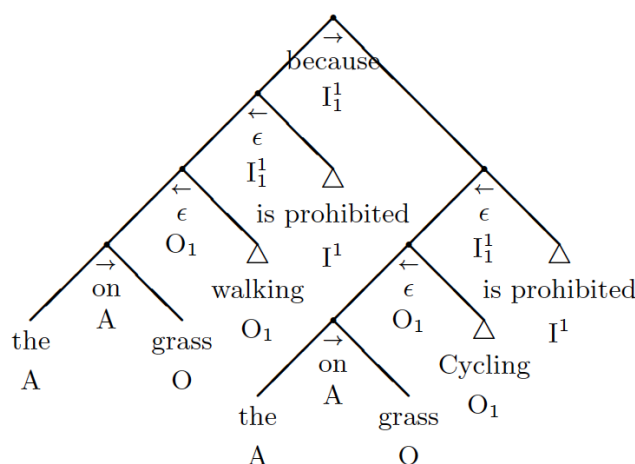

Figure 10 The linguistic adtree of Example 2

The argumentative counterpart of the linguistic adtree is quite similar – compare Figures 10 and 11. As both statements share the same predicate, *is prohibited* (*X*), but have different subjects, *cycling on the grass* (*a*) and *walking on the grass* (*b*), they instantiate a first-order subject argument. This information is inserted by putting a *β*, standing for the corresponding quadrant of the *Periodic Table of Arguments*, under the topmost hook. Finally, since their verbal form is a cue for labelling both phrases as statements of value, the analyst adds *VV* as an indication of the combination of types statements involved.

  Our reconstruction reveals that the linguistically peripheral elements *on the grass* play a vital role in the argument and are therefore pragmatically central. In fact, if we cut them out, the resulting sentence of the argument *Cycling is prohibited because walking is prohibited*, loses all argumentative force.
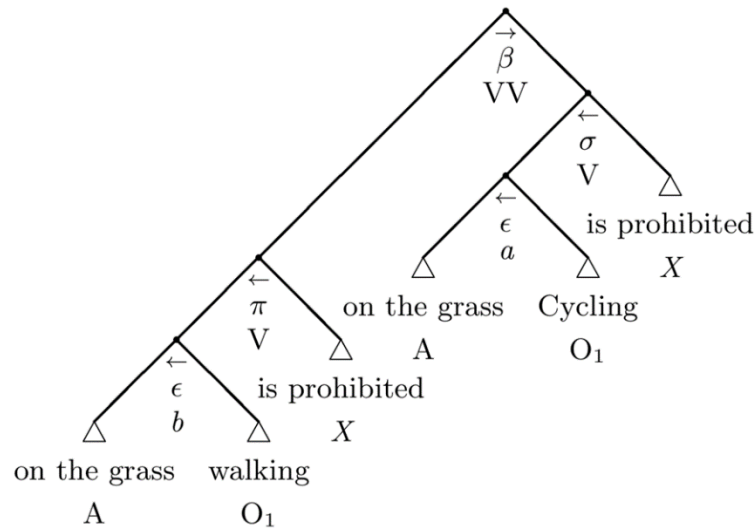
Figure 11   The argumentative adtree of Example 2

As illustrated by reconstructing these two examples, argumentative adtrees are powerful analytical tools that enable the analyst to show where the pragmatic force is placed within the linguistic material.

5. CONCLUSION

In this paper we demonstrated a high precision tool for the purpose of reconstructing arguments in natural language that centers around the notion of 'argumentative adpositional tree'. The tool is the result of the combination of two theoretical frameworks, the linguistic representation framework of *Constructive Adpositional Grammars* (CxAdGrams) and the argument classification framework of the *Periodic Table of Arguments* (PTA).

Argumentative adpositional trees not only represent in great detail the linguistic features of premises and conclusions of the argument under scrutiny but they also contain pragmatic information about the type of argument. Moreover, the tool permits to express hidden information contained in the valency structure if this is necessary or desirable in light of the aim of the analysis.

We believe that our method of reconstructing arguments has some advantages compared to existing methods. In present-day argumentation theory, the analysis of the external organization of the argumentation – the so-called 'argumentation structure' – and the analysis of the internal organization of an argument – the so-called 'argument scheme' are often kept separated. Building argumentative adtrees enables the analyst to obtain an integrated picture of these two aspects of argumentative discourse. The method thus permits the analyst not only to operate on the level of the individual words, but also to freely choose the level of linguistic detail to be shown in the reconstruction in relation to the specific aim of the analysis.

A further direction of research is to apply the procedure for creating argumentative adtrees to the two main types of second-order arguments, which are situated in the gamma and delta quadrants of the PTA. Also, since arguments rarely appear in isolation, it is important to extend the procedure for generating argumentative adtrees so as to be able to represent complex concatenations of arguments and, ultimately, a complete argumentative text.

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A simple theory of argument schemes

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ABSTRACT: While there has been in depth discussion of many particular argumentation schemes, some lament that there is little to no theory underpinning the notion of an argumentation scheme. Here I shall present and defend a minimalist theory—a scheme is just a set of propositions and propositional functions—propositional structures with at least one variable. While simple, the theory contravenes several desiderata such as (i) aiding in the identification of enthymemes and (ii) keeping schemes constrained to a manageable taxonomy. So much the worse for the desiderata.

KEYWORDS: argumentative constant, argumentative force, argument taxonomy, critical questions, propositional functions, schemes

1. INTRODUCTION

Even though there has been often quite in depth discussion of many particular argumentation schemes (see, for example, Macagno and Walton, 2017, Walton, 2000, Walton, 1999, Walton, 1996), there has also been a lament that there is little to no theory underpinning the notion of an argumentation scheme (Dove & Nussbaum, 2018). Here I shall present and discuss the consequences of a very minimalist theory of argumentation schemes.

2. A THEORY OF ARGUMENT SCHEMES

According to Douglas Walton, Chris Reed, and Fabrizio Macagno, in their book, *Argumentation Schemes*: "Argumentation schemes are forms of argument (structures of inference) that represent structures of common types of arguments used in everyday discourse, as well as in special contexts like those of legal argumentation and scientific argumentation."(2008, p, 1) (See also Macagno, 2015, Macagno, 2018, Wyner, 2016). Though I am not sure what it means for a form of argument to represent a structure of a common type of argument, we can start with the notion that argument schemes are at the very least forms of argument. Indeed, their very next sentence is: "They include the deductive and inductive forms of argument that we are already so familiar with in logic …" (Walton, Reed, & Macagno, p. 1, p. 12). Though perhaps not wholly explicit, Christoph Lumer (2011), David Hitchcock, (2017), and Manfred Keinpointner, (2018), all, at least by the examples they give, endorse this last claim. Hence, whatever argument schemes are it is as least true that:

> (1) Logical forms are a type of argument scheme

Here, then, is a simple way to get a theory that accepts (1). Suppose an argument is a set of a set of propositions and another proposition. Argument schemes are the forms of arguments or schematic arguments. Hence, the simplest theory of argument schemes would be:

T1: An argument scheme is a set of a set of propositional functions and another propositional function.

What is a propositional function? According to Russell and Whitehead:

> By a 'propositional function' we mean something which contains a variable *x*, and expresses a proposition as soon as a value is assigned to *x*. That is to say, it differs from a proposition solely by the fact that it is ambiguous: it contains a variable of which the value is unassigned. (Russell & Whitehead, 1925, p. 38).

Assuming there is a difference between the things that express propositions (presumably some sort of sentence in some language) and propositions themselves, then it is hard to make both sentences of what Russell and Whitehead say compatible, since the first makes them the sort of thing that express propositions, while the second makes them a kind of ambiguous proposition or a proposition with an unassigned variable in it.

    I suspect one could go either way with a theory of propositional functions and so argument schemes—they could be (i) sets of expressions with at least one variable or (ii) sets of incomplete propositions. I am not going to argue for one choice over the other here. I am merely going to stipulate that I will take propositional functions to be propositions with at least one 'hole' in them in which the relevant sort of 'thing' could be placed to create a complete proposition. I represent these holes via variables within the sentences that once the appropriate type of term is substituted in for the variable then express propositions. Hence, the incomplete sentence, 'X is snub-nosed' represents or expresses a propositional function. Once a term is put in for the variable X, such as 'Socrates', the result is the sentence 'Socrates is snub-nosed', which expresses the proposition that Socrates is snub-nosed. Note that the 'hole' or variable could be the entire proposition, as in

    S1: X; Y; hence, X and Y

or

    S2: If X, then Y; X; hence, Y

else we could not make good on making claim (1) true, since some parts of logical forms range solely over propositions themselves and not just constituents of propositions.

    Suppose one takes seriously the claim that argument schemes are schematic arguments. Hence, every argument can be made into a scheme by schematizing at least one element of the argument. Consider, then, the slightly stilted argument:

    A1: Harry hates Billy. Hence, not possible that Harry impartially evaluates Billy's work.

Now consider some potential single variable schematizations of A1:

    S3: X hates Billy. Hence, not possible that X impartially evaluates Billy's work.
    S4: Harry hates X. Hence, not possible that Harry impartially evaluates X's work.
    S5: Harry Xs Billy. Hence, Harry cannot impartially evaluate Billy's work.
    S6: X. Hence, not possible that Harry impartially evaluates Billy's work.
    S7: Harry hates Billy. Hence, X possible that Harry impartially evaluates Billy's work.
    S8: Harry hates Billy. Hence, not X that Harry impartially evaluates Billy's work.
    S9: Harry hates Billy. Hence, not possible that Harry X evaluates Billy's work.

S10: Harry hates Billy. Hence, not possible that Harry impartially Xs Billy's work.
S11: Harry hates Billy. Hence, not possible that Harry impartially evaluates Billy's X.
S12: Harry hates Billy. Hence, not possible that X
S13: Harry hates Billy. Hence, not X.
S14: Harry hates Billy. Hence, X.

Depending on what can and cannot be properly replaced with a variable, a question I am not going to try to answer here, there may be even more single variable schematizations of A1, such as:

S15: Harry X. Hence, not possible that Harry impartially evaluates Billy's work,
S16: Harry hates Billy. Hence, not possible that Harry X Billy's work,
S17: Harry hates Billy. Hence, not possible that Harry X.

The maximal schematization is the eight variable:

S18: X Ys Z. Hence, A B (X C Ds Z's E).

There are lots of schematizations in between, such as the two variable:

S19: X. Hence, Y

or

S20: Harry hates Billy. Hence, not X that Harry impartially Ys Billy's work,

or the three variable:

S21: X Zs Y. Hence, not possible that X impartially evaluates Y's work,

etc.

All of these are schematic instances of Argument 1. But given Theory 1, not all of them are argument schemes, since T1 requires that every propositional element of a target argument be turned into a propositional function. But this is true of only 2 of the 15 given single variable schematizations, since only two elements are common to both premise and conclusion, viz Harry and Billy.

If all it takes to be an argumentation scheme is to be the schematization of some argument, then S5-S17 are schemes just as much as S3 and S4. Indeed, I suspect it is an interesting question what can and cannot be substituted in for X in Harry Xs Billy in S5, such that it is true that it is not possible for Harry to impartially evaluate Billy's work. Of course, one might argue that Harry and Billy are just placeholders here and the real scheme of interest is S21, which does satisfy T1. But consider:

S22: Mephistopheles Xs God. Hence, not possible for Mephistopheles to impartially consider God's judgments.

In this case, given how unique Mephistopheles and God are supposed to be, we may really be interested in what values of X would make the conclusion true for those two individuals. In other words, I am not sure we should rule out by definition that schemes cannot have complete propositions as parts.

In addition, I also suspect that our maximal schematization, S18, is unlikely to be of much interest, since it will have too many disparate and unrelated instances to make it of any value, and yet it also satisfies T1. So, T1 as it stands appears to exclude certain items by definitional fiat and merely appealing to some sort of 'suitably general' principle will not explain why the maximal schematization is of limited to no interest. Hence, to avoid the definitional exclusion of many of the possible schematizations of A1, I also offer the following even more liberal definition of argumentation schemes:

T2: An argument scheme is a set of a set of propositions or propositional functions and another proposition or propositional function, with at least one element being a propositional function.

Regardless of whether one adopts T2 (or accepts T1 and the concurrent challenge of explaining why S5-S14 and perhaps S22 should be excluded from the realm of schemes), either theory captures all existing cases of argumentation schemes. Any logical form such as:

S23: X or Y; not X; hence, Y.

or

S24: If X, then Y; If Y, then Z; Hence, if X, then Z,

can be captured as sets of a set of propositional functions and another propositional function, i.e. by T1, and anything that satisfies T1 also satisfies T2. Similarly, typical argumentation schemes such as:

S25: Source E is an expert in subject domain S containing proposition A; E asserts that proposition A is true (false); Hence, A is true (false.),

or

S26: Generally, case C1 is similar to Case C2; A is true (false) in case C1; Hence, A is true (false) in case C2,

satisfy both T1 and T2. In fact, all the schemes one can find in the literature satisfy both T1 and T2. Finally, recall we have the scheme:

S19: X, Hence Y,

which captures all possible single conclusion arguments given that X could be any proposition whatsoever (including an infinite conjunction) and Y could be any proposition whatsoever.

Hence, not only is the theory of schemes articulated by T1 or T2 quite simple, but the theory is also complete in the sense that it captures all the schemes currently on offer and provides at least one scheme for every possible single conclusion argument. And just as we could, if desired, define more complex arguments, i.e. arguments composed of more than one argument, in terms of simple (i.e. single conclusion) arguments and the relations amongst them, we could expand the notion of a scheme given in T1 or T2 to capture complex schemes by appealing to the simple schemes of T1 or T2 and the relations appealed to in defining complex arguments.

3. CRITICAL QUESTIONS?

One might, however, object that T1 and T2 do not capture all, or even any, given argumentation schemes. Schemes, especially defeasible schemes, are presented along with a series of critical questions and T1 and T2 include no mention of critical questions at all. Are critical questions part of schemes or not?

One standard answer is 'no'. Schemes have corresponding questions, but the questions are not part of the schemes themselves, but rather provide guidance for the proper evaluation of instances of the schemes. For example, Walton, Reed, and Macagno write: "The two elements together, the argumentation scheme and the matching critical questions, are used to evaluate a given argument in a particular case …" (2008, p. 11) David Hitchcock writes: "As an aid to evaluation of the inference in an argument fitting a certain scheme, the theorist will provide a list of so-called "critical questions" to be asked corresponding to the conditions under which arguments of the scheme in question have a good inference."(2017, p. 226). Ian Dove and E. Michael Nussbaum, (2018) citing the challenges of getting students to even recognize and utilize schemes, propose a strategy for argument assessment that generalizes the critical questions so as to be completely independent of any particular argument scheme.

Indeed, examination of the critical questions, should lead one to believe that they are not constitutive of the scheme since the critical questions are not setting out conditions for an instance of a particular scheme *being* an instance of the scheme. For example, consider the question, "Are there other events that would more reliably account for the sign?", in a typical argument from sign. The answer is either 'yes' or 'no'. But neither answer entails that the target argument is or is not an instance of an argument from sign. Rather those answers help an evaluator of a particular instance of an argument from sign judge whether the argument is a good one or not. In other words, the critical questions are not setting conditions for something to be an instance of the scheme in question, but rather setting conditions for something to be a *good* or *acceptable* instance of the scheme. We should keep identity conditions separate from goodness conditions, and so critical questions should not play a role in defining the scheme.

But despite the quotation given above, Walton, Reed, and Macagno also write: "The critical questions form a vital part of the definition of a scheme…" and "the complete set of linked premises employed in a scheme is thus the union of those given as premises and (the propositional content of) those listed as critical questions."(2008, p. 17) They provide an example in which critical question content gets added as explicit premises with the scheme 'appeal to expert opinion' in order to generate more and more refined and complex versions of the scheme.

Suppose we have some scheme S with associated critical questions, CQs. There is no doubt that we *can* incorporate the content of the CQs into S to create a new scheme S'. Does S' have its own associated critical questions or not? If not, then there are schemes with no associated critical questions and so critical questions are not necessary for the identity of schemes. Indeed, in such as case, S' satisfies both T1 and T2 as does S without the corresponding CQs. But the objection to T1 and T2 on offer was that it was failing to account for the CQs, so the only way for the objection to continue is to claim that S really is not a scheme after all, and only S' is, even though it has no CQs either and that seems arbitrary at best. We already know that we can take an argument 'X, so Y' and transform it into the argument 'X, if X, then Y, so Y' such that both arguments stand or fall together. All that changes is the evaluation—if the inference of the original argument fails, then the conditional premise of the second argument is false and vice-versa. If the inference from X to Y is good, then the conditional premise of the second argument is true and we are right back to determining whether or not X is in fact true or acceptable or whatever the premise adequacy standard is that is in play. But incorporating the CQs of S to generate S' is the exact same sort of

transformation—if we compare instances of S with S', what used to be questions about the premise adequacy or inference adequacy of S will now be questions about premise adequacy of S' for the newly added premises. But just as no one denies that both 'X, so Y' and 'X, if X, then Y, so Y' are both arguments, no one should deny that both S and S' are both schemes.

But suppose S' does have its own critical questions. Then the associated critical questions for S' can be incorporated as missing premises to create scheme S'' and we have our two options again for S''. If it does not have CQs, then S'' will satisfy T1 and T2 just as well as S and S' stripped of their CQs and saying S'' is the real scheme whereas S and S' are not will again be arbitrary. If S'' does have CQs, then once again we can raise the dilemma by creating S'''. Perhaps one might argue that eventually we will hit generic critical questions such as—are the premises adequate in the context, is the argument question begging in the context, do the premises sufficiently support (either by themselves or despite proximate potential counterexamples) the conclusion in the context? But since these questions can be asked of *any* argument, they are not doing any scheme individuating work—but that means the scheme is being individuated soley by its content independently of the generic critical questions, i.e. we are in the exact same situation we were in when we supposed we could have schemes without critical questions, i.e. we have a theory of schemes that satisfies T1 and T2. Hence, either we can have schemes without critical questions (which satisfy T1 and T2) or attempts to incorporate critical questions into schemes while also appealing to critical questions as part of the identity conditions of schemes generates an infinite regress.

4. THE PROPOSED DESIDERATA OF A THEORY OF SCHEMES

Both T1 and T2 are quite simple theories of argument schemes. I also suspect many theorists will not find them very satisfying since the resulting schemes will fulfill few if any of the roles traditionally attributed to schemes. For example, Macagno writes of schemes that "they allow classifying arguments in general categories. They bring to light the implicit rule of inference from the explicit premise(s) to the conclusion in an enthymeme, …they guide the evaluation of arguments through the set of critical questions. On the other hand, they can be used for producing arguments." (2018, p. 560). Hitchcock, citing Garssen (2001), also mentions inventing and evaluating arguments, but also adds "describing how a certain group of people reason and argue."(2017, p. 229). So the proposed roles are (1) Argument Taxonomy, (2) Enthymeme reconstruction, (3) Argument Evaluation, (4) Argument Invention, and (5) Describe sub-groups reasoning patterns.

In the longer version of this paper I go through each of these in turn, but for space reasons, I will go through the very short version of why T1 and T2 fail to fulfill these roles— there are too many schemes and single arguments satisfy too many of them (indeed recall all single conclusion arguments satisfy S19, X, so Y) for schemes to be what is doing the work in these desired roles.

For example, consider using argument schemes to generate an argument taxonomy. If schemes are types of arguments, then arguments that instantiate a particular scheme would be arguments of that type. But there are an infinite number of schemes (since there are an infinite number of logical forms and an infinite number of propositional functions), so this taxonomy will not be very helpful. Indeed, the hope expressed at the Panel session on argument taxonomy at the last ECA was for a theory of argument schemes is that we get a manageable set of schemes (see Hoppman, Keinpointner, Macagno, Wagemans, 2018; and also Macagno, 2015, p. 184 and Hitchcock, 2017, p. 236). But infinity is not manageable. In addition, arguments instantiate lots of different schemes. Just consider A1 and the very partial set of schemes I provided above.

So, what type of argument is A1 exactly according to schemes? Note also that A1, along with all single conclusion arguments instantiates S19, so all arguments are of the same type?

Consider also, using schemes to describe sub-groups reasoning patterns. However, since, as the A1 example above demonstrates, any arguing will instantiate many distinct schemes. But then merely appealing to schemes is not enough—too many distinct schemes describe any given reasoning pattern. Hence, no theoretical gain is achieved yet by saying that a particular piece of reasoning instantiates a particular scheme, since that reasoning will instantiate a whole host of other schemes as well.

But if schemes, according to T1 and T2, do not satisfy the primary roles desired of argument schemes, then, one might argue T1 and T2 are not adequate theories of argumentation schemes despite their simplicity. This, of course leaves the challenge of determining what argumentations schemes are and none of the existing takes on argument schemes are particularly good at justifying that they in fact satisfy these roles either. One could try a functional approach and say that argumentations schemes are just whatever satisfy the five roles given above. While I do not have the time or space to respond to this move in detail here, I can outline the general strategy—just as Dennett (1988) argued against the existence of qualia on the ground that nothing could satisfy the conditions of being qualia, i.e. ineffable, intrinsic, private, and immediately apprehensible in consciousness, I suspect there is no coherent class of things that satisfies the five roles. Again, this barest of sketches does not show that a functional approach to defining argument schemes in terms of the five roles will not succeed, but until a plausible candidate entity is put forward that does satisfy the roles, I will remain skeptical.

5. CONCLUSION

Lest one think that my only role in this discipline is to stomp through the edifices that others have created leaving only destruction in my path, let me conclude with a suggestion for refocusing the argumentation scheme literature. What are we getting when we schematize (and generalize) reasoning? Presumably we are trying to understand the 'argumentative force' of whatever is being left as the 'argumentative constant' in the scheme (and how various things left as constants will interact with each other). A simple example—leaving 'or' and 'not' as constants in 'P or Q', and 'not P', will, given true premises, entail Q. In other words, we gain information about how 'or' and 'not' argumentatively interact. Similarly, leaving 'is an expert in' and 'testifies that' as constants in 'X is an expert in Y' and 'X testifies that Z' we can explore what conditions need to hold in order for something plausible to be inferable from instances of 'X is an expert in Y' and 'X testifies that Z'. Of course, if we change either one of the 'constants', we can change the results. For example, consider replacing 'testifies that' with 'asserts that', or 'wonders whether', or 'supposes that', or 'hypothesizes that', or 'suggests that', etc.

Some combinations of various propositional functions may appear enough in our argumentation that they get special names and more attention—but to understand *why* those combinations may appear more than others we probably have to understand the argumentative force of the component propositional functions and how they interact with not just the other propositional functions in the combination under examination, but how they interact with other propositional functions that could have been used, but were not. Specific focus on particular schemes, then, is perhaps better construed as attempts to understand the argumentative force of very particular 'argumentative constants' such as 'is an expert in' or 'has very strong emotion Z towards', etc., through in-depth analyses of how those functions interact with other commonly used functions and the preconditions or scope of application of those functions for generating acceptable inferences. While I still doubt that refocusing on particular propositional functions

will aid in any attempts to provide a taxonomy of arguments or help with the so-called problem of enthymemes, I certainly do not deny that facility with the interactions amongst propositional functions, the conditions needed for acceptable instances of functions and the resulting inferential strengths and weaknesses can be useful in the evaluation of arguments and the invention of one's own (hopefully stronger) arguments.

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Civic argumentation and political argumentation

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ABSTRACT: This presentation's theme is the relationship between civic and political argumentation. The problem relates to whether or not civic argumentation is political argumentation and, if that's so, in what sense. This question is important because its answer would be a contribution to the description and evaluation of a socially important kind of argumentation, especially for democratic communities. The question is problematic because we have reasons for an affirmative answer but also for a negative one.

KEYWORDS: civic argumentation, democratic communities, political argumentation

1. INTRODUCTION

I would like to suggest that civic argumentation is political and I would like to clarify in what sense it is so. To do this, I proceed in this way: First 1) I show some generic and common features between civic argumentation and political argumentation; Second 2) I emphasize some differences between those kinds of argumentation; and 3) I summarize trying to signal the sense in which civic argumentation is political, such as it is the argumentation of an individual having a political status function, and the sense in which it differs from the former.

1. Preliminary reasons for an affirmative answer

   1.1. *Argumentative discussions between citizens often trigger political action.*

   1.2. *Sometimes, civic argumentation reaches a consensus that transforms the standards of political argumentation.*

2. Preliminary reasons for denying that civic argumentation is political argumentation

   2.1. *The conclusions of a politician's argument are practical in the sense that they are decisions that transform the factual situations or the practical problems that motivate them* (Gómez, 2017)*, whereas, someone involved in civic argumentation does not have the power to make that kind of decision.*

   2.2. *Political argumentation is argumentation in an institutional context determined by constitutive rules (Fairclough & Fairclough, 2013)whereas civic argumentation is not. In the first case, the speaker, the discourse and the normativity of the discourse are determined by institutional rules, but in the second one they are not.*

3. Common features between civic argumentation and political argumentation

3.1.   They are argumentative discourses about what to do (Aristotle, 1358 b).

3.2.   In them, the most usual and important arguments deal with issues that can be resolved in several ways, issues that cannot be resolved by systematically applying a set of rules (Aristotle, 2006, p. 1357a).

3.3.   They are types of dialogues (Walton & Krabbe, 1995) or types of activities (van Eemeren & Houtlosser, 2005) in contexts of uncertainty, risk, and persistent disagreement (Fairclough & Fairclough, 2013).

From the point of view of those features, civic argumentation and political argumentation appears to be two kinds or species of dialogues or activities belonging to the genre of deliberation. Nonetheless, the problem rose because one essential characteristic of the deliberative discourses is that, by way of them, the speaker tries to make a decision which solves a practical problem (Gómez, 2017). This raises a theoretical problem because people involved in civic argumentation do not have the institutional power to make political decisions. So, we have to ask: if civic argumentation cannot solve practical problems, in which sense can it be regarded as deliberative argumentation? And, if civic argumentation does not have institutional power for solving political issues, how is it that it is political?

One obvious way of answering these questions is by saying that, *individually* considered, people involved in civic argumentation cannot solve political problems. However, *collectively* considered, they can make *joint* decisions in order to change a social and political order; and thus, civic argumentation is political and deliberative argumentation.

I assume this answer is right. But if we are to understand more precisely civic argumentation as a kind of political argumentation, we need to look more deeply into the differences between the argumentation performed by a group of citizens and the argumentation performed by an individual who hold an institutional function according to a constitutive rule. In fact, there are some interesting questions we should make: what is it for a group, who does not have a brain, to make a decision? What kind of agreement is necessary between the members of the group in order for the decision to be *their* decision? And, consequently, what kind of criticisms are appropriate to the arguments in this context? With the purpose of suggesting something about these questions, let us look at some differences between the kind of argumentation we have in, for example, the speech of a president and the kind of argumentation we have in, for example, a discussion between a group of citizens.

4. SOME DIFFERENCES

Taking note of some differences is convenient in order to reach my purpose:

4.1 Individual institutional argumentation is aimed at the performance of an action whereas civic argumentation is aimed at the influence over an action.

Political argumentation is a species of practical argumentation (Fairclough & Fairclough, 2013). Even though the conclusion of practical argumentation has been conceived as a practical judgment, as a judgment in which an action is represented as convenient for an agent (Audi, 2015; Walton, 2015), that proposal does not fit the difference between the theoretical character of the conclusions in the political science and the practical character of the very same conclusions in the political arena. In order to understand this difference, I suggest emphasizing that the conclusions of arguments in the political field are declarative, commissive or directive speech acts (Gómez, 2017). With those kinds of acts, the speaker modifies the social situation in such a way that the practical problem is solved or, at least, the speaker tries. Conversely, the conclusion of a citizen´s speech cannot do that. Citizen´s argumentation seeks to influence over the conclusion of the discussion between citizens. That's why civic argumentation is political in potency whereas individual institutional argumentation is political in act.

4.2 Individual institutional argumentation presupposes constitutive rules whereas civic argumentation presupposes declarative representations.

An institutional fact can be formal or informal (Hindriks, 2003; Searle, 1997, 2010). Political individual argumentation is argumentation in a formal institutional context. A formal institutional context is a context determined by a set of constitutive rules about who has the power to speak, in what place, how much time, and in accordance with what normative frame (Fairclough & Fairclough, 2013). Usually, those who can speak in a formal political institutional context speak in the name of a group of people or in the name of another institution. Conversely, civic argumentation is argumentation in an informal institutional context. Everybody can participate in a civic argumentation, this kind of communication can be performed wherever and whenever, and it does not have an identifiable normative frame. Nonetheless, some people have more influence than others because they are the object of a declarative representation which gives them more power. This kind of representation does not have to be explicit, they are not constitutive rules, they neither have to be coherent with the normative frame of the institutions, and they do not put their objects under the obligation to behave according to the normative frame of the institutions. That´s why civic argumentation is informal. Put it in other terms: Political individual argumentation is a disciplined field of argumentation whereas civic argumentation is an undisciplined one (Toulmin, 1977).

4.3 The legitimacy of politician's decisions depends on their arguments whereas the legitimacy of civic decisions depends on the decision making's procedure.

Literally speaking, groups are not things of such a nature that they can make decisions. On the other hand, individuals involved in civic argumentation cannot make decisions by themselves. In civic argumentation, individuals try to influence over a joint decision. They can have such an influence over the joint decision because they are recognized as having a status with that

purpose, in other words: they are objects of declarative representations. But, what is it for a group to make a decision? I propose that the expression "a group makes a decision" means that (1) the members of the group have a declarative representation of the decision as the product of a procedure designed for the election of an action, and (2) they have a declarative representation of that procedure as the validity's source of their decisions.

Now, civic argumentation is the way by which people try to influence the product of such a procedure. Unlike what occurs with decisions in the individual political argumentation, the legitimacy of civic decisions does not depend on the arguments but on the decision making's procedure. This is so because the civil society does not represent something else with which we should contrast its claims, as it happens in individual political argumentation. Unlike what occurs with decisions in the individual political argumentation, the legitimacy of civic decisions does not depend on any agreement about ends, means, circumstances and the other premises of a practical argument. Unlike what occurs with decisions in the individual political argumentation, a civic decision is legitimate, if and only if, there is an agreement about the decision making's procedure.

4.4 The appropriate critical reaction to an individual political argument's legitimacy is to demand an answer to a critical question while the appropriate critical reaction to a civic argument is to present a counterargument, an argument in favor of an opposite thesis.

For a politician's decision to be legitimate, a correspondence between their reasons and the cognitive background of the people in behave of which that decision is made is needed. Thus, in front of any practical argument in the political field, we should ask if there is such a correspondence between the ends, values, intensional descriptions of the circumstances and the cognitive background of the people who empower the politicians. However, with respect to a civic decision it is not so obvious what could any of those questions mean, for if a civic group makes a decision based on a set of values, ends and intentional descriptions, there is an apparently obvious sense in which we can say that set of reasons is theirs. Something different must be said about the means: in this aspect we can ask how do we know this mean is going to produce the desired end? But it is because this kind of premise does not pretend to represent a practical commitment of the civil society but an epistemic commitment of the public management.

5. CONCLUSION

I have tried to establish the relationship between civic argumentation and political argumentation. On one side, I have suggested that civic argumentation is political because is argumentation (1) about what to do; (2) supported in arguments dealing with issues that can be resolved in several ways, issues that cannot be resolved by systematically applying a set of rules; in (3) contexts of risk, uncertainty and persistent disagreement. On the other hand, I have argued that civic argumentation is different from individual political argumentation because (1) in it the speaker does not aim at making decisions but at influencing them; because (2) civic argumentation is informal institutional argumentation, while individual political argumentation is formal institutional argumentation; because (3) its legitimacy does not depend on the arguments but on the decision making's procedure; and, finally, (4) because the appropriate critical reaction with regard to civic argumentation is to counter-argue in favor of an opposite thesis, much more than asking critical questions.

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Re-framing climate controversy: The strategies of *The Hartwell Paper*

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ABSTRACT: In the public sphere, standpoints often seem to be locked into pro/con constellations. This essay documents the strategies of "pointing out," narrative and metaphor used in *The Hartwell Paper* to gain a hearing for a radically different approach to climate policy. These methods of evocation serve to create the conditions for a more complex polylogue, and more generally show the importance of non-argument in making argument possible.

KEYWORDS: argumentation, normative pragmatics, climate communication, environmental communication, ecomodernism, evocation

Given that there are innumerable issues of potential public concern at multiple scales, and various possible ways forward on each of them, we would expect that publicly defended standpoints would be as abundant as the stars in the sky. But that is not our ordinary experience of civic deliberations. Instead, the standpoints that appear in public space appear to be grouped into a relatively limited number of constellations. Take climate change as an example (Table 1). It is not surprising that we find some advocate arguing for, others against the Kyoto Protocol, the international regime under which nations committed to CO_2 emission reduction targets. Since the existence of anthropogenic global warming provides key support for the Kyoto Protocol, it's again not surprising that the advocates divide neatly on that issue as well. And the division of the advocates on the importance of environmental issues generally is also plausible. But things become a bit more mysterious when we consider nuclear power and fracking. Although these might be seen as approaches for meeting emission targets, we know that pro-Kyoto/AGW-believer advocates also tend to reject both. Indeed, the constellations extend to environmental issues like GMOs that have little to do with climate change, and even to issues like abortion that have little to do with the environment.

Table 1: Constellations of standpoints in climate controversies

Constellation L	Constellation R
The Kyoto Protocol is good!	The Kyoto Protocol is bad!
AGW is real and serious—scientists agree.	AGW is not real and/or not serious and/or scientists disagree.
Environmental issues should be a top priority.	Environmental issues should not be a top priority.
No nukes.	Nuclear power is not bad, and is maybe even good.
Fracking is bad.	Fracking is not bad, and is maybe even good.
Say no to GMOs.	GMOs are safe and effective.
Abortion should be legal (mostly).	Abortion should be illegal (mostly).

This focusing of the vast space of potential disagreements down to a limited number of mega-conflicts between constellations of standpoints (or party platforms, or ideologies, or cap-d hegemonic Discourses)[1] does have some positive impacts on the quality of public deliberations. It promotes the emergence and intensive development of robust standardized arguments (*topoi*, in one meaning of that term) through iterated pro/con dilogues on a determinate set of issues. It incentivizes advocates to become highly skilled at making those arguments. It allows ordinary folk to proceed efficiently, since a judgment on one standpoint permits them to inherit a large set of additional standpoints with no further cognitive labour. And it enables them to be equally efficient at social categorization, for if you're not with me, you're against me.

The negative impacts of limiting disagreements are equally apparent. Standpoint constellations lock in dilogues, suppressing potential argumentative polylogues (Aakhus & Lewinski, 2016; Lewinski & Aakhus, 2013) that might allow a broader range of arguments to get made and considered. Mainstream advocates participating in the set-piece dilogues may face few unexpected challenges and can get lazy. Advocates supporting standpoints between or beyond existing constellations are locked out of the process. And tribal polarization may not over the long term provide a stable social base for civic deliberations.

Arguers who want public discourse to shift from dilogue to polylogue thus face practical challenges in breaking through existing constellations. To continue the example above: consider the situation of advocates who want to demand action on climate change and environmental issues generally, while also arguing against the Kyoto Protocol and for nuclear power and fracking. They are likely to be seen as trojan horses by proponents of Constellation R, sneaking climate regulations through the opening provided by nuclear power; and as traitors by proponents of Constellation L, paying lip service to the environment while giving industry everything it wants. Neither L or R advocates may be willing to engage, and so a debate that goes beyond L v. R—a polylogue—may simply never get going.

In this paper, I propose to advance our understanding of the means non-constelled arguers have for gaining a hearing. This essay thus contributes to the growing body of research on the work it takes to get exchanges of arguments going, issuing especially from scholars adopting a normative pragmatic approach. An argumentative transactions is an achievement; arguers have to earn consideration of their views (Kauffeld, 1998; Innocenti Manolescu, 2007), make issues to be worth arguing (Goodwin, 2000), impose responsibilities to produce arguments (Kauffeld, 1998) and regulate the process as it goes along (Innocenti, 2011). Throughout the process, arguers must work is to overcome expectable and often legitimate sources of resistance. As Fabio Paglieri has been pointing out (2009, 2013, 2017; Paglieri & Castelfranchi, 2010) there are plenty of reasons *not* to start making arguments: it can confuse matters, escalate conflicts and damage reputations. It can waste time. It can prove you wrong. To this list, I now add inertia: the tendency of arguers to resist engaging arguments that jump out of well-worn tracks. What can arguers who want to press a novel perspective do to overcome this inertia?

I proceed through a case study of a presumably competent attempt to open a polylogue. The *Hartwell Paper* (Prins et al., 2010) was produced when two groups of experienced arguers joined to press (in the words of the subtitle) for "a new direction for climate policy after the crash of 2009" (Figure 1). In the US, activists Michael Shellenberger

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[1] Note that I focus here on standpoints defended in the public sphere. A much broader range of political philosophies are elaborated in the technical sphere—for example, the environmental stances traced by Rodrigues, Lewiński and Uzelgun (2019). In addition, individual members of the public likely have more mixed up views; a Catholic steelworker might vote Democrat, hold pro-life views, and also support national health insurance. Recent polling, however, suggests that individuals are polarizing along the same lines as the constellations of standpoints I identify here (Pew Research Center, 2014).

and Ted Nordhaus had been advocating for a new way forward on environmental problems since their 2004 whitepaper, *The Death of Environmentalism: Global Warming Politics in a Post-Environmental World*. In the UK, science studies scholars Gwyn Prins and Steve Rayner had joined to warn against the unintended consequences of the Kyoto approach in their *The Wrong Trousers: Radically Rethinking Climate Policy* (2007). These leading figures were joined by ten additional academic co-authors, several of whom had published similar critiques of mainstream approaches to climate policy and science. As a group, they had a substantial track record in trying to articulate a new approach to the climate debate, and environmental issues generally (Nisbet, 2014). They met retreat in February, 2010 at the eponymous Hartwell House, an estate converted into a hotel; the *Paper* was issued a few months later.[2]

Figure 1: The front page of *The Hartwell Paper*

The immediate occasion for their meeting was the disaster of COP 15, the Copenhagen Summit, in December, 2009. The Summit had been supposed to produce a follow-up to the Kyoto Protocol, due to expire in 2012. Instead, beyond-last-minute, behind-the-scenes negotiations produced nothing more than a weak set of non-binding recommendations that were non-unanimously "taken note of." Contributing to the procedural and substantive disaster were: the refusal of a coalition of developing nations to discuss restrictions on their economic growth; demands from island states for immediate, deep emission cuts and recompense for climate injuries; and a new US president unable to live up to his campaign promises but (as always) willing to throw the country's weight around. The entire drama played out against the background of the "Climategate" emails, which two weeks before had revealed some unsavoury-looking sausage-making among leading climate scientists.

In its Parts II and III—approximately 85% of the text—the authors of the *Hartwell Paper* lay out the principles of and policy levers for a new approach to climate change. Put simply, they recommend dropping the Kyoto Protocol's emphasis on emission caps and instead pursuing broadly popular goals like energy efficiency, energy equity and research into clean technologies. These measures (say the authors) achieve modest gains in decarbonization while simultaneously building coalitions for further action. The authors in these two parts are clearly making a proposal: putting forth their standpoints for serious consideration while undertaking a burden of proof to answer reasonable doubts and objections against them.

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[2] The joining of the transatlantic groups may have been brokered by noted North American "alternative" thinkers Roger Pielke, Jr, Dan Sarewitz and Christopher Green who were associated with Nordhaus & Shellenberger's Breakthrough Institute and also co-authors with Rayner, Prins and others from the EU of an intermediate whitepaper, *How to Get Climate Policy Back On Course* (2009).

Explicitly labelled arguments get made and refuted, and further exchanges are invited; the *Paper* closes by positioning itself "as a first, not as a last word" on its approach (p. 36).

All this is a customary argumentative activity, already well understood by argumentation theorists (especially Kauffeld, 1998). But as the authors openly acknowledge, not everything they are doing is so traditional. The *Paper* openly presents itself "radical"—a word used 16 times over 30 pages, including in the titles of both Parts II and III ("Radical Reframing," "Radical Departure") and in the final summary calling for "a radical rethinking and then a reordering of the climate policy agenda" (p. 36). The *Paper* similarly portrays itself as "invert[ing] the conventional wisdom" on the bearing of science to policy (p. 19) and on the focus on long-term over short-term goals (p. 10, 13). There can be, it proclaims, no "single, governing, coherent and enforceable thing called 'climate policy'" (p. 7); in a zen-like turn, the climate policy proposed by the *Hartwell Paper* is no climate policy at all.

The authors of the *Hartwell Paper* thus face a pressing challenge. How can they secure the minimum of engagement necessary for there to be an audience for their upside-down no-policy policy?—how can they get people even to read Parts II and III, much less to engage them argumentatively? Climate policy, including taxes, but with no mention of CO2 emissions? That set of standpoints is likely to be dismissed out of hand by proponents of standpoints in the familiar L/R, pro/con dilogue in Table 1. The authors' response to this challenge thus can give us indications about how advocates in general can force open constellations of standpoints, making room for argumentative polylogues.

Part I of the *Hartwell Paper* presumably provides the inducement for readers to go on to the remainder of the document, so I here examine the discursive work accomplished in that Part (plus the Executive Summary), and in particular in its first paragraph:

[1] One year ago, few would have guessed that by the spring of 2010 climate policy would be in such public disarray. [2] Two watersheds were crossed during the last months of 2009, one political and one scientific. [3] The narratives and assumptions upon which major Organization for Economic Cooperation and Development (OECD) governments had relied until that moment in shaping and pushing international climate policy towards becoming global climate policy have been undermined. [4] The course that climate policy has been pursuing for more than a decade is no longer sustainable – climate policy must find a new way forward. [5] And that presents us with an immense opportunity to set climate policy free to fly at last. [6] The principal motivation and purpose of this paper is to explain and to advance this opportunity (p. 6).

Let us go through this paragraph sentence by sentence, seeing how it makes room for the *Paper's* "inverted" proposals.

The paragraph opens with a declaration of a fact it takes to be "public"—obvious to all—namely that climate policy is in "disarray" [1]. The emphasis on the *apparentness* of the inadequacy of the Kyoto regime and its accompanying science reoccurs throughout Part I; the authors portray themselves as simply "observing" what "seems inescapable" (p. 8), "plain" (p. 5), and "discernable" (p. 10). What is euphemistically termed "disarray" in the opening sentence is elsewhere referred to more bluntly as a "crash," starting on the cover page in the Paper's subtitle. A crash is a conspicuous, attention-drawing event; hearing an explosive bang and seeing a mass of twisted steel, one doesn't need to weigh considerations about what just happened. One sees: the car has crashed.

At this point, with one policy-car crashed, the authors might be expected to reveal their new model and start arguing for its comparative advantages in carrying us forward. But instead of taking the *inferential* step from the evidence of a crash to a conclusion about the

vehicle's inadequacy, the *Paper* continues the *temporal* ordering started in the first sentence's opening reference to "one year ago" [1]. In the time since then, "two watersheds were crossed" [2]. The following paragraphs elaborate these watershed-crossings—the Copenhagen Summit and the Climategate affair— in brief narratives with no indicators that anyone would disagree. Indeed, the whole progression over the period has been from more to less disagreement: "we begin," the authors later explain, by "observing what was once controversial but which now seems inescapable: for progress to occur on climate policy, we must reframe the issue in a fundamental way: not simply in various procedural details" (p. 8).

The conspicuousness of the crash has thus dragged into the light what is ordinarily hidden: "the narratives and assumptions upon which major…governments had relied until that moment in shaping and pushing international climate policy" [3]. At issue are not the surface details of the policy—for example, the year to be selected as a baseline, the exact emission targets for each nation or the method of calculating them. Instead, "'problem is epistemological'" (p. 7); the "error…fundamental" (p.15). The general principles on which climate policy is built have been "undermined" [3]. What is needed then is not so much new policy, as a new "framing," to use the word the *Paper* deploys on average more than once per page.[3] For example: in the old framing, climate policy aimed to mitigate the CO2 emissions which drive climate change. Wrong. Writing with repetitions that emphasize the certainty of their statement, the authors state "there is no evidence that, despite vast investment of time, effort and money, the 'Kyoto' type approach has produced any discernable acceleration of decarbonisation whatsoever: not anywhere; not in any region" (p. 10). So "it is now plain that it is not possible to have a 'climate policy' that has emissions reductions as the all encompassing goal" (p. 5). Instead, the "object of emissions reduction [will be achieved indirectly] via other goals, riding with other constituencies and gathering other benefits" (p. 9). Or again: in the old framing, the certainty of climate science provides the basis for climate policy. No; that is a "flawed assumption"—a "mis-framing" (p. 17). Instead, it's clear that it is precisely the uncertainties of the science that provide the grounds for policies that will be robust against a large range of eventualities.

It is at this point that the authors of the *Hartwell Paper* offer their first argument— their first step from a premise to a conclusion. Because "the course that climate policy has been pursuing for more than a decade is no longer sustainable [therefore] climate policy must find a new way forward" [4]. The crash is less a dire emergency than an opening, a *kairos*: "an immense opportunity to set climate policy to fly free at last" [5]. And thus the purpose of the rest of the *Paper*: "to explain and to advance this opportunity" [6].

In summary: The opening section of the *Hartwell Paper* needs to earn its audience's attention to the upside-down proposal it offers in later section. The authors proceed by a strategy of "pointing out," drawing readers' attention to circumstances that are plain and undisputable. In other words, the authors proceed through non-argumentative discourse. Why is this strategy significant? Consider again the situation the authors face. The ultimate goal of all advocates on climate issues is to take any actions needed to save the planet (Figure 2). Since arguing about appropriate responses provides opportunities for justifying policies (normatively), improving them (epistemically), and building support for them (pragmatically), a policy debate is likely worth the time and effort involved. There is a room for argument before the room for action. The *Hartwell Paper* is now moving readers up another level, to examine the framing (assumptions, basic perspectives) underlying the debate, as a way to get

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[3] This appears to be what Perelman termed a "reversal" of the ordinary appearance/reality dissociation (Perelman & Olbrechts-Tyteca, 1969, §89, 92). Instead of urging readers to abandon policies that seem on the surface attractive but are in a deeper way ineffective, the authors of the *Hartwell Paper* want readers to acknowledge the surface policy crash and abandon the deeper principles which brought it about. The real policy needs to align with what is apparent to all.

their novel proposals heard. The contours of the best framing, and the need for re-framing at all, could be debated—could be debated just as heatedly as the debate about climate policy. And why stop there? Arguers could go another level "meta-" and debate whether the *Hartwell Paper* has deployed the correct conception of "framing." But all that meta-debate would not seem to be getting us nearer to saving the planet. It would not significantly improve our situation, normatively, epistemically or pragmatically. At some point, there is no more room for meta-argument.
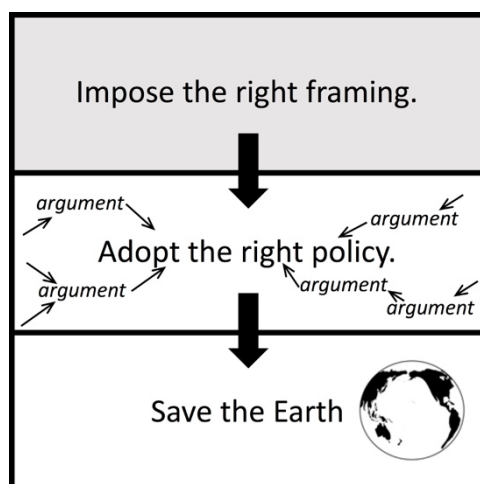

Figure 2: Rooms for action, for argument, and for non-argument

As Sally Jackson (2008) has noted, prudent management of probative responsibilities is key for both individual success and good collective outcomes in civic controversies (2008). Some kettles of fish are not worth opening. In particular, "meta-debate," like debate over the right way to frame the issue for debate, "does not, after all, really help to settle any of the individual controversies in which it emerges" (p. 228). Advocates therefore need strategies for establishing the conditions for argument that are not themselves argumentative—that don't invite dispute and further reasoning. The authors of the *Hartwell Paper* designed their text to make room for an argumentative polylogue over climate policy. But they designed it in way that *didn't* take on argumentative responsibilities for their re-framing. If challenged to defend the ruin of prior policies, they have left themselves room to refuse to respond.

In addition to "pointing-out," the first section of the *Hartwell Paper* contains several narratives, which I suggest function here in similar fashion—reminding readers of things they already accept. But instead of defending that claim I want to turn to examine one last strategy of non-argument. The opening of the *Paper* relies on strong *movement* metaphors, albeit somewhat mixed: after passing through "watersheds," climate policy has "crashed." It can no longer main its "course" and must "find a new way forward"—a new approach that will "set [it] free to fly at last." This metaphoric cluster is also hinted at in the subtitle of the paper, with its call for a "new direction for climate policy." In these uses, the metaphor suggests a sense of momentum, carrying the reader away from an orientation which has proved inadequate towards a more adequate perspective. But in the final paragraphs of Part I of the *Hartwell Paper*, the *movement* metaphor becomes instead a vehicle for imaginatively reconstructing the entire framework for climate policy. Here is the extended analogy:

> If one seeks long-lasting impact, the best line of approach may not be head-on. "Lose the object and draw nigh obliquely" is a dictum attributed to the famous eighteenth century English landscape gardener Lancelot "Capability" Brown. Brown's designs framed the stately home at the entrance, but only briefly. After allowing the visitor a

glimpse of his destination, the driveway would veer away to pass circuitously and delightfully through woodland vistas, through broad meadows with carefully staged apercus of waterfalls and temples, across imposing bridges spanning dammed streams and lakes, before delivering the visitor in a relaxed and amused frame of mind, unexpectedly, right in front of the house. That displays a subtle skill which has manifest political value: the capacity to deliver an ambitious objective harmoniously. "Capability" Brown might be a useful tutor for designers of climate policies. (p. 9)

Policy whitepapers are utilitarian documents, produced (and forgotten) quickly. So the grace and craftsmanship of this passage are even more striking. Consider the long quasi-periodic sentence in the middle of the paragraph. Like a garden by "Capability" Brown, it wanders through some elegant phrases before depositing the reader, in a relaxed and amused frame of mind, unexpectedly, at the main point. The sentence verbally enacts (Leff, 2003) the perspective of one approaching an English country house—the same perspective the authors invite readers to take on climate policy.

This linking of the design of climate policy to the design of English landscape gardens is referred to repeatedly in the rest of the *Hartwell Paper*. "Drawing nigh obliquely" becomes the motto for the inverted, re-framed approach to climate policy. Instead of proceeding headlong to the goal of decarbonization, the authors urge a more relaxed and enjoyable course that will eventually land us "right in front of" a world worth living in. In a subtle way, this "radical" perspective is implicit in the title of the *Paper* and its cover image (Figure 1): for the garden of the Hartwell House was designed by a follower of "Capability" Brown, and a map of the estate shows the remnants of an "oblique" approach (History, n.d.).[4]

I have catalogued three strategies for creating the conditions or argumentative polylogue, none of which involve arguing for such polylogue: "pointing out," narrative (barely touched here), and metaphor/analogy. At the oral presentation of this paper, Tony Blair remarked that these tools perhaps begin the study of a new aspect of argumentation—non-argument. I didn't respond adequately, astonished that the subject could be taken as new. Let me try to do better now.

"Argumentation [is] a self-regulating activity," Scott Jacobs (2000) declared; it is up to arguers to achieve the normative, epistemic and pragmatic preconditions for making arguments. This means that theorists of argumentation need to pay attention not only to arguments but to all the other discourse that makes arguments possible—what I have elsewhere termed "argument-plus" (Goodwin, 2000).

The three non-argument strategies catalogued can all be joined under the heading of *evocation*. Aristotle was probably not the first to notice that sometimes it isn't argument that is needed, but perception (*Top.* 1.11). If nothing else, arguments must start from points that are not themselves argued. "Even the most rationalistic of thinkers cannot argue demonstratively for everything, 'all the way down,'" Nicholas Rescher explained; "at some point a philosopher [or any arguer] must invite assent through an appeal to sympathetic acquiescence based on experience as such" (1998, p. 322). More broadly, in the view elaborated by Michael Leff in his OSSA and ISSA keynote addresses nearly twenty years ago, evocative discourse can actualize not only starting-points but all the conditions for argument in a complex, disagreement-filled world. Drawing on culturally resonant prototypes,

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[4] Am I over-reading—was it just by chance that the image of the Hartwell House appeared on a paper referencing "Capability" Brown? The previous whitepaper *The Wrong Trousers* (Prins & Rayner, 2007), had attacked the Kyoto Protocol approach with a similar discussion of "draw nigh obliquely," linking it in that case to the zen-inspired design of a temple in—yes, Kyoto. And the cover image of *How to Get Climate Policy Back on Course* (Prins et al., 2009) was the famous Japanese woodprint of a giant wave seeming to swamp a small boat. These authors are not ones to leave allusions to chance.

evocation serves to "open situations to reasoned argument" (Leff, 2000, p. 252). Using terminology reminiscent of that in the *Hartwell Paper,* Leff explains that evocation "reframes or restructures perception of a situation" by summoning a new "recognition of the [it]…as an integral whole" through "the power of the language used in the persuasive effort" (Leff, 2003, p. 676).

While Leff, as was his wont, provided an account of evocation that emphasized its unifying and synthesizing aspects, Henry W. Johnstone, as was *his* wont (Goodwin, 2001), offered a more sober view. For communication of any kind to occur, discourse must first drive a "wedge between a person and the data of his immediate experience" (2007, p. 24). This wedge attacks "unconsciousness in all its forms: unawareness, naive acceptance, shortsightedness, complacency, blind confidence, unquestioning conformity to habits of thought and action" (p. 24). What is evoked for Johnstone is thus less a new world of shared meanings than a new consciousness alienated from what was formerly taken for granted. Constellated standpoints represent just such taken-for-granted material in civic controversies. To argue for a novel constellation requires first acknowledgement that it is arguable. And that requires driving a sharp wedge.

Leff, Rescher and Johnstone all place evocation within the province of rhetoric. I am less concerned with assigning disciplinary responsibilities. A key task in argumentation theory is to account for how arguments can get made. In this paper, I have considered the challenges faced by arguers in a world where standpoints have become locked into large-scale constellations, shutting down potential polylogues. How can polylogues get started?—what does it take to gain a hearing for a novel constellation? Arguing for the need to listen to arguments is, I have suggested, sometimes imprudent. Arguers thus have developed other strategies in order to wedge open minds and call forth new framings of a situation. The skilled authors of the *Hartwell Paper* have shown us some ways such evocation can be accomplished: by "pointing out" the manifest, inarguable failure of current perspectives, by synthesizing facts into a narrative, and by metaphors which invite imaginative reconstruction of the world. Two of these strategies—narrative and metaphor—have received attention from argumentation theorists who have considered what would happen if we treated them "as argument." The case study I have developed here shows the fruitfulness of an alternative approach. "Pointing out," narrative, and metaphor are worthwhile; worthwhile sometimes because they are not arguments.

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Matching schemes of argument: Verbal, visual, multimodal

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ABSTRACT: The emergence of argumentation schemes as a key tool for analysing argument has raised the question how they might best be organized. I support the development of taxonomies that systematize our understanding of schemes but argue that they must make room for visual and multimodal arguments and schemes. To illustrate this point, I develop a family of visual and multimodal schemes which are inspired by the 'argument from fit' – a visual scheme that Dove has identified.

KEYWORDS: argument schemes, argumentation schemes, visual argument, multimodal arguments, argument from fit, Dove, Wagemans, Hoppmann, Walton & Macagno

1. INTRODUCTION

In this short paper I fuse two trends in contemporary argumentation theory and respond to some questions that this raises. One is the study of visual and multimodal argument. Tseronis & Forceville, 2017 provide a good overview of current developments in this regard. The second trend is the study of argument schemes. Though their origins can be traced to ancient times, contemporary discussions are grounded on the catalogue of schemes one finds in Walton, Reed, & Macagno, 2008. Recent discussions are in many ways instructive, but I will (following Dove, 2016) argue that they must be expanded to account for visual and multimodal argument.

Multimodal arguments are arguments in which non-verbal elements (music, pictures, virtual reality, non-verbal sounds, etc.) play a key argumentative role – as a way to express a standpoint or provide evidence in support of one. I will focus most, though not all, of my attention on visual arguments – arguments in which photographs, videos, virtual reality or simple acts of seeing are key elements.

In my discussion of schemes I follow Dove, supporting his claim that there are visual instances of standard schemes, and at least one scheme – 'argument from fit' – which is inherently visual. I extend his account of the latter, arguing that it is best understood as one member of a family of 'matching' schemes that are used when we compare (and in some way match) different objects by visually inspecting them (or, in some cases, by listening to the sounds they make). Recognizing this family of schemes is a good step forward in the attempt to extend our accounts of schemes in ways that accommodate multimodal argument.

I end this paper with some exploratory comments on attempts to create a taxonomy of argument schemes. Recent moves in this direction include Wagemans' "Periodic Table of Arguments" (Wagemans, 2016, 2018); Hoppmann's alternative "chemical" analysis of arguments (Hoppmann, 2017); and Walton and Macagno, 2016. The attempt to create a typology of schemes is an important way to organize the hundreds of schemes that have been identified, but I argue that a fully comprehensive typology of schemes will have to include a clearer response to the issues raised by visual and multimodal schemes.

2. SCHEMES AND VISUAL ARGUMENT

An argument scheme can be understood as a pattern of argument. We can define a scheme by outlining its premises and conclusion in a generic way. Instances of the scheme can then be understood as different instantiations of this generic formula. In the case of slippery slope arguments we can, for example, outline the scheme as follows.

> Slippery Slope Argument
> *First Step Premise*: X is a proposal to undertake (or not undertake) some action.
> *Recursive Premise*: Bringing about X would cause (as far as we know) X_1, which would in turn cause X_2, and so forth, through the sequence $X_1, \ldots X_n$.
> *Bad Outcome Premise*: X_n is a bad (disastrous, unacceptable) outcome.
> *Conclusion*: X should be rejected.

Cases of slippery slope reasoning correspond to different interpretations of $X \ldots X_n$.

Following Walton, Reed, & Macagno (2008), the most common approach to schemes pairs individual schemes with a set of 'critical questions' which determine whether an instance of a scheme is a good/strong argument. This approach raises some important questions about critical questions which I will leave for elsewhere. In the case of the slippery slope scheme, we can define the critical questions as follows.

> Critical Questions
> *Q1*: Is there good evidence for the claimed causal links from X_1 to X_n?
> *Q2*: Is it true that X_n is a bad (disastrous, unacceptable) outcome?

As Dove, 2016 has shown, visual arguments can be instances of the slippery slope scheme. He gives illustrations of the "domino" theory of international politics that motivated the Vietnam war as an example. Consider a case in which someone answers the question "Shouldn't the United States stop fighting the Vietcong?" by pointing to the American government poster in Figure 1.

Figure 1: The Domino Theory

We can confirm that this is a case of the slippery slope scheme by defining the terms of the recursive premise as follows.

> X = The United States stops fighting the Vietcong
> X_1 = Vietnam will fall (to communism)
> X_2 = Laos will fall
> X_3 = Cambodia will fall;
> X_4 = Thailand will fall

X_5 = Burma will fall
X_6 = India will fall
X_7 = Bangladesh will fall

Of course, this is a case in which X_1 through X_7 are expressed visually, in details of the illustration – which represent a series of countries as domino ready to fall. In this case, the argument's Bad Outcome Premise is the implicit claim that the fall of these states would be a bad outcome (a disaster), something taken as obvious by Americans at the time. The conclusion of the argument is the claim that we should reject the proposal that the United States stop fighting the Vietcong (X).

Once we have recognized this instance of arguing as a case of slippery slope, we can assess it by posing the critical questions associated with the scheme. In this case, the first is the question whether there is good evidence that supports the causal claims that connect a U.S. decision to stop fighting to the fall of the seven states enumerated. The second is the question whether it would be a disaster if this happened (and they converted to communism). This is a case in which the critical questions successfully raise the core issues that need to be addressed when assessing the argument as weak or strong.
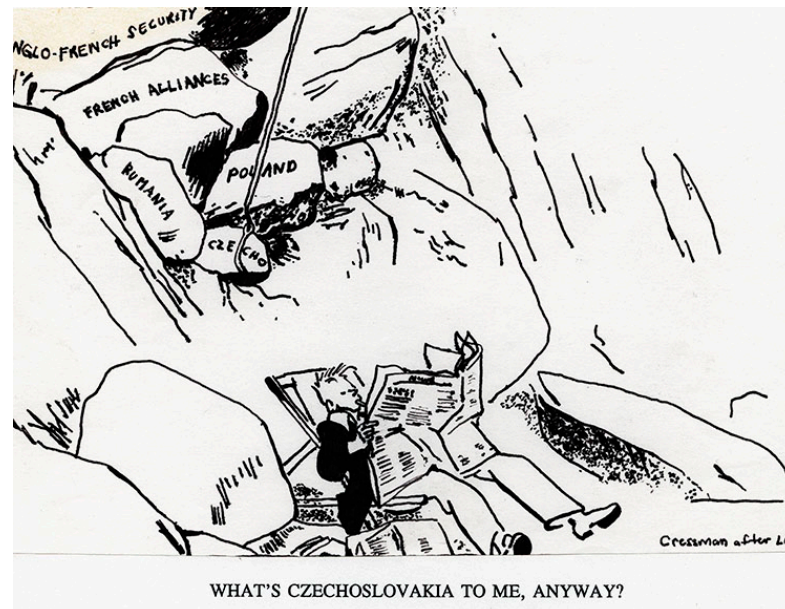

WHAT'S CZECHOSLOVAKIA TO ME, ANYWAY?

Figure 2: Low on British ambivalence at the start of the Second World War

In a discussion of argumentation schemes it is worth noting that everyday reasoning contains many visual instances of the slippery slope scheme. This is not surprising given that it is founded on an analogy which is easy to depict – comparing whatever progression is in question to what happens when someone or something slides down a slippery slope. Another good example is the 1938 David Low cartoon reproduced as Figure 2. It warns British citizens that they should not ignore the actions of Nazi Germany as it sets about annexing Czechoslovakia – because doing so is likely to precipitate a disastrous series of slides down a slippery slope that are depicted as a landslide that encompasses the fall of Poland and Romania, the French Alliances and ultimately Anglo-French security. Here again, a visual argument is an obvious instance of the slippery slope scheme.

3. DOVE AND THE ARGUMENT FROM (INTEGRATED) FIT

As Dove points out, it is not difficult to find other examples of visual argument which are instances of arguments by analogy, authority, sign, and other common schemes. Using schemes to assess such arguments is straightforward and can rely on standard accounts of schemes and critical questions. All that we need to add is an account of visual meaning which allows us to interpret visual arguments. In the present discussion, it will suffice to say that Groarke 2002 develops a pragma-dialectical account of meaning which provides a general framework that can guide the interpretation of visual arguments.

Dove takes the questions that visual arguments raise in the context of argument schemes further in his search for a scheme – not merely an instance of a scheme – which is inherently visual. The result is an account of a scheme he calls 'the argument from fit' – a pattern of reasoning used when one concludes (or is asked to conclude) that two separate objects were conjoined because one *sees* that they fit together. The scheme is a visual scheme because instances of it establish their conclusions based on *an act of looking* (rather than a set of sentences) that is inherently visual.

Figure 3: A Cross-mended plate

One important circumstance in which reasoning is characterized by the argument from fit occurs in the practice of archaeology. One common task for archaeologists is the piecing together of tens, hundreds or even thousands of pieces of broken artefacts recovered from archaeological sites. This process is called 'cross-mending'. The reconstructed plate with a floral design in Figure 3 has been cross-mended. The pieces are arranged in the way they are because they can be *seen* (and to some extent, felt) to fit together properly – because fitting the pieces together in this way can be seen to turn their shapes, colours and images into a coherent plate with a recognizable design.
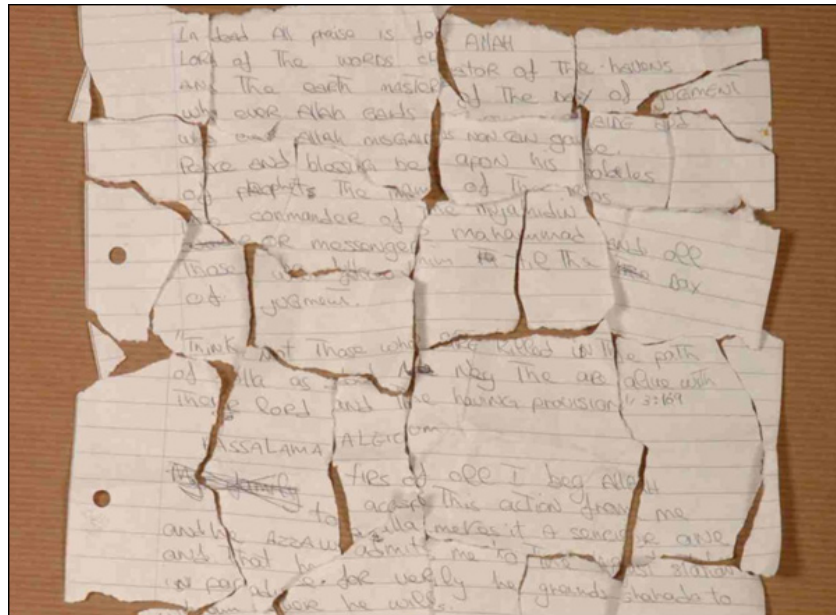
Figure 4: Reconstructed note left by the suicide bomber Ramzi Mohammed

Figure 5: Drawing illustrating how the earth's continents fit together

Instances of the argument from fit play a role in arguing and reasoning in many other contexts. Forensic investigators use the scheme when they assemble the recovered pieces of a crashed airliner. Paleontologists use it when they connect dinosaur bones to create a conjoined skeleton. The photograph in Figure 4 shows how British police used it to piece together a torn note left by a suicide bomber. The drawing in Figure 5 presents the principal evidence for the theory of continental drift – which derives the conclusion that the earth's current continents were once connected parts of a super continent on the grounds that their contours fit together in a way that creates an integrated whole.

Having identified a pattern of inference that characterizes an argument from fit, Dove defines a corresponding scheme. The following definition is a slightly altered version of the one that he suggests.

(Visual) Argument to (Integrated) Fit
Matching Premise: [$X_1, \ldots X_n$ are seen to fit together in some integrated way.]
Conclusion: $X_1, \ldots X_n$ were once conjoined.

I have called this scheme an argument "to integrated fit" to distinguish the kind of fit it proposes from other kinds of fit (my foot fits into my shoe in a way that makes them an almost perfect match, but not in a way that would lead us to conclude that they were once conjoined). The proposed definition extends Dove's reliability premise so that it excludes cases where a fit does not suggest that objects were once conjoined and expands his matching premise to allow for cases in which a fit involves more than two objects.

The matching premise in the scheme has been placed in square brackets and phrased in a way that is designed to emphasize the point that the matching premise is an act of seeing (rather than a sentence). A fit may be observed directly, by looking at the objects which are claimed to fit together, or indirectly, by looking at some visual facsimile (a photograph, a drawing, or an image of some sort) that allows us to see whether their contours match. Instances of the scheme are instances of visual argument in which someone concludes that objects were conjoined because they *see* that the objects fit together. Dove highlights this possibility but defines the matching premise more broadly – so that it may consist of this act of seeing or the verbal statement that the objects in question fit together. I have limited my version of the scheme to the first of these possibilities. In part because my interest is visual arguments but, more importantly, because verbal claims that objects fit together must be ultimately founded on some observation that this is so, i.e. on some visual instance of the scheme.

Having defined the argument to integrated fit, we can complete our account of it by specifying critical questions that can be used to assess specific instances of the scheme. To ensure that all the issues this raises are included, I will define the critical questions in the following way (slightly adjusting Dove's account).

Critical Questions
Q1: Is our viewing of the fit in any way problematic?
Q2: Is the fit observed in a way that is sufficiently precise and clear?
Q3: Does the fit gloss over any anomalies that are not accounted for?
Q4: Could the fit be the result of coincidence or explained in some other way?

Answers to these questions, like answers to other critical questions, are designed to reveal potential problems with instances of the scheme. In answer to Q1 it may be said that the act of looking which is the basis of the argument is problematic. Because it was fleeting, the lighting was poor, we left our glasses at home, and so on. In answer to Q2 it may be said that we cannot judge the fit in a way that is precise and clear because we are observing it in an out of focus photograph. In answer to Q3 it may be said that there are specific points or places on the matched objects where the fit fails. In answer to Q4 it may be said that there are other ways to explain the fit in question (by claiming that it is contrived, attributing it to coincidence, and so on).

Combined with the proposed critical questions, the argument to integrated fit has the hallmarks of a useful scheme of argument. It identifies an important pattern of inference that frequently occurs in everyday reasoning and argument. It defines this pattern in a way that makes it easy to identify instances of the scheme. And it raises the key issues – in this case issues about what we *see* or have seen – that need to be considered in deciding whether an instance of the scheme should be characterized as a strong argument.

4. MATCHING SCHEMES OF ARGUMENT

The argument to integrated fit shows that argument schemes (not only instances of schemes) may be visual. I will call a scheme a 'matching' scheme when its conclusion is founded on our ability to match objects in some important way. In the visual cases I will consider, the matching in question is performed "with the eye" – making the key evidence in the reasoning an act of looking that occurs when we *see* a match. In this essay, I cannot provide an exhaustive list of such schemes or elaborate them in full detail (most notably I leave an attempt to provide critical questions for the schemes for elsewhere). My aim is more modest: to show that the argument to integrated fit is one of a family of visual schemes which can be identified and defined.

4.1 Arguments for and from a replica

A (visual) replica is an object designed to visually reproduce something. Paintings, models, photographs, sculptures, maps, etc. are replicas of a subject they reproduce (in whole or in part). In everyday reasoning, replicas often play a major role in arguing because they are more readily available than the subjects that they replicate. A photograph of a historical event may be the only record of it that we have; a map may show us the spatial arrangement of a network of roads in a way that it is impossible to see first hand; a wax figure may be claimed to be a perfect likeness of Queen Victoria, and so on. A successful replica matches what it replicates to some specified level of detail. A poor replica fails to do so.

In the study of everyday arguing, we can identify two common schemes of argument which depend on replicas. The most basic is the following scheme, which is used to justify the claim that something is a successful replica.

> Argument for a Replica
> *Matching Premise*: [X is seen to match (in whole or in part) Y.]
> *Conclusion*: X (in whole or in part) replicates Y.

This is a visual scheme of argument because the conclusion that some object is a good replica of something else is established visually – by looking at the replica and its subject and seeing whether they match.

An argument for a replica moves from a consideration of the properties of an object to the conclusion that something is its replica. An argument from a replica moves in the other direction, drawing a conclusion about the properties of an object on the basis of a claimed replica. It can be defined as follows.

> Argument from a Replica
> *Replica Premise*: X is a replica of Y.
> *Matching Premise*: [X is seen to be Z.]
> *Reliability Premise*: Z is the kind of property that X replicates.
> *Conclusion*: Y is Z.

In this case, the reliability premise recognizes that most replicas are not exact copies of the objects that they replicate. A good photograph of a barn will depict its colour shape, relative size etc. but it is not an exact copy of the barn – it is a two dimensional object, the barn is three dimensional; it lacks many of the fine details one could see if one was looking at the actual barn; and so on. The reliability premise allows us to infer that a replicated object has some property only when it is the kind of property the replica faithfully replicates.

Examples of arguments that invoke replicas are not difficult to find. Figure 5 below is a photograph of a see-through tourist map depicting the north face of the mountain Eiger (the photograph is a photograph of the map, making it a replica of a replica). The map in question depicts the mountain and the routes that different mountain climbers have taken "conquering the Eiger." When the map is viewed from the vantage point of the photograph we can see that it is not a successful replica – because the contour on the map does not

Figure 5: See-through map of the Eiger

match the right side of the mountain. When one steps further to the right one can find a vantage point which allows one to conclude that the map is a replica – because one sees that its contour exactly coincides with that of the mountain it purports to depict. In drawing this conclusion, one employs an instance of the scheme Argument to a Replica.

Once one is looking through the map from a vantage point that makes it a replica of the Eiger, this (and confidence in the accuracy of the lines drawn on the map) allow the viewer to conclude that the designated mountaineers climbed the mountain along the routes depicted (that the first ascent by Heckmair, Harrer, Kasparek and Vörg took the route indicated, and so on). Inferences of this sort are the basis of arguments from a replica – which base conclusions about the mountain on what we see on the map that depicts it.

Replication arguments play a key role in contexts in which visual depictions specify properties more precisely and more accurately than verbal descriptions. Replication arguments are, for example, prominent in reasoning about colour because verbal descriptions of colours are inherently vague and imprecise. The human eye can detect seven million colours. In contrast, English contains two hundred and fifty major colour names. In such circumstances, the best way to precisely specify a colour is not by using colour names, but by using replicas of colours – colour swatches and samples – that can more accurately depict specific colours.

Figure 6: Matching colour swatches with a couch

In a situation in which we want to buy a cushion to match a couch we own, the best way to do so is in two steps which (i) match the couch to a swatch (as in Figure 6), establishing the swatch as a replica; and (ii) match cushions in a store to the swatch selected. The first step of this process is an instance of the scheme for a replica (which picks the appropriate swatch). The second employs an argument from a replica (e.g. which picks a matching cushion). The latter argument can be seen to fit our scheme as follows.

Replica Premise: The swatch (X) is a replica of the colour of the couch (Y).
Matching Premise: [The colour of the cushion (Z) is seen to match the swatch (X).]
Conclusion: The colour of the cushion (Z) is the colour of the couch (Y).

Similar reasoning is used when a dentist decides the appropriate colour of a false tooth (that should match other teeth); the colour of a partial wig (that should match one's natural hair colour); and so on.

4.2 Arguments to and from an Exemplar

Replication schemes address questions about replicas and the ways in which they match their subjects. In other cases, visual matching is more generic, matching something, not with another object, but with some *kind* of object. An example is a birdwatcher who identifies a bird she sees by looking at it and matching it with a bird she sees in a photograph in the *Audubon Guide to Birds*. In this scenario, the photograph is not a replica of the particular bird she sees. It functions in a more general way, as a visual exemplar – as a representative member of a species. A good exemplar displays the most important traits of the species which is in question.

In reasoning with exemplars, a match with an exemplar implies a strong similarity rather than an exact match. The corresponding visual scheme 'Argument to an Exemplar' can be defined as follows.

Argument with an Exemplar
Exemplar Premise: Xs look like exemplar(s) X_1, X_2, X_3....
Matching Premise: [Y is seen to (strongly) resemble X_1, X_2, $X_{3...}$]
Conclusion: Y is an X.

This definition makes room for arguments to an exemplar which cite more than one exemplar, as a doctor does when they identify a skin condition by comparing it to a number of images that

depict different instances of the condition. In some cases, instances of the scheme argument to an exemplar can also be classed as visual instances of the scheme argument from sign. They occur when a sign one sees is matched with a visual exemplar. In a situation in which we see animal tracks in our garden we may, for example, conclude that a deer or moose or rabbit has been foraging in it because we see paw prints that strongly correspond to a reference photograph of their tracks.

A legal example of an argument to an exemplar played a key role in the Israeli trial of Ivan Demjanjuk, an American accused of being 'Ivan the Terrible' – a notorious guard at the Treblinka death camp. In his trial, the key piece of evidence for this conclusion
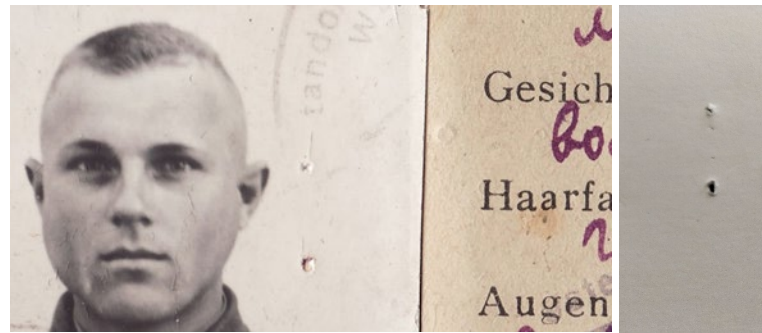

Figure 7: The Demjanjuk card and a staple hole exemplar

was a Treblinka identity card with a photograph of a younger Demjanjuk. His attorneys discredited this evidence by arguing that the card was a forgery created by the Russian KGB. One of their arguments highlighted two holes that can be seen in the photograph attached to the card (Figure 7), claiming that they were holes made by staples which had been removed when the photograph was illicitly borrowed from another document. They supported this conclusion by comparing them with staple holes that served as exemplars.

Arguments to an exemplar allow us to conclude that some particular is a member of a broader category. Arguments *from* an exemplar use exemplars as a basis for inferences about some instance of that category. We employ this scheme when we use a sewing pattern to design a dress or suit, the pattern serving as an exemplar which guides us as we decide the size of the pieces we cut, where and how we will sew them together, and so on.

The lower five-dollar bill one sees in Figure 8 was accidentally cut into pieces, then reassembled and taped together. Above one sees an intact five-dollar bill which was used to aid the reassembling. Reasoning from integrated fit played an important role fitting the pieces of the bottom bill together, but so did the attempt to match the reconstituted bill with

Figure 8: An intact and a reconstituted five-dollar bill

the intact bill that served as an exemplar (because it shows us what a five-dollar bill *should* look like). The latter matching supports, to take one example, the conclusion that the pieces of the cut bill which display the word "Canada" in white should be located in the top left section of the reassembled bill.

Reasoning from an exemplar can be generalized as the following matching scheme of argument.

Argument from an Exemplar
Exemplar Premise: X is a Y.
Matching Premise: [Arranging X (or the parts of X) in a certain way makes X
          (strongly) resemble exemplar(s) Y_1, Y_2, Y_3....]
Conclusion: This is the right way to arrange the parts of X.

4.3 Failure to Fit

Matching schemes of argument highlight the extent to which the seeing of a match of one sort or other plays a role in many instances of argument. The significance of such matches is also reflected in arguments that base conclusions on an observation that two objects do *not* match in some way (what I will call 'failure to fit'). Like argument schemes that rely

Figure 9: Poster critiquing fast food advertisements

on a match, schemes that rely on a failure to fit can be defined in a straightforward way. The two schemes Argument Against a Replica and Argument Contrasting with an Exemplar can, for example, be defined as follows.

Argument Against a Replica
Failure to Fit Premise: [X is observed to not match (in whole or in part) Y.]
Conclusion: X (in whole or in part) does not replicate Y.

Argument Contrasting with an Exemplar
Exemplar Premise: Xs look like exemplar(s) X_1, X_2, X_3....
Failure to Fit Premise: [Y is seen to not (strongly) resemble $X_1, X_2, X_{3...}$]
Conclusion: Y is not an X.

Like other matching schemes, these schemes could be elaborated further by combining them with critical questions. In the present context it is enough to note that the visual comparison of

objects may lead to an argument for or against a replica, or an argument with or contrasting with an exemplar.

The poster in Figure 9 circulates on hundreds of websites on the internet. It is a good example of an argument against a replica. It compares photographs of specific fast food items to the items as they appear when they are purchased at an outlet of the restaurant in question (for a detailed analysis of the argument, see Groarke 2017). In each case, the visual display shows that the photograph and the actual item do not match, leading to the conclusion that the photograph is not a faithful replica of the item it is claimed to replicate. The subconclusions about different fast food restaurants entail the broader conclusion that the advertising done by such restaurants is misleading.

Here it will suffice to say that arguments against a replica and contrasting with an exemplar are important instances of argument for the same reason that their positive counterparts are – because so much of our reasoning and arguing depends on visual comparison (and more and more all the time, as it becomes easier and easier to reproduce and transmit visual images in a world of digital communication).

4.4 Auditory Schemes

The examples of matching schemes I have noted are visual schemes which identify visual patterns of reasoning and argument. In a general discussion of schemes and matching schemes it is important to note that other matching schemes are auditory – i.e. based on inferences which are founded on an act of listening that allows us to hear whether two or more sounds match.

An auditory replica can be understood as the reproduction of a sound or set sounds (as in the recording of an orchestral performance), and an auditory exemplar as a representative example of some *kind* of sound (as in a recording of a blue jay call in the collection of recorded bird songs hosted by the Cornell ornithological laboratory). Understanding replicas and exemplars in this auditory way, we can define auditory versions of the replica and exemplar schemes I have already noted as follows.

Argument for an Auditory Replica
Matching Premise: [X is heard to match (in whole or in part) Y.]
Conclusion: X (in whole or in part) replicates Y.

Argument from an Auditory Replica
Replica Premise: X is an auditory replica of Y.
Matching Premise: [X is heard to be Z.]
Conclusion: Y is Z.

Argument with an Auditory Exemplar
Exemplar Premise: Xs sound like exemplar(s) X_1, X_2, X_3....
Matching Premise: [Y is heard to (strongly) resemble $X_1, X_2, X_{3...}$]
Conclusion: Y is an X.

Argument from an Auditory Exemplar
Exemplar Premise: X is a Y.
Matching Premise: [Arranging X (or the parts of X) in a certain way makes X (strongly) resemble exemplar(s) Y_1, Y_2, Y_3....]
Conclusion: This is the right way to arrange the parts of X.

Argument Against an Auditory Replica
Failure to Fit Premise: [X is heard to not match (in whole or in part) Y.]
Conclusion: X (in whole or in part) does not faithfully replicates Y.

Argument Contrasting with an Auditory Exemplar
Exemplar Premise: Xs sound like exemplar(s) X_1, X_2, X_3....
Failure to Fit Premise: [Y is heard to not (strongly) resemble $X_1, X_2, X_{3...}$]
Conclusion: Y is not an X.

There are many everyday contexts in which instances of these schemes are used. When musicians are charged with copyright infringement or musical plagiarism, arguments to auditory replica play a key role (for they occur when one composition is in some key way a replication of another). Arguments from an auditory replica are used when a careful listening to a recording of a speech is used as the basis for a conclusion that they speak in a particular way (with a particular accident or rhythm, e.g.). An argument with an auditory exemplar is used when a mechanic uses recorded engine sounds to identify a problem with an engine. An argument from an auditory exemplar is used when one sets about mixing music in way that aims to mimic the sound of a particular kind of music (say, a particular rock band's distinctive sound). Last but not least, failure of fit auditory schemes are used when someone demonstrates that the purported recording of a conversation does not match the conversation, or that a bird song does not match recorded calls of a Blue Jay.

5. CONCLUSION

Much more could be said about all the argument schemes I have noted. More matching schemes could be identified. Here it must suffice to say that the examples I have provided suggest that Dove's Argument from Fit is one of a multimodal family of matching schemes of argument in which a conclusion is founded on seeing (or hearing, or in some other non-verbal way detecting) that objects match or do not match. These are multimodal schemes because non-verbal acts of seeing, hearing, etc. are key components of such arguments. In other ways, these schemes are like verbal schemes of argument, identifying generic patterns of inference that play a prevalent role in everyday reasoning and arguing. The difference between them and the schemes in the received catalogue of schemes is that they are founded on non-verbal elements.

In this essay I have tried to show that there are visual and multimodal schemes of argument that need to be included in a fully comprehensive account of argument schemes. Many questions about such schemes need to be explored. What other schemes should be identified? What is the best way of representing them? What critical questions should accompany each scheme? Leaving these questions for elsewhere, I want to end this paper by noting some questions my examples raise about standard accounts of argument schemes.

In some ways, inferences that depend on what we see or hear are not difficult to accommodate in a comprehensive account of argument. It is easy to recognize inferences of this sort, and easy to identify instances in which the resulting arguments can be judged weak or strong, valid or invalid. As in the case of verbal premises, there are clear cases where visual, audio and multimodal input can be judged acceptable or not. Problems arise only when we assume that the latter need to be analyzed in a verbal way. In the case of schemes this raises the question how schemes can be understood in a way that does not assume that premises of an argument must be words and sentence.

One important attempt systematically organize the hundreds (potentially thousands) of schemes that have been identified is Wagemans Periodic Table of Arguments, "a proposal to

classify arguments on the basis of a formal analysis of the statements expressed in arguments and standpoints" (Wagemans 2016, p. 1). His "starting point" is the assumption "that the propositional content of standpoints and arguments can be expressed in the form of a categorical proposition. Such a proposition consists of two elements, namely that of which something is said – the 'subject' – and that what is said about the subject – the 'predicate'" (p. 4). Wagemans' project raises the intriguing question whether the acts of seeing and hearing that are key components of matching schemes can be understood in this way. I will begin that conversation by noting that we cannot adequately translate such acts into verbal statements of this sort. In real life arguing and reasoning, this is the very reason that we use maps and photographs and visual displays and audio recordings in arguments all the time – because they easily depict shapes, sizes, colours, contours, and sounds that are notoriously difficult to describe in words.

In the abstract to a paper explaining his chemical approach to schemes, Hoppmann has written that "there are three available argumentative paradigms: geometry, biology and chemistry, of which the latter will be championed. Of these the chemical approach proceeds in a downwards - analytic manner. Like the biological paradigm, it starts with real world instances of arguments, but it does not assume that these occurrences are representations of existing 'species', but instead that they can be broken up into a set of recurring smallest components (or argumentative 'atoms')." (2017, p. 1)

If we consider the constituent parts of arguments from Hoppmann's point of view, the examples I have given show that it is a mistake to proceed with the working assumption that the key elements of arguments and argument schemes we identify will be defined by sentences and words. We should instead expect to find that the key components of many arguments and many argument schemes are instances of seeing and hearing and other multimodal elements. They are difficult to categorize as veiled sentences or correlates of sentences. Does it not follow that they need to be distinctly recognized and discussed in our accounts of arguments and the schemes that they instantiate?

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Argument from analogy in policy argumentation

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ABSTRACT: The paper focuses on the argumentation scheme that represents argument from analogy and its use in policy argumentation. Policy propositions concern changes in behaviour; thus, policy argumentation contemplates a potential course of action. The argument from analogy is a commonly used kind of case-based reasoning where one case is held to be similar to another case in a particular respect. The paper argues that argument from analogy can be a very effective way of persuasion in policy argumentation.

KEYWORDS: argument from analogy, policy argumentation, case-based reasoning

1. INTRODUCTION

Argument from analogy is one of the fundamental forms of argumentation. It can be said that argument from analogy is the foundation of all case-based reasoning in which the argumentation turns on a comparison of one case to another. It "begins by using one case (usually agreed on and relatively easy to understand) to illuminate or clarify another (usually less clear") (Govier, 2013 p. 319). Such arguments are very popular and are widely used. For instance, argument from precedent in law is based on argument from analogy. The system of Anglo-American law is based on the principle that if a case has been decided by a court in a certain way, then a new case that is similar to it should be decided in the same way. Arguments from analogy are widely used in practical everyday reasoning.

There is no general agreement on the nature of analogy argumentation. There are many different approaches to the typologies of argument schemes but all argumentation theorists agree about the importance of analogy and all typologies include argument from analogy as a special type of reasoning.

2. ARGUMENT FROM ANALOGY: OVERVIEW

2.1 Logical approach

Let us have a brief overview of various approaches to this argument and the problems it represents.

Some scholars classify argument from analogy as a fallacious form of argumentation. They ground their reasoning on the fact that analogies can be used to illustrate, they can lead to a tentative hypothesis, but when they are used as reasons to support a claim they are not valid. Because a pair of cases may have many characteristics in common but there may be many other characteristics in which they are different. The key factor is not the number of common features that are the basis of the analogy, but the class under which the terms are categorized.

It is not clear whether argument from analogy is a deductive or inductive form of reasoning. D. Walton proposes a third alternative in "Argumentation Schemes". He argues that in some cases argument from analogy can assume deductive and inductive forms, but in the majority of cases of argument from analogy as used in legal reasoning, it has a defeasible form that is neither deductive nor inductive (Walton, 2008 p. 80).

D. Walton describes argumentation scheme for argument from analogy as the following:

Similarity premise: Case C_1 is similar to case C_2

Base premise: A is true (false) in case C_1

Conclusion: A is true (false) in case C_2 **(**Walton, 2006 p. 96).

T. Govier distinguishes comparison argumentation (inductive analogy) and the a priory analogy (logical analogy).

2.2 Pragma-dialectical approach

In the pragma-dialectical theory of argumentation comparison argumentation is considered a specific argument scheme along with causal and symptomatic argumentation. While arguing the speaker relies on a ready-made argumentation scheme that is a way of representing the relation between the argument and the standpoint. Each argumentation can be characterized by the argumentation scheme that is being employed. In comparison argumentation the speaker tries to convince the listener by pointing out that something is similar to something else. In this argumentation scheme the acceptability of the premises is transferred to the conclusion by pointing out that there is a relation of analogy between the argument and the standpoint (Eemeren, 1992 pp. 96-97). If the comparison is defective, the argument from analogy constitutes false analogy.

Garssen makes a distinction between (literal) comparison argumentation and figurative analogy. He discusses two types of comparison argumentation and puts the figurative analogy in a separate category. But he argues that seen from a pragma-dialectical perspective figurative analogy has probative force yet should be seen as a special presentation device that is used to put forward other types of argumentation (Garssen, 2009 p. 134).

The first type of comparison argumentation. In its first variant the comparison argumentation involves a prediction based on an extrapolation of shared properties, a comparison is made between the actual characteristics of one thing and the actual characteristics of another thing.

The testing system in St Petersburg University will prove to be effective, because this system proved to be effective in Moscow University.

Two things that belong to the same class (St Petersburg and Moscow University) are compared. This is the inductive argument from analogy and it is a weak one. Because St Petersburg and Moscow universities share many common characteristics but there are always many characteristics that are different. There should be a relevant similarity that acts as a premise for inductive arguments from analogy.

In the other type of comparison argumentation the main idea is the principle of consistency. People should act in a consistent way, if they acted in a certain way in one situation they should act accordingly in a situation that is similar (Garssen, 2009 p. 36).

We should introduce the testing system in St Petersburg University because it was introduced in Moscow University.

Garssen points out that this type of argumentation is similar to the type that Govier calls a priori reasoning. The only distinction is that the example that is used in the comparison in a priori reasoning can be fictitious (Garssen, 2009).

In both cases the principal critical question is whether what is mentioned in the standpoint is comparable to what is mentioned in the argument.

In figurative analogy the things that are compared belong to different classes. That is why they cannot be compared in a direct way. And the critical questions (are there similarities?) cannot be applied. Figurative analogy is not a normal comparison but a comparison of the abstract relations.

2.3 Cognitive approach

It is a fact about human cognition that we make a judgement that one case is similar to another in drawing conclusions about what to do in daily life. It is called pattern recognition; we recognize patterns in a scene and match such patterns, seeing one thing as similar to another. We all have our expectations about what we would normally encounter in a familiar situation.

When one encounters a new situation (or makes a substantial change in one's view of the present problem), one selects from memory a structure called a Frame. This is a remembered framework to be adapted to fit reality by changing details as necessary.

A frame is a data-structure for representing a stereotyped situation, like being in a certain kind of living room, or going to a child's birthday party. Attached to each frame are several kinds of information. Some of this information is about how to use the frame. Some is about what one can expect to happen next. Some is about what to do if these expectations are not confirmed.

We can think of a frame as a network of nodes and relations. The "top levels" of a frame are fixed, and represent things that are always true about the supposed situation. The lower levels have many terminals–"slots" that must be filled by specific instances or data. Each terminal can specify conditions its assignments must meet. Collections of related frames are linked together into frame-systems. The effects of important actions are mirrored by transformations between the frames of a system. These are used to make certain kinds of calculations economical, to represent changes of emphasis and attention, and to account for the effectiveness of "imagery" (Minsky, 1975).

Thus, in terms of frame-system we can view analogy from cognitive perspective and talk about cognitive analogy. We use cognitive analogy to compare two situations, but we do not compare the situations literally, we perform a familiar situation, 'put' people into this situation that is familiar for them and in which they behave in a certain way. They have their expectations about such familiar situations because these situations are filled with familiar slots. But then some slots of the situation are changed and this breaks the expectations about the situation. If any of the slots are changed it causes cognitive dissonance and it may lead to unexpected reactions, behaviour and emotions. We try to put a person in another person's shoes in order to make reasoning more effective.

3. PLEVAKO CASE

The argument from analogy can be quite reasonable in many cases. In legal argumentation we often encounter policy argumentation; the defended standpoint is expressed with the normative proposition. "This person should be acquitted".

I would like to give a very interesting example that can illustrate how argument from analogy was used very successfully in a court of law. But first I would like to introduce and say a couple of words about F. N. Plevako (1842 -1909). He was a very famous Russian defense lawyer who spoke in court. In the case I am going to present a man (hunchback) was found guilty with a murder of his long-term neighbor. The case was absolutely clear not only in general but in detail. All the evidence pointed to the accused, and he pleaded guilty. But

there was only one mitigating circumstance. The victim had been bullying the defendant for several years, by insulting him, calling him names etc. And once the defendant was not been able to tolerate bullying anymore and killed the bully. But a murder is a murder. Nobody expected the non-guilty verdict.

Plevako began his speech in a manner nobody expected. He addressed the people present by greeting the judge, the audience, the jury. "Dear ladies and gentlemen! Your Honour! Dear jury!" and so on. And he had greeted them like that for several minutes. After several rounds of greetings all the present started to giggle, to make a noise and all started to laugh nervously. But that did not stop Plevako. He continued his greetings, he addressed the audience using extremely polite words. The public roared with laughter. Then some people started to show their outrage and anger and started to make demands to shut up the speaker and to stop these disgraceful goings-on. But Plevako did not stop and continued to say the same greetings. Some people started to cry and demanded to claim Plevako mentally ill, some demanded to sue him for travesty of the rule of law. But Plevako continued to address the audience. And only when the outrage transformed into calls for actions and the angriest people from the audience rose and began to walk towards the lawyer threatening him bodily harm did he stop talking and asked the public: "What caused such an outrage, Your Honour and my dear ladies and gentlemen? You are almost ready to kill me. And I have only been addressing you for 15 minutes using only polite and reverential words. I have not insulted or have not verbally abused any of you. What would you say or do if you have been bullied, offended, insulted not for 10 minutes but for several years". They say that the accused had been acquitted.

This case illustrates the ideas about cognitive analogy presented in section 2.3. Cognitive analogy is similar to the second type of comparison argumentation described above in which the main principle is the principle of consistency. But this analogy is based on mental representations of familiar situations. Such situations are stored in human's cognition.

Cognitive analogy activates the frame system in such a way that people are put in a certain familiar situation. They have certain expectations about the behaviour of the participants of the situation. But then some slots of the situation are changed (the public expected only one greeting from the lawyer, they did not expect the greetings would be repeated for many times) and this change causes the outburst of negative emotions. Similarly, we have our expectations about our neighbours' behaviour. This information is stored in the frame system. If some slots are changed and the participants of the situation behave in a way that is not typical for this situation the outburst of negative emotions may occur.

Plevako played a typical familiar situation but changed some models of expected behaviour thus causing the negative reactions he had wanted to get. Only when the people present behaved in a certain way did they understand the analogy and were able to put themselves in the accused shoes. Such analogies appeal to emotions.

4. CONCLUSION

Argument from analogy represents a typical form of reasoning used in everyday conversations as well as in special context like legal reasoning. It turns out a very effective way of reasoning in policy argumentation. There are various approaches to argument from analogy. The described case represents analogy that can be called cognitive as it is connected with mental representations of familiar situations. The arguer performs the situation making some changes thus causing emotional appeal.

Analogy can be a very effective way of persuasion in policy argumentation, especially in the 'post-truth' era when objective facts are less influential in shaping public opinion than appeals to emotions and personal beliefs.

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What place for values in argumentation studies?

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ABSTRACT: The role of the values in argumentation deserves to be better known. Many reasons to be wary about their narrowly subjective or audience-dependent dimension have been pointed out. But if we want to broaden our intelligence of everyday argumentations, we must not dismiss their axiological aspect. Precisely, this paper presents the case of the still very heated controversy in France concerning the maintenance of bullfighting (bull racing with killing).

KEYWORDS: argumentation, axiological, bullfighting, Perelman, substance of arguments, valorization, value judgment, values

1. INTRODUCTION

This paper aims to draw attention to the role of values. Values are commonly mentioned in argumentation studies when it comes to characterizing audiences, but they rarely give rise to a methodical review of their importance.

Yet many who seek to obtain recognition of the legitimacy of this or that political, social or cultural struggle do so precisely in consideration of values: freedom, equality, non-discrimination, compassion, solidarity. To say it by using a verb that gives an assertion of legitimacy: "Values matter".

I will refer here, by way of example, to the case of a long-term controversy that may appear subaltern but that regularly agitates the south of France when summer comes around: should we or should we not abolish bullfighting? Bullfighting, in the form in question, almost always ends with the death of the animal.

This question may come as a surprise to an international audience which may consider that the abolition of this practice is self-evident. But I think that it brings us, at the same time, to the heart of the issues I want to address.

2. THEORETICAL REMARKS

2.1 Values and value judgment

First of all, I have to define what I mean by "values". The word "value" is a highly polysemic term that occurs in many disciplinary fields (economy, ethics, morals, aesthetics,linguistics,semiotics).

Contrary to popular belief, the word "value", in its abstract and countable meaning (we say "a value", "values") is of relatively recent use. In the second half of the nineteenth century, at the same time as the notion of value judgment appeared, it indicated the designation of substantive content justifying a positive assessment. The first testimonies of the plural "values" in an axiological sense are identified in the works of R.W. Emerson and in the American context. The definition provided by the Oxford English Dictionary is as follows:

orig. *U.S.* In *plural* (frequently collectively). The principles or moral standards held by a person or social group; the generally accepted or personally held judgement of what is valuable and important in life. Also occasionally in *singular*: any one of these principles or standards.

A "value judgment" is defined as:

"a judgement attributing merit or demerit to something according to certain standards or priorities. [Originally after German *Werturteil* (1823 or earlier as *Werthurtheil*; mid 19th cent. In specific theological use by Ritschl)]" (Ibid.).

According to the french Petit Robert dictionary (2013) a value is defined as "what is true, beautiful, good, according to a personal judgment more or less in agreement with that of the society of the time" (my translation). The judgment of value shows the evaluative activity of an individual or collective subject facing an object, a practice, a behavior, an opinion.

As opposed to quantified evaluation, the value judgment refers to a qualitative criterion or a model accepted in a community, whether to support it or to contradict it. "Values" can be considered as guarantors of judgment in a world deprived of the certainty of an absolute (God, History), which does not prevent some people from asserting the "objectivity" of values, demanding a return to "true values", confusing the legitimacy and permanence of certain values with their supposed "truth".

By attributing a major role to values in their *Treatise on Argumentation* (1958), Chaim Perelman and Lucie Olbrechts-Tyteca directed their New Rhetoric towards a rigorous taking into account of the plurality of value systems. By re-examining in terms of values and valorization (or depreciation) the normative tools long mobilized in arguments (the Aristotelian topoi, the goods, the virtues, the maxims), they opened the way to a methodical exploration of axiological operations.

2.2 Language and speech

The discursive manifestation of values is in fact extremely varied. It finds its most explicit expression in "value words" such as truth, tolerance, freedom, peace, and so on, or in substantive adjectives such as the good, the beautiful, the true, etc. which condense major options of judgment. It is often by invoking such terms ("in the name of freedom") that one ultimately justifies a decision, a measure, a choice. "Value words" can also be summoned, advocated, argued. Their semantic content can be supported by adjectives (free), adverbs (freely), verbs (to free). From the recipient's point of view, it is possible to proceed with the extraction of the value mobilized by the interlocutor by applying to the claim being proclaimed the question "In the name of what?" by resorting furthermore to control procedures (eg. "Can we really say that this word is used as a value in this community?").

The acceptability of values therefore depends on the cultural context. Nevertheless, "the True", " the Good", " the Beautiful" are usually considered as "universal values". We can name them more modestly "common instances of value judgment" and choose to group with this Platonic triad the criteria that it discarded: "the pleasant" and "the useful". Every positive term is opposed to its negative opposite (lying, evil, ugly, unpleasant and harmful). These semantic axes of valorization, which all come under the opposition "good/bad", supply a deep structure, in a very mundane way, to value-judgments.

In France, the expression of value judgments has been explored linguistically since 1980 by Catherine Kerbrat-Orecchioni through lexical analysis. But terms that have an apparently "neutral" descriptive content may be affected, in a particular context, by a positive or negative connotation. This is the case, for example, with the words "commercial", "strike", "war" whose contradictory polemical uses are easily imagined. The axiological meaning of terms can only

be identified by taking into account the context, i.e. who is speaking, to whom, in what situation. This is one of the major causes of disagreements. The axiological valence of the words that are mobilized is only very rarely stabilized: disputes will thus very often result from the different interpretations of which they are the object.

But it is virtually impossible to escape values. In situations of tension, it is with reference to such or such a value that we hold that we finally take sides. The value thus privileged fixes the course, the orientation of the argumentation. If one claims "not to judge", it is generally "in the name of tolerance", of "the respect due to everyone", of the "concern for objectivity or impartiality", that are so many values.

Values refer, as the case may be, to skills (moral, ethical, aesthetic, intellectual, practical, professional), to qualities valued in groups (political, trade union, mutual, sports, leisure) or belonging to certain affiliations (regional, national, class, ethnic, gender), visions of time (progressivism, conservatism, reactionary thinking), specific aspirations systematized or not in religious, philosophical or political doctrines.

They constitute classes of judgment whose combination is virtually infinite. Some sociologists seek to objectify them through opinion polls and quantitative or qualitative studies to identify groups sharing the same lifestyles or the same forms of consumption. But these studies, which feed foresight institutes, marketing agencies, advertisers and policy communication teams, are often open to methodological criticisms that hinder their full recognition in the academic world.

Values can, moreover, be classified according to their greater or lesser generality and their claim to universality or according to their particularity (values with general content, values with particular contents, values with universalist aims, values with particularist purpose).

3. THE CRITICISMS OF THE ARGUMENTATION BY THE VALUES

Argumentation with values raises many reproaches:
- Values do not allow us to differentiate "true /false" utterances which are more appropriate for the appraisal of validity, through rigorous procedures.
- When they appear explicitly, they are accused of introducing a dogmatic element into the exchange, the invocation or the summoning of values being suspected of being a form of argument of authority. Values are expressed through confused notions or by the use of words loaded with presuppositions that increase the share of the implicit and hinder the clarification of the positions being confronted. They provoke a form of distortion of speech and are accused of being a kind of petition of principle.
- Moreover, the consideration of values would be linked to a theory of persuasion based on cultural connivance rather than a rational norm independent of the peculiarities of an audience.

This is why it is often recommended, especially in the context of the pragma-dialectic, to limit the use of values as much as possible. Besides the New Rhetoric was explicitly presented, in a founding text of pragma-dialectic written in 1987 by Frans H. Eemeren (Argumentation's Five Estates), as taking up an anthropo-relativistic posture which it was right to guard against, one of the reasons for this critical distance being precisely the importance given to values.

Subsequently, this is well known, advocates of the pragma-dialectic have formulated theses tending to change the relationship between their discipline and rhetoric by introducing the concept of "strategic maneuvering". Taking up the history of relations between rhetoric and dialectic, they agreed to integrate the idea of a reference to shared values, particularly as regards the argumentative stage:

This explains why it is often attempted to elevate personal opinions and subjective impressions to the level of generally shared judgments. In the "argument stage", the argument can be strategically attuned to the audience by basing them on sources respected by the audience or by appealing to authorities recognized by the audience (Eemeren, 2009: 123).

The role played by values in decisions of law is also recognized. Feteris'work on legal argumentation points out how, for Perelman, values and loci serve to convince the different audiences of their merits: law practitioners (judges and magistrates), the academic community and all those concerned by court decisions. This role of values is also emphasized by other legal scholars who refer to Perelman, and who stress, aside from the validity and legality of arguments, their social acceptability, such as Alexy (1989 [1979]), Aarnio (1987) and Peczselnick (1983).

4. THE CONTROVERSY OVER BULLFIGHTING

4.1 Some contextual elements

Let's come to the case of the controversy over bullfighting in which value judgments play a major role.

This controversy is as old as the introduction in France in 1853 of Spanish bullfighting. Bullfighting called *corrida* is distinguished from other types of bullfighting by the fact that the integrity of the animal is compromised by the use of pikes and banderillas and that the show ends with its death given by the bullfighter with his sword. The bullfight takes place under the watchful eye of an informed public, of people who evaluate each sequence by their applause, their "*olé*!" or by their noisy manifestations of reprobation (called "*bronca*"). The president awards prizes (the ears and the tail, the triumphal exit of the arena). After the bullfight, the *aficionados* (bullfighting fans) discuss the quality of the show: the quality of the animals (*bravos*, brave or *mansos,* weak), the quality of the bullfighters, of the *tercios* (sequences of the fight). In dedicated clubs, during *tertulias* (discussions, debates), the different conceptions of bullfighting, articulated with distinct systems of representation and values, are confronted.

Outside, the *corrida* can be the subject of a favorable consensus at village or city level. But as soon as a wider context is involved, audiences become more composite, contestation becomes more probable: bullfighting divides and even constitutes in France a subject of privileged discord, which cannot be related to any of the usual sociological or political categories. It triggers highly passionate praise or blame, but also supportive actions or hostile demonstrations that mark a century and a half of national history.

A law protecting domestic animals voted in July 1850 (the Grammont law) had made it clear to the enemies of bullfighting that it would be quickly banned. But the resistance of the mayors of southern France was effective and, over the decades, made possible the gradual establishment of this form of bullfighting which was still criticized by a large part of the population.

It was this situation of endless discord that the 1951 Act (as amended in 1959) was supposed to remedy by introducing a derogation. The article of the penal code reiterated the text of the Grammont law, but introduced a geographical restriction to its application in cases where the bullfights constitute an "uninterrupted local tradition". Currently, bullfighting is illegal in most of French territory, but it is legal in some southern municipalities under certain conditions related to geography and local history.

The journalistic or literary praise of bullfighting and the campaigns of denunciation developed in parallel for decades. But since the creation of various anti-corrida movements in the late 1980s hostile manifestations have multiplied. Faced with the progress of the abolitionist

movement in Spain (which led in 2010 to a vote of the Catalan Parliament prohibiting bullfighting from 1 January 2012) and the development of anti-corrida campaigns in France, the many clubs of *aficionados* decided to federate within a National Observatory of Bullfighting (2008).

Proponents in favor of abolition and opponents defending this practice seek the approval of the general public, as both are well aware that the abolition or maintenance of bullfighting requires a solid line of legal defense, but also the adhesion of elected officials (at the municipal, departmental and regional levels) and of the public.

Action to influence opinion takes place in a variety of ways through a wide variety of media (press, specialized journals, feature books, militant pamphlets).

For a long time, opponents have remained closed to opposing arguments, contempt, insult or indifference being the rule between them. It is only recently that courteous exchanges, at least in part, have appeared, for reasons of rhetorical efficiency.

The anti-corrida continue to demand the application of the Grammont law without exception. They consider that the incompatibility between the law and the freedom to practice this type of bullfight, which is prohibited elsewhere in the country, is a contradiction : the law must be the same for all. They appeal to the spirit of the law against the letter of the derogation. They criticize the notion of "tradition" and the interpretation adopted by case law since 1951.

Aficionados consider, for their part, that the legality of bullfighting is an asset and call for the maintenance of existing legislation.

In this case, we find the situation analyzed by the authors of the New rhetoric when they analyze the conflict between two rules or values and conclude that they need to be hierarchized or to resort to an argumentative technique aimed at a "division in time" or at "a division as regards the object":

> Incompatibilities oblige one to make a choice, which is always difficult. One of the two rules, one of the two values, must be sacrificed — unless both of them are given up, which often involves further incompatibilitiés — or else one must resort to various techniques for removing the incompatibility. These we call compromises, in the broadest sense of the term, but they also involve a sacrifice (Perelman and Olbrechts-Tyteca,1969, p. 197).

This is one of those "techniques" that seems to be applied here since the law tries to lift the incompatibility between the rule of the law fixed in article 6 of the Declaration of the Rights of Man and the Citizen and another rule which allows a practice to which the local population manifests its attachment:

> Rule 1: (the law) "is the same for all, whether it protects or punishes" (Declaration of the Rights of Man and the Citizen)
> Rule 2: Do not question "certain traditional practices"

The lovers of bullfighting, who rely on the strength of the precedent, consider that the legality of bullfighting is an asset and call for the maintenance of the existing legislation. One of their spokesmen, S. Casas declares as follows: "The law is well made [...] It is respectful of all the citizens and endorses the local culture, this tradition of the South of France" (Casas, 2012, my translation).

On the contrary, the "anti-" consider that this is very incoherent. That is why they decided to turn to the European Court of Human Rights. They are also seeking to gain the support of the population as they know that the fight to get MPs to change the law will be long and difficult.

4.2 Supporting a stand-point by value-words

Both among the supporters and opponents of bullfighting, the role played by values is essential:
- in an explicit form, because of the use of the word "value" itself and the more or less ostensible mobilization of axiological terms.
- in an implicit form through the qualification of the actors (human and non-human) and the acts involved in this practice.
Whatever the mode of insertion of values, each camp relies on basic values:
- on the pro-corrida side, the values of "liberty" and "tolerance" are first and foremost mobilized, the primary objective is to proclaim the right to indulge in one's passion and, above all, to keep things as they are.
- for the "anti-", the values used are centered on the animal and suppose a change of attitude based on emotions: "compassion", "animal protection", "animal welfare". The rise of this last value stems in particular from the fact that the word "welfare" is well known in social history.

To this must be added "truth" and "respect". These values are constantly mobilized on both sides.

But the value-words, far from constituting only "objects of agreement", provoke fierce debates. The "anti-" unsurprisingly reject the argument of tradition. Despite the difficulties that it raises, perfectly identified by some *aficionados*, it remains in their own arguments, because this notion is an integral part of the speech intended to gain public support for *ferias* and economic activities that are related to this type of festivities.

4.3 *The axes of valorization*

The main axes of the valorization (ethical, aesthetic, epistemic, hedonic, pragmatic) constitute the first framework of constraint imposed on the discourses. They can be thematized (when the aesthetic or ethical axes, for example, are named) or exert their influence through all the verbal material. The fact that some axes are better identified and valued as such (aesthetic, moral-ethical) facilitates their recognition and their mobilization. It is by identifying their presence that the interlocutor or the analyst can identify the action of the axes, their convergence or their opposition (especially through the prototypical terms: pleasant, pleasure, useful, harmful, effects, useless, true, truth, veracity, false, lying, etc.). Since the mid-2000s there is a strong and explicit presence in the *aficionados*' discourse of the two ethical and aesthetic axes, the pragmatic axis of interests (economic and touristic) being more rarely summoned. It is a strong framework, which sometimes gives rise to meta-ethical considerations and which comes to relay, or complete, the metaphorical framework favored by the *aficionados* since the 1930s (love, sexuality and sacrifice) which had been promoted mainly by writers and artists (Picasso in particular). The *aficionados* consider that in bullfighting the two ethical and aesthetic axes can't be separated. They claim the "epic heroism" present in the arena, and they are the bearers of a body of truly humanistic values against the mediocrity conveyed by humanitarianism and what they call "Anglo-Saxon animalism" (Wolff, 2007 p.150).

This axiological characterization is absolutely rejected and denounced by the "anti-" as a maneuver of justification that radically breaks from common morality. They denounce a show based on cowardice, perversion, voyeurism and mediocrity (FLAC Faa, 2018).

As we have pointed out, for many *aficionados*, the spectacle of bullfighting has an essential aesthetic dimension: bullfighting is beautiful by itself and it inspires aesthetic creations (in painting, in literature, notably, Wolff, 2007 p. 13)

Opponents of corrida may adopt different attitudes towards this aesthetic claim. For some, there is a real antinomy between bullfighting and art (FLAC Faa). Others, while

conceding the reality of the links that bullfighting has with art refuse to conclude with a justification. They dissociate clearly the aesthetic and ethical axes.

The epistemic axis (that of the truth) plays a major role in the controversy: the establishment of the scientific truth gradually acquires an increasing place in the diagnosis focused on the suffering of the bull. There is thus a "controversy in the controversy", a quarrel of experts on the reality of this suffering that leads to questions of methodology and validation of knowledge through academic tests.

The study by C. Illera del Portal, Professor of Cell Physiology published in 2009 dissociates pain and suffering and presents as irrelevant the compassion of animal defenders. It reinforces *aficionados* in their defense of the exceptional character of the bull, both genetically and physiologically. But it is precisely the lack of conformity of Illera del Portal's work to academic standards that destroys, in the eyes of the "anti-corrida", the assertions of the Madrid professor. They quote the statements of Professor G. Chapouthier (Laborde, 2009, p. 17) who deplores the lack of scientific publication confirming the thesis of Illera del Portal. Many also consider that we are dealing with a simple denial of reality and that showing images of bloody bulls is a sufficient proof of their suffering and they recall the tiny percentage of matadors killed or wounded in proportion to the animals killed in the bullring.

4.4 The rise in generality

The weakening of the argument of tradition in public opinion explains that in parallel with the requirement of respect of the precedent in the legal battle (and thus of the maintenance of the use of the word "tradition" by the text of the law), the supporters of bullfighting have adopted a strategy based on other values: "culture", the transmission of "intangible cultural heritage", "cultural diversity". What they are looking for is the recognition by the state of the "cultural dimension" because they are aiming for a further step: the recognition of the corrida as part of the Intangible Cultural Heritage of Humanity.

In fact, since 2001, the Universal Declaration on Cultural Diversity, drafted after 9/11, has made "cultural diversity" a "common heritage of humanity". At the same time, the Inventory of the Intangible Heritage of Humanity, launched by the UNESCO 2003 Convention, intends to take into account "the subjective importance given to this or that practice by the community that keeps it alive". This is why an application for the registration of the *corrida* was filed on August 31, 2011. Precisely adjusted to the texts of UNESCO, the information sheet provided by the pro-corrida lobby underlines the threats to this practice and calls for "respect for the diversity of cultural expressions".

The *aficionados* try to obtain, thanks to this value-word, the bond of a third-party of international rank able to block the challenges that appear at the level of the European Union and thus guarantee the survival of the *corrida*.

A large number of "anti-*corrida*", who do not overlook this international dimension of their fight, think they have a guarantor of the same scale by invoking the Universal Declaration of the Rights of the Animal solemnly proclaimed on October 15, 1978 at the UNESCO Headquarters. But as Emmanuelle Danblon (2010) has clearly shown, the conditions of enunciation of this declaration and its very text (in particular the use of the notion of "animal species" with an undefined contour) prevents it from benefiting from the same legitimacy.

On the other hand, there can be no denying the development of a new sensibility to animal life, which is reflected in many countries by the development of legislation incompatible with the treatment inflicted on bulls in the arena. This metamorphosis of sensitivity and values cannot fail to influence the political or judicial institutions in the long term when they are led to establishing new standards with greater acceptability.

We are thus typically in the field not of the validity of a procedure or argument, but of a social acceptability of certain acts or behaviors. In this respect, we should note the role played in various social movements by the notion of "intolerable" which indicates the way in which certain legal norms are criticized because of their blatant discrepancy with the axiological expectations of contemporaries (Fassin, 2005).

The notion of acceptability brings about the complexification of Perelman's distinction between a particular audience and a universal audience. It is clear that the arguments addressed to the supporters and opponents of bullfighting are addressed to specific concrete different audiences whose features cannot be correlated to precise sociological parameters or rational competencies. On both sides, discourses refer to ideal private audiences constructed according to different hierarchies of values. These "life forms" are mutually exclusive on the precise point of a controversial practice, here the practice of bullfighting, even if they also share "family resemblances" that make their cohabitation possible in the same political society. The conquest of a Third party, of an arbitrator appears, however, essential to resolve the ongoing dispute: the rise in generality is reflected in the call for compliance with international legal bodies such as the UN or UNESCO that are concrete substitutes for a universal audience. On 16 March, a draft bill was tabled by a French deputy at the French National Assembly demanding the prohibition of the presence of children under 14 years of age at bullfighting events by citing the recommendation of the Commission for the Rights of the Child, the United Nations body responsible for verifying the implementation of the International Convention on the Rights of the Child, to ban such performances for minors.

5. CONCLUSION

My goal was not limited here to the study of an isolated and picturesque case. I wanted to highlight a capital aspect of the argumentative activity. In this case-study it is not just about a conflict of preferences between particular audiences, but about their attempt to gain recognition and legitimacy from audiences of recognized quality, according to their own ideal audiences: international bodies which serve as guarantors for the decisions of national bodies or regions.

So the question here is the role of the substance of the arguments which depends on historical evolutions and choices, at various levels of relevance: for instance, the major roles of the values of freedom, of equality, of non-discrimination, of dignity of the human person, of respect for cultural diversity, of protection of the animal condition do not stem from universal and timeless certainties derived from a rational logic, but from human experience, from the evaluation of practices and the legitimacy that this gives in international organisations to values that would, according to them, put limitations on arbitrariness, domination, barbarism, chaos or the standardization of cultures.

So, it is important, in my opinion, without diminishing the various approaches that emphasize the logical and pragma-dialectical forms of argumentation, to pay more attention to the manifestations and forms of the substantial content of the arguments, such as values.

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Authority and auxiliary experts

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ABSTRACT: Arguments from authority are sometimes modeled as requiring that auxiliary experts should corroborate the expert's pronouncements. There are at least two problems with this approach: it marginalizes the role of the main expert and it casts doubt on the integrity of the authority scheme. An alternative role for auxiliary experts is to convey their assessment of the main-source's epistemic character. The reliance on trust, it is argued, overcomes the difficulties incurred with corroboration.

KEYWORDS: argument schemes, authority arguments, auxiliary experts, corroboration, epistemic character, John Hardwig, principle of testimony, trust

1. INTRODUCTION

One of the methods of informal logic is the method of argument schemes and one of the most studied of the schemes is the one for Argument from Authority, also called Appeal to Expertise. The kind of authority in question is knowledge or cognitive or intellectual authority, not command or political authority.

Schemes (patterns) for AA-arguments can be expressed in different ways but the basic idea is that they should at least identify the basic necessary conditions for being a good instance of the argument kind. The following is one proposal for what would make for a good AA-argument:

Sc1. P1. *S* states that *p*.
P2. S has credentials which are relevant to determining whether *p*.
P3. *S's* advocacy of *p* is not biassed.
P4. *F* is a subject area in which knowledge is possible.
P5. *p* belongs to *F*.
P6. *There is wide agreement among relevant experts in* F *that* p *is the case.*
C. *p* should be accepted. (Adapted from Groarke and Tindale, 2013, p. 317)

According to Scheme 1, AA-arguments are to be reconstructed as six-premise arguments with each of the premises stating a necessary condition for good arguments of this kind. The conditions are also jointly sufficient for a good AA-argument, given the proviso that this is a defeasible kind of argument.

2. TROUBLES WITH CORROBORATION

What I want to focus on is P6. I will call it the Auxiliary Condition or the Auxiliary Premise. Many other informal logic and critical thinking textbooks include a very similar requirement in their models of good AA-arguments. What the auxiliary condition requires is that there should be wide agreement among what we may call the *auxiliary experts* in *F*. Their agreement is about, *p*, the conclusion of the AA-argument.   Here is how some others have stated this requirement:

- *p* is *consistent* with what other experts assert? (Walton 2006, p. 88).
- There is *consensus* among the relevant experts supporting the claim (Bailin and Battersby, 2016, p. 137).
- The experts in *F agree* about *p* (Govier, 1997, p. 140).
- There should be a limited amount of *disagreement* over the proposition among experts in the field. The greater the degree of controversy among more-or-less equally qualified experts, the less reliable the judgment of any particular expert (Churchill, 1990, p. 471).

Two things that all these propositions have in common are that (i) they require that all (or nearly all) of the auxiliary experts agree that *p* is the case, and (ii) that this agreement is taken to be additional evidence for, *p*, over and above what the main source, *S*, affords.   (*S*, the main source, is not among the auxiliary experts.) This turns the auxiliary premise into the requirement that the auxiliary experts should corroborate what *S* has asserted.   So, the auxiliary premise is to be understood as a *corroboration condition* (Corr-Con). We can state it explicitly as follows,

> (*Corr-con.*) The role of the auxiliary experts in AA-arguments is to corroborate what S, the main source, has claimed.

Notice that the evidence provided by the auxiliary experts gives *direct support* for the conclusion of an AA-argument in addition to, and independently of, the evidence given by S, him or herself.

There are problems with the Corr-con interpretation, however, which are brought out by the following dilemma. Let *Γ* be any AA-argument patterned on Scheme 1, *S* the authority relied upon, and Corr-con the interpretation given to the auxiliary premise, then we have:

D1. 1. Either the auxiliary experts in *Γ* corroborate what S says, or they do not corroborate it.

2. If the auxiliary experts in *Γ do not* corroborate what S says, then *Γ* is not a strong argument.

3. If the auxiliary experts in *Γ do* corroborate what S says, then S's testimony is of negligible value.

4. Therefore, either *Γ* is not a strong argument or the testimony of authority *S* in *Γ* is of negligible value.

If, on the Corr-con interpretation, an auxiliary premise is not acceptable, then the AA-argument in which it occurs will not be a strong one and so we can have little faith in its conclusion. But if, on this interpretation, the premise is acceptable, that is equivalent to

saying that the proposition that *there is wide agreement among all (or most of) the relevant auxiliary experts that p is the case*, is acceptable. However, if that proposition is acceptable then we have little need of what the source, *S*, might have to say because now we have an even better argument for the conclusion, *p* – an *argument from consensus*. "In arguments of this type," writes Wesley Salmon, "a large group of people, instead of a single individual, is taken as an authority. Sometimes it is the whole of humanity, sometimes a more restricted group" (1973, p. 93). If we consider the auxiliary experts as a "restricted group" whom we are consulting, then we see that Scheme 1 arguments contain all the ingredients needed for an argument from consensus.

Sc2.   P6. There is wide agreement among relevant [auxiliary] experts in *F* that *p* is the case.
        P4. *F* is a subject area in which knowledge is possible.
        P5. *p* belongs to *F*.
        C.   *p* should be accepted.

The premises are all taken from Scheme 1. But now, in light of the Corr-Con interpretation of the auxiliary premise, AA-arguments turn out to be either weak arguments or they are transformed into arguments from consensus. Why do I think this is so? Because of what we may call the comparative weight argument. It goes like this: In normal times (not scientific revolutions), should the community of experts (the auxiliary experts) disagree with an authority, our epistemic loyalties should be with the auxiliary experts because the comparative weight of their collective voice counts for more than the weight of *S*'s solitary voice. Hence, when there is agreement between the authority and the experts, then the view of the auxiliary experts should also carry more weight. This argument greatly diminishes – if it doesn't eliminate – the role of *S* in good AA-arguments.

There is another reason why the Corr-Con interpretation of the auxiliary premise is problematic. It raises a difficulty for Scheme 1 as a good model of AA-arguments. Argument schemes are schemes of individual kinds of arguments. The premises of individual kinds of arguments are linked together and schemes must be drawn to include this fact. If a scheme does not show an argument kind as having linked premise then the scheme would be of two or more argument kinds, perhaps convergently related (or the scheme could include an idle premise). Thus, any argument scheme of a unique kind of argument must be such that any instantiation of that scheme will result in an argument with linked premises. If a premise set, *L*, is linked, then any proper subset of *L* does not support the argument's conclusion nearly as well as does the complete set of premises in *L*. Yet we have seen that consensus arguments, being instantiations of a proper subset of the premises of Scheme 1, supports the conclusion as well or nearly as well, as AA-arguments that instantiate all the premises in Scheme 1. This is evidence that Scheme 1 is not a scheme for a linked argument; i.e. that Scheme 1 does not capture the essence of a unique kind of argument, to wit, AA-arguments. In fact, we should view Scheme 1 as not being an argument scheme at all but really a conglomeration of two sets of premises forming a convergent argument. On the left we have this scheme:

Sc3.   P1.   *S* states that *p*.
        P2.   S has credentials which are relevant to determining whether *p*.
        P3.   *S's* advocacy of *p* is not biassed.
        P4.   *F* is a subject area in which knowledge is possible.
        P5.   *p* belongs to *F*.
        C.   *p* should be accepted.

And beside it, on the right, we can place the scheme of an argument from consensus (Scheme 2). Thus, Scheme 1 breaks into two independent arguments schemes horizontally related (beside each other), Scheme 3 and Scheme 2.

There are then two problems we have encountered with regard to Scheme1. The one is that it puts the role of *S*, the main source, in question, thereby defeating the very purpose of an appeal to a single authority or expert. The other problem is that it makes us wonder whether Scheme 1 is a genuine normative argument scheme. Is it possible that both these difficulties can be traced to the Corr-Con interpretation of auxiliary premises?

3. TRUST

Perhaps we have been barking up the wrong tree. The problem for lay-people is to put themselves in an epistemic situation wherein they can trust the testimony of experts. Jean Goodwin, following up on observations by Doug Walton, advises lay-people assessing an expert for credibility

> to examine such things as his employment, his degrees, the testimony of his peers, and his publications. Note that in each of these the layperson is relying on *third parties,* those who are likely to share the relevant expertise themselves and thus are capable of assessing the purported expert's real knowledge. These *third parties* act as gatekeepers, presumably only hiring, publishing, granting degrees or good reputations to those who are truly qualified. (Goodwin, 2010, p. 140; my ital.)

I have highlighted Goodwin's point that there is an essential role for third parties: they are to assist lay persons in deciding on the credibility of experts. These third parties we can identify as auxiliary experts.

In more detail than Goodwin, John Hardwig has argued that scientific knowledge depends on trust. There are two basic reasons for this: (1) gathering and analysing data takes too long to be done by only one person, and (2) no one knows enough to be able to do all the needed experiments by herself, so research must be done by teams in which every member must trust the testimonial evidence of other team members. Although Hardwig's main concern is to show that scientists must trust each other in order to advance their research he does allow that "the principle of testimony" may suffice to connect lay persons with scientific knowledge: "If *A* [a lay person] has good reasons to believe that *B* [an expert] has good reasons to believe *p*, then *A* has good reasons to believe *p*" (Hardwig, 1991, p. 697). Here *A*'s reasons for believing *p* are at least partly what we may call "testimony reasons."

However, testimony reasons to believe a proposition depend on the trustworthiness of the one trusted. When we rely on what someone conveys to us (their testimony) it is because we trust their character. Hardwig considers character to have both a moral and an epistemic aspect: the moral aspect relates to truthfulness, and the epistemic aspect relates to the testifier's reliability as an expert, to their competence, conscientiousness and epistemic self-assessment (Hardwig, 1991, p. 700). But how can we trust someone's character if we don't know them? Not only are we lay people far removed from experts in terms of knowledge and understanding, we are also, usually, not personally acquainted with them; hence, we are not able to place our trust in an authority or expert directly. Hardwig sees two possible solutions to this practical impediment to trust. The one is to pursue corroboration: if other scientist have come to the same conclusion, that will increases our confidence (trust) in the main

source's pronouncement. But we have already examined and found the corroboration route problematic for AA-arguments. The preferred solution, according to Hardwig is to turn to intermediate sources – Goodwin's third parties – who, although they may not have corroborated *S*'s findings can assess *S*'s trustworthiness based on their knowledge of his or her moral and epistemic character. Although Hardwig's principle of testimony was first stated as an immediate relationship between two parties, a giver and a receiver of testimony, he further suggests that the principle can be extended to include third parties (Hardwig, 1991, p. 701) and we can adapt it to our purposes as follows:

> If *A* (a lay person) has good reasons for believing *C, D, E*, ... (the auxiliary experts), and *C, D, E*, ... have good reasons for believing *S* (the source expert) has good reasons for believing *p*, then *A* has good reasons for believing *p*.

Here we have *C, D, E*, ... in an intermediate role between *A*, a lay person and *S*, a main source. *S*'s reasons are presumable not testimony reasons but direct evidence reasons based on her research. *C, D, E*, ...'s reasons are, however, testimony reasons based on the character of *S*. (We may add that *A*'s reasons are testimony reasons based on what *A* takes to be the trustworthiness of *C, D, E*, ...)

If auxiliary experts have good reason to believe that a source expert has a good reason to believe *p*, then auxiliary experts have a good reason to believe *p*. This leads us to an alternative to the Cor-con interpretation for auxiliary premises. We now focus on having evidence for the credibility of *S*, the main source. We will call it the Credibility Condition (Cred-con) interpretation of the auxiliary premise. More precisely,

> (**Cred-con.**) The role of the auxiliary experts in AA-arguments is to confirm that *S*, the main source, is trustworthy with regard to the issue in question.

What the auxiliary experts say may *indirectly support* the conclusion of an AA-argument by bolstering the credibility of *S*, the main source. Cred-con does not imply that the auxiliary experts know and/or understand *S's* reasons for *p*, the conclusion in question; yet they may still have confidence in *S*'s judgment based on their trust in him. Hence, the role of auxiliary experts on the Cred-con interpretation is quite different than it is on the Corr-con interpretation because it shifts the focus away from looking for further support for the conclusion, *p*, to looking for support for the trustworthiness of *S*. I think that this modification ameliorates the problems to which we were led by Corr-con. Let us restate the dilemma, D1, under the Cred-con interpretation.

D2.   1. Either the auxiliary experts in *Γ* find S trustworthy or they do not find S trustworthy;
         2. If the auxiliary experts in *Γ do not* find S trustworthy, then *Γ* is not a strong argument;
         3. If the auxiliary experts in *Γ do* find S trustworthy, then S's testimony in *Γ* is credible (other conditions being satisfied);
         4. Therefore, either *Γ* is not a strong argument or *S's* testimony in *Γ* is credible (other conditions being satisfied).

The outcome of this second dilemma based on the Cred-con interpretation is more favourable to the role of *S*, the main source in AA-arguments, than was the outcome based on the Corr-con interpretation. True, it is still the case that, if the auxiliary experts in an AA-

argument do not find *S* credible, then the argument will be a weak one. However, should the auxiliaries find *S* trustworthy this will give *S's* testimony a boost of support and make the AA-argument stronger. Thus, on the Cred-con reading the auxiliary experts bolster *S's* testimony rather than marginalize its value, as they did on the Corr-con interpretation.

But now we are faced with a new problem, if we want to retain the other insights of Scheme 1. The second premise of Scheme 1 already requires that *S* has credentials (education and training) which are relevant to determining whether *p* is the case. And, having credentials – degrees, titles, awards – is a mark of recognition by one's peers. So, it seems like this condition could be included under Cred-con, something the auxiliary experts could testify to. This makes for an unnecessary overlap of requirements expressed in Premise 2 and the Cred-con reading of the auxiliary premise. In fact it leads us to conclude that, on the Cred-con interpretation, if the auxiliary premise is acceptable, then Premise 2 is superfluous. Is there a way around this?

It seems advisable to distinguish the different factors that contribute to credibility and to divide-up the labour as much as possible. The reasons are that we should be aware that credibility results from a number of different factors, and also that lay people, although they need the help of auxiliary experts, should shoulder as much responsibility as they can for evaluating AA-arguments themselves. One source of our confidence in *S,* as mentioned, will be that she has the accreditation to practice in her field. This is evidenced by degrees, diplomas, and memberships, in professional organizations as we just observed. Laypersons can, in many cases, explore and decide for themselves self whether *S* satisfies the accreditation condition; e.g., I can easily find out where from Noam Chomsky earned his degrees. It is less obvious, but often not beyond the reach of laypersons, to find out whether *S* has any biases or interests that might affect her research and pronouncements (a concern brought forward by Premise 3 in Scheme 1). But some kinds of bias affecting a researcher is more likely to be known to professional colleagues, the auxiliary experts. A third source of credibility has to do with what Hardwig called "epistemic character". Here we are thinking of what contributes to *S's* reputation among her peers. This is where we consider questions such as: Has *S* successfully published her research in peer-recognized journals and with respected publishers? Are her conclusions, in general, thought to be reliable? Has she in the past responded appropriately to criticisms? Does she fulfill her professional commitments? In short, what is *S's* track record as a member of the research community? Considerations such as these are the measure of a researcher's epistemic character, and it is this factor in evaluation for trust that laypersons will have considerable difficulty in answering without the assistance of auxiliary experts.

We may then take ourselves to have identified a third factor in a source's credibility: her professional reputation based on her epistemic character as recognized by auxiliary experts. This is a source of credibility distinct from accreditation and the question of bias. Thus, our auxiliary premise in Scheme 1 may now be revised and stated as follows: *There is wide agreement among relevant [auxiliary]experts in F that S has good epistemic character.*

We have identified three distinct factors that contribute to the credibility of a source's pronouncements: accreditation, lack of biases, and epistemic character. The factors may be seen as logically independent of each other, any one of them could fail to obtain while the other two still obtain. It follows that the more of them do obtain, the greater should be our confidence in the sources's credibility. For clarity's sake, however, it is desirable to group these together as source-related reasons in AA-arguments.(Trust comes in degrees.) This gives us a three-premise scheme for a convergent argument:

Sc4.   1. *S* has credentials which are relevant to determining whether *p*;
2. *S's* advocacy of *p* is not biassed;
3. *There is wide agreement among relevant [auxiliary] experts in F that S has a good epistemic character.*
C. *S's* pronouncements about propositions in *F* are trustworthy.

The conclusion of this argument scheme will introduce a new proposition into AA-schemes; to wit, that *S's pronouncements about propositions in F are trustworthy.* My suggestion is that we now restructure Scheme 1 such that it consist of four linked premises as in Scheme 5:

 Sc5.   1. *S* says that *p*.
2. *F* is a subject area in which knowledge is possible.
3. *p* belongs to *F*.
4. *S's* pronouncements about propositions in *F* are trustworthy.
C. *p* should be accepted.

These premises are linked together because no proper subset of them will support the conclusion nearly as well as the full set of premises. But now, what has happened to the auxiliary experts? How do we bring their role to light? They are relegated to providing support for premise 4 in Scheme 5. Notice that Schemes 4 and 5 are not convergently related (as were Schemes 2 and 3) but they are related as sub-argument to main argument. Altogether we have:

Sc6.   1. *S* says that *p*.
2. *F* is a subject area in which knowledge is possible.
3. *p* belongs to *F*.
        4a. *S* has relevant qualifications for *F*.
        4b. *S* is not biassed.
        4c. *There is wide agreement among relevant [auxiliary] experts in F that S has*
            a good epistemic character.
4. So, *S's* pronouncements about propositions in *F* are trustworthy. (4a - 4c)
C. *p* is acceptable. (1, 2, 3, 4)

In this pattern of argumentation, (4a) - (4c) convergently support (4), and (1) - (4) give linked support with respect to the conclusion of the AA-argument.

4. CONCLUSION

The advantages of seeing the role of the auxiliary experts as testifying to a source's epistemic character rather than being corroborators of the conclusion has a number of payoffs. First, it avoids the result that an AA-argument's main source is marginalized by a consensus argument. Second, it avoids the result that AA-arguments, as modelled on Scheme 1, turn out to be patterns of convergent arguments rather than a single kind of argument. Finally, it gives the auxiliary experts a role as intermediates between laypersons and experts where they will report on trustworthiness of a source rather than the details of research. Thus, their assistance to laypersons may be more readily available and more easily understood, and more practically valuable, than it would be on the corroboration model.

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A taxonomy for the comparative study of argument across cultures

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ABSTRACT: The idea that argument may interact with cultures first entered the literature in the 1980s, however, it has resulted in little systematic comparative work. Using a minimalistic definition of argument, this paper will propose a taxonomy for comparing argument across cultures. The basis for the development of this taxonomy will be provided by a review of previous attempts to organize the elements of the argument process and studies about argument in various cultures.

KEYWORDS: argument, comparative, culture, structures, taxonomy, validity

1. INTRODUCTION

In recent years, the argumentation field has increasingly acknowledged the role of culture in the argument process. Most research on argumentation has continued using traditional concepts such as the classical thinking of the Greeks and Romans or contemporary theories such as those of Toulmin, Pragma-Dialectics, informal logic, the rhetorical study of argument and interpersonal theories of argument. The studies that have paid attention to culture and its relationship to argument have mostly been studies of argument within one culture (e.g. Avtgis, Rancer, Kanjeva & Chory 2008; Hazen & Shi, 2009) or occasionally, comparisons of argument within two cultures (e.g. Warnick & Manusov, 2000).

This paper will explore ways of comparing argument processes across cultures. As such, it will use a minimalist definition of argument that can be applied to any culture and will subsequently form the basis for a taxonomy of argumentative dimensions that will provide a general outline for exploring how argument works in any culture. In addition, we will discuss how to best assess these dimensions in any culture without privileging any pre-existing approach. It should be emphasized that this taxonomy is exploratory in nature and is a starting point for comparing similarities and differences in argument processes across cultures.

2. THE NEED FOR AN APPROACH TO ARGUMENT THAT CAN FIT ANY CULTURE

It is our goal to develop an approach to argument that can be used to compare cultures across time, space and historical/cultural backgrounds. To make such comparisons it is necessary to use a conception of argument that is not contingent upon Western theories of argument or any other particular culture's conceptions. Such a conception should provide a baseline view of the nature of argument by outlining the minimal characteristic necessary for the presence of argument in any culture.

If we are to be able to compare argument in and between any cultures, we must be able to explore both differences and similarities between cultures. As such, a conception of argument and a subsequent taxonomy of argumentative processes should be able to be applied to cultures of any kind including those that:

1. Are democratic or non-democratic societies
2. Have different historical/cultural backgrounds
3. Are both ancient and modern societies

The first three criteria define elements of cultures across time and space. While a majority of contemporary societies have some form of democratic political structure, throughout most of human history, societies have been primarily nondemocratic. The ability to conceive of argument within all political structures is important, particularly since most Western conceptions of argument come from Athenian society, which was a quasi-democratic form unique to that particular time. It should also be recognized that societies come with a variety of cultural and historical backgrounds. It is important that a minimal conception of argument can take into account such a multitude of historical and cultural aspects. Finally, a conception of argument should be able to fit any society in both ancient and modern times.

In addition, this taxonomy should be able to detect the presence of argument in messages involving any of the following characteristics of the communication process.

4. Those that are verbal and nonverbal
5. Those that are explicit and implicit

The last two criteria deal with aspects of the communicative process, which have sometimes been used to define the nature of argument. First, for a long time, argument was seen as functioning primarily through verbal codes, however, in recent years there has been a growing acceptance of the idea that argument can function in other forms, such as nonverbal code systems. For example, the debate over the last twenty years about the use of visual codes as argument illustrates the growing acceptance of code systems beyond verbal codes (Groarke, Palczewski & Godden, 2016). Second, the explicit statement of elements of an argument has been privileged even though the use of implicit elements of an argument been accepted since Aristotle developed his conceptions of the enthymeme and the example.

3. A MINIMALIST DEFINITION OF ARGUMENT

In line with the need for a conceptualization of argument that can be applied to any culture, Hazen has developed a definition of argument that emphasizes what is the minimal or most basic concept required for argument to be present in any situation. The initial impetus for this project came from a situation in 1980 when he was asked to define logic to an audience of Japanese students and professors. While some of the audience may have been aware of the Western traditions of argument growing out of the Greco-Roman thought, a large percentage of the audience would not be knowledgeable about such a point of view. In fact, they were more likely to be aware of the Japanese and East Asian traditions about argument. Rather than use traditional Western concepts to define the types of arguments and explain what makes them valid or invalid, instead, he asked the question: what is the underlying core of argument that can be applied to another society such as Japan where the culture and historic background differ from that of the West. At that point, in time, he discussed the concept of consistency as the underlying idea of Western forms of argument and asked whether such a concept could be applied to Japan or other non-Western cultures. Upon later consideration, Hazen concluded that consistency was probably a better definition of the concept of validity, not argument as a whole. Therefore, he started to explore the idea of linkage between concepts as the fundamental minimal requirement for argument (Hazen, 1995).

Hazen proposed the idea of linkage as the underlying concept of argument in several papers (Hazen, 2006; Hazen, 2015), but the idea was not fully developed as a theoretical perspective until its presentation as a keynote address at the 2016 Tokyo Argumentation Conference. At that time, the idea was defined in terms of five propositions and four implications. The propositions defined the elements of a minimal definition of argument that could be applied to any culture.

Proposition 1: The minimum requirement for the presence of argument is the linkage of any two or more concepts in a message.
Proposition 2: The units linked in an argument can be anything that can be expressed.
Proposition 3: The linkage between particular elements in an argument can occur in terms of any types of association posited by humans.
Proposition 4: Arguments may involve explicit or implicit units and linkages may exist between any possible combinations of unit types.
Proposition 5: Arguments perform the function of linking ideas so that they support each other, i.e. the argumentative function.

The propositions define the fundamental concept underlying argument and lay out the parameters of what constitutes the nature of linkage and the kinds of units that can be linked. The final proposition posits the fundamental function performed by argument.

The implications of the definition are meant to define the relationship of argument with other elements of the communication process.

Implication #1: Arguments are a dimension of communication that is always present in a message.
Implication #2: Arguments as linkages are contextual and interact with elements of the situation
Implication #3: The cross-cultural examination of arguments as linkages should be initially treated in a descriptive fashion.
Implication #4: The cross-cultural study of argument in a minimalistic sense as the linking of units may require the reconstruction of arguments.

The implications posit that arguments are present in messages as a part of the communication process, and are contextually related to situations. The roles of description and reconstruction are meant to be the initial processes in the exploration of argument in any culture, but do not preclude subsequent discussions of validity and its standards in a culture.

Since the focus of this paper is on the development of a taxonomy for the description of argument in any culture, we will not provide a full discussion of the propositions and implications of the definition of argument. The point here is that this taxonomy is built on the idea of a minimalist definition of argument, i. e. the idea of argument as linkage. The ideas presented in this paper are a means of making the idea of linkage clearer.

4. WHY A TAXONOMY IS NEEDED FOR EXPLORING ARGUMENT ACROSS CULTURES

Considering the previously discussed minimal definition of argument for the study of cultures, what are its implications for defining the dimensions of the argument process in any cultures? Before we proceed to answer this question, we need to look for any existing taxonomies that might provide some basis for comparing elements of argument in different cultures.

No taxonomy exists that seeks to provide a list of the essential dimensions of argument in any culture; however, two partial taxonomies exist. In 1987, Kienpointner published an article that examined argumentative types or schemes. While most of the article deals with the traditional idea of validity in argumentative schemes, at the end of the article, he does suggest aspects of argument that he thinks might be part of a typology. His discussion

of validity does recognize the need to broaden it to include "soundness" and he suggests that a distinction needs to be made between context dependent and context independent argument schemes. Finally, he argues that "typology attempts should consider various sources of data to provide distinctions within the typology with a solid empirical base" (Kienpointner, 1987, p. 286).

While Kleinpointner's scheme is limited to argumentative types and is closely tied to Western conceptions of argument, he still provides some interesting starting points for the consideration of a typology of argument. He suggests that argument types are an important part of any taxonomy, he recognizes the importance of context in such a taxonomy, he stresses the need to develop a taxonomy based on a corpus of argumentation texts to provide an empirical basis for a taxonomy and he suggests the need for cross-cultural data as a part of the taxonomy.

In 2011, Koch created a taxonomy of claims in an effort to insure that what could be said about argument in one type of claim might be distinguished from what could be said about argument in other types of claims. In the end, Koch concludes that what he creates might be closer to a spectrum, which includes the following types of claims: factual claims, claims about social facts, claims about values, evaluations, claims about choices of interpretative claims, stipulative claims, and practical claims. Koch's work represents one possible dimensions of a typology of argument in different cultures.

In 2005, Hazen presented a paper that sought to create a comparative framework for the analysis of communication across cultures. In that analysis, he suggested the following questions for defining the nature of communication as practiced in different cultures:

1. What is the phenomenon that is to be compared across cultures and what is its nature?
2. What are the goals of people engaged in the phenomena of what are the resulting functions?
3. How does a phenomenon relate to the idea of the situation and its various manifestations?
4. What are the primary structural elements of the phenomenon?
5. What is the unifying focus of the phenomenon?
6. How are differences and similarities understood in the phenomenon?
7. What is the relationship between the descriptive and the normative in the analysis of the phenomenon?

While Hazen's typology primarily focuses on the broader concept of communication, of which argument is a part, the framework does suggest some relevant points that can be applied to a taxonomy for the study of argument across cultures. First, the idea of focusing on the phenomenon is more fruitful in that it looks at practices rather than linguistic labels. Second, the idea of looking at goals and functions can be useful in identifying the phenomenon, especially considering that in the minimal definition of argument, there is something called the argumentative function that is defined as the linking of one idea to support another idea in an argument. Closely related to the idea of functions is that of goals, which are more conscious and purposive desires on the part of the arguer. Similar ideas can be found in Hample and Irions (2015) who explored the idea of argument serving as fulfilling the goal of displaying identity and in Cionea, Hoelscher & Ileş (2017) who developed an instrument for measuring ten goals of arguers: mutual understanding, problem solving, conflict resolution, persuasion, dominance, personal expression, emotional release, standing up for oneself, enjoyment, and intellectual growth.

In 2007, Cionea presented a paper that reviewed the literature on argument and culture and sought to organize it by dividing the studies into five clusters. The following are her list of clusters:

Cluster I: Studies identifying factors that influence argumentation
Cluster II: Studies focusing on types of arguments
Cluster III: Studies analyzing differences in reasoning
Cluster IV: Studies analyzing responses to arguments
Cluster V: Studies focusing on argumentativeness

While Cionea did not attempt to develop a taxonomy in her paper, her clusters can be considered a starting point for examining many aspects of argument in different cultures. The second and third clusters focus on types of argument and differences in reasoning processes, which define structural elements of an argument. The first cluster, factors that influence argument, and the fifth cluster, personality traits like argumentativeness, both provide important context elements of the argument process

5. ELEMENTS OF ARGUMENT IDENTIFIED IN CROSS-CULTURAL COMPARATIVE STUDIES

To explore further possible elements of an argument taxonomy, a review was conducted of a number of comparative studies to see what aspects of argument had been previously examined. To be considered a study needed to provide data on at least two cultures in terms of some aspect of argument. There are not many studies that meet these criteria; however, we were able to find enough to group them into five categories that suggest aspects of argument for an exploratory taxonomy.

First, several studies looked at the nature of argument, or the way argument was conceived in different cultures. For example, Cionea, Hopârtean, Hoelscher, Ileş & Straub (2015) compared several aspects of argument in Romania and the United States. They examined how argument was conceptualized in each culture (as a quarrel, debate or discussion), the topics where argument was seen as occurring, whether argumentation partners differently depending on how argument was conceptualized, and the perceived role of arguing in the society. Hample and Anagondahalli (2015) compared argument in India and the United States, looking at whether argument was considered a part of civil discourse.

The second category of studies looked at the structure of argument at four different levels. At the macroscopic level, Arsyad (2000), following the procedures of the contrastive rhetoric studies, examined the characteristics of written argument structures as used by Indonesian speakers and English speakers in terms of elements such at the introduction, justification and conclusion and subsections such as induction and reputation. The second level was explored by Warnick and Manusov (2000) who examined traditional types of argument such as deduction, induction, abductive, and narrative patterns as used in the conversations of African Americans, Asian Americans, Asians and European Americans. At the third level, Suzuki (2010) examined the use of stylistic features such as indirectness and succinctness in written forms of argument among Japanese and Americans. And at the fourth level, Hornikx and Hoeken (2007) examined the degree to which anecdotal evidence, statistical evidence, causal evidence and expert evidence were used by French and Dutch participants. In a later study, Hornikx and Haar (2013) examined the persuasiveness of similar forms of evidence among Dutch and German participants. Finally, there is a highly contested set of studies on reasoning by Nisbett and his associates (e. g. Peng & Nisbett, 1999) that

examine whether people in East Asia resolve seeming contradictions using a dialectical or compromise model, while Westerners are more likely to use a differentiation model. While some would consider reasoning different from argument, however, in these studies, reasoning is assessed in terms of expression, i. e. argument.

The third category of studies focuses on aspects of arguers that affect the way that they approach the argument process. For example, several studies examine the goals that arguers pursue. Cionea et al. (2015) in a study involving Romania and the United States looked at the goals that people pursue when arguing. In a series of studies by Hample and his students, the argument frames (what arguers think they are doing, primary goals for arguing, and positive interactional possibilities) were examined in several sets of cultures; US and India (Hample and Anagondahalli, 2015), United Arab Emirates, US, and India (Rapanta & Hample, 2015), China and US (Xie, Hample, & Wang, 2015). In addition, these studies looked at the personalization of conflict, i.e. whether the conflict is experienced as person centered or issue centered. Finally, several studies have explored personality characteristics of arguers, particularly argumentativeness in different cultures: Finland and the US (Croucher, Galy-Badenas, Jäntti, Carlson & Cheng, 2016), India and US (Croucher, Braziunaite, Homsey, Pillai, Saxena, Saldanha, Joshi, Jafri, Choudhary, Bose, & Agarwal, 2009), and the above mentioned Hample studies. Finally, in a study by Chen, Nadamitsu, and Kaman (2001) of Japanese, Hong Kong Chinese, and mainland Chinese, argumentative approach and avoidance tendencies were examined among the different groups.

The fourth category deals with situational/contextual components of the argumentation process. Elements of situations such as argument spheres (Goodnight, 2012), argument fields (Rowland, 1983), and argument contexts have played prominent roles in the study of Western argument, however, there has been little consideration of the topics in cross-cultural comparisons. Cionea et al. (2015) looked at the contextual appropriateness of arguing for different types of situations and the question of what topics were used when arguing occurred. And Croucher et al (2009) looked at aspects of argument in organizations in India and the United States.

One interesting set of studies that demonstrates the importance of context are those conducted by Scribner (1977) and by Cole (1977), in which they examined the argumentative reasoning of people in underdeveloped societies versus those in developed societies using judgments of validity in classic logic problems and whether the participants were able to assess the validity of such problems. One of the key findings of this study was that groups of people in rural and underdeveloped societies often failed to provide the accepted answers to the logical problems. However, when questioned about the reasons for their answers, it was discovered that the contextual information used as premises and assumptions in answering the problems was different from that used in developed societies. When such contextual information was taken into account, the conclusions drawn by the participants were appropriate and demonstrated a form of rationality.

The fifth category deals with the processes involved in evaluating argument. For example, Mercier, Deguchi, Henst, & Yama (2016) examined Japanese ability to solve standard logical problems and concluded that they performed significantly better when they engaged in discussions of the problems amongst groups and then made final estimates individually. In addition, there is a long debate among those who study deductive reasoning about whether people are able to make correct determinations of an argument's validity (Johnson-Laird, 1999; Evans, 2002; Khemlani & Johnson-Laird, 2012).

6. A TAXONOMY FOR THE COMPARISON OF ARGUMENTATION PROCESSES IN DIFFERENT CULTURES

This taxonomy is based on discussions in previous sections of this paper. The taxonomy starts from the assumption that in examining argument in any unknown culture, one should initially look at the phenomenon or behaviors that seem to be treated as argument according to the minimal definition of argument used earlier in this paper. The goal is to look for the ways that people interact with each other by linking concepts to support and convince each other. One should not primarily focus on particular labels or descriptions that come from other cultures, but what is found in a particular culture.

6.1 What is the nature of the phenomenon that can be described as argument in a culture?

The key to this element of the taxonomy is to know what behaviors or phenomena in a culture are treated in a way related to the argument process. The problem when we address behavior in other cultures is to not rely on a common set of definitions of what constitute argument coming out of the Western traditions built on Greco-Roman foundations. To look for particular things that have been described as argument from the perspective of such definitions in other cultures is to possibly prioritize elements of argument as seen from the Western perspective and potentially exclude elements of the process as practiced in other cultures.

Thus, the fundamental question involved in comparative research is how to define and understand what argument is in another culture across time and place. We will consider three approaches to this question. The first approach, which has been used in a number of studies discussed in this paper, is to start from the point of view of looking for specific forms of argument in terms of the linguistic labels used in Western traditions. Therefore, as done in one study, a researcher might look for forms of argument that are equivalent to English words such as 'quarrel,' 'argue,' or 'discuss'. A second approach is to take what we know about aspects of argument, e.g. argument types, and look for examples of those behaviors in other cultures. This approach has been used in studies about argumentation in ancient societies such as India and China (Kennedy, 1998; Garrett, 1993).

Finally, the third approach is based on the minimal definition of argument where one should look for argument as constituted by linking behavior on the part of participants in another culture. Once one has found different forms of linking behavior in another culture, they can then ask people in that culture to describe how they understood such behaviors. This allows for the identification of a set of activities that could be defined as argument within that particular culture. Such forms of linking behavior may or may not correspond to behaviors in Western societies, but more importantly, they will be defined by people within a particular culture in ways that to correspond to some element of the argument process that makes sense to them.

6.2 What are the goals/functions of people when they engage in the phenomenon known as argument?

This element of our taxonomy deals with the things that people seek from engaging in argumentation. In the studies by Hample and his students, and by Cionea et al. (2017), we can see the range of possible goals suggested in the various countries studied, however, the framework used is limited in that it was developed from work in the United States.

In addition to goals, one can also look at the idea of functions, which is something that results from a particular activity such as arguing and its associated goals (Merton, 1949). In

our discussion of the minimal definition of argument, the idea of the argumentative function was proposed where one concept provides support for another concept when an argument is made.

Thus, if we were to look at the linking behaviors of people in another culture, then, in the process of asking them to define how they view such activities, we could find out what kinds of goals and functions are present in that society.

6.3 What are the primary structural elements of the phenomenon known as argument?

In Western thinking about argument, the structure or form of arguments has traditionally played an important part in the process, as it does in the research literature comparing cultures. In our earlier review of studies, we found the structure of the argument was examined in terms of: a) the macroscopic organization of parts of a message, b) the use of traditional types of argument such as deduction, induction, abduction and narrative, c) the presentation of arguments in terms of the degree of indirectness and succinctness, d) and the types of evidence used such as anecdotal, statistical, causal, and expert.

What is important here is that the way that argument is structured in a particular society is usually described in terms of the classic types of Western argument structures. The presence of such forms in other cultures is useful information but it may overlook different argument structures that are also present in those cultures. Thus, it is important to examine the particular linking processes used in other cultures to see what is important and to explore how people in the other culture understand such structures.

6.4 What are the codes and media used for arguing in a society?

Questions related to the codes and media used in argumentation have been explored to some degree in the general literature but have been rarely mentioned in the comparative cross-cultural literature. For example, the debate about visual argumentation has taken 20 years to go from skepticism to acceptance in the general literature (Groarke et al., 2016), but in the research on argument in other cultures, it is only beginning to be seen (e. g. Winkler, El-Damanhoury & Lemieux, 2018).

To consider codes and media in other cultures in terms of the minimal definition of argument will require adaptation of research methods. Guidelines from research in Western cultures are just starting to be developed and the use of such codes and media in other cultures may not always be obvious. We will need to be particularly sensitive to the argumentative behaviors in other cultures and ready to engage in a high degree of interaction with participants in other cultures about how they work.

6.5 How does the phenomenon known as argument relate to the idea of a situation and its various manifestations?

The relationship of argument to situations or contexts has been acknowledged in many ways in the literature: a) argument fields (Toulmin, 1958; Toulmin, Rieke & Janik 1979), b) argument spheres (Habermas 1989; Goodnight, 2012), and c) contexts (Johnson, 2000). Unfortunately, very little of this has shown up in the comparative literature dealing with different cultures.

As reviewed earlier, Cionea et al. (2015) looked at the contextual appropriateness of different kinds of argument and the topics that were considered as part of argumentation. Croucher et al. (2009) looked at the organizational field in India and the U.S. and Scribner (1977) and Cole (1977) illustrated the importance of context in the operation of deductive

forms of argument and their validity. In addition, there have been studies about the appropriateness of the public spheres in countries such as China, which do not have a fully democratic political system (Bolsover, 2017).

It should be noted that the methodology used in the studies by Scribner and by Cole, illustrates the importance of looking at the way arguments are constructed in a society and seeking explanations from the members of the culture. The importance of context or situation is clearly suggested by the research discussed above, and therefore, it is important to study its role in other cultures.

6.6 What are the Characteristics of Arguers?

Several of the studies examined in this paper explore characteristics of arguers in different cultural settings. A number of the studies looked at personality characteristics such as argumentativeness, verbal aggressiveness, and whether the arguer experiences conflict as person centered or issue centered. In addition, some of the studies look at socio-demographic characteristics such as gender.

These studies suggest that in looking at argumentation in different cultures, personality characteristics and social demographic characteristics of arguers should be examined to see their relationships to different aspects of argument behavior. The two personality characteristics used in most comparative studies were argumentativeness and verbal aggression, which are characteristics that have a direct connection to argument and reflect behaviors more indicative of Western cultures. Personality characteristics associated with argument in other cultures may be more difficult to assess at first glance and socio-demographic variables may be more easily assessed.

6.7 What are the ways that arguments are evaluated in a society?

The evaluation of argument has been a principal concern of Western theorists for centuries. Aristotle and others in the Greek and Roman tradition examined the idea of validity, i. e. whether a particular argument meets the conditions of truthfulness or rationality. The criteria for the evaluation of validity have varied over time, however, within Western traditions, the criteria has been firmly established when related to deduction, formal validity or symbolic logic.

Other ways of evaluating arguments have become an important part of the literature in recent years. Toulmin resuscitated Aristotle idea that the validity of an argument could be dependent on the nature of the subject. Simon and others have developed the concept of bounded rationality, i.e. "rational choice that takes into account the cognitive limitations" of a person (1997, p. 291). Others have used phenomenological criteria such "soundness" or "making sense".

In looking at other cultures, the question is what criteria are used to make judgments about good arguments in that culture? Using the idea of a minimal definition of argument, we would expect that those arguments that appear regularly within a culture would be evaluated positively. The question then becomes how to explore the meaning of such processes for people within the culture and to understand when particular criteria are used within that society.

7. CONCLUSION

In considering the preceding taxonomy, it should be emphasized that this is an initial effort to outline the general characteristics of argument across cultures, and therefore is exploratory and subject to change.

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Examining face threats in leader debates from Canada, U.S., and France

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ABSTRACT: We assess the degree of direct and indirect face threats in the September 17, 2015 Canadian prime minister election, the last 2016 U.S. presidential debate, and the last French prime minister debate held May 3, 2017. The findings reveal debates in the U.S. and in France reflected aggressive strategies threatening norms of political debate for democracies while the Canadian debate did not. The paper considers the implications of these recent argument strategies for liberal democracies.

KEYWORDS: authoritarianism, presidential debates, prime minister debates politeness, political debate, international communication

1. INTRODUCTION

In the wake of the 2008 recession, populist and authoritarian appeals have gained currency (Brown, Rohac, & Kenney, 10 May 2018). While already existing authoritarian governments remain firmly entrenched (Fuller, 2015; Quimpo, 2009; Schenkkan, 2017), populist movements with authoritarian impulses are making advances in traditionally democratic countries such as Hungary, Poland, and the Philippines (Asian Century Institute, 2016; Karolewski, 2017). This is true around the world, with Freedom House reporting in 2017 that 18 of 29 countries surveyed witnessed a decline in their democracy scores marking the second biggest fall in the survey's history, second only to the drop following the 2008 financial crisis; today, there are now more consolidated authoritarian regimes than consolidated democracies (Schenkkan, 2017). The rise of global authoritarian politics is startling, and clearly evident.

Diamond, Plattner, and Walker (2016) explain a key role in the spread of global authoritarianism is authoritarian parties adopting techniques of authoritarian rule from one another. Recent survey data from MacWilliams (2016) demonstrates an attitudinal link of

authoritarianism between European nationalist parties and Alt-Right Trumpism in the U.S. This linkage is marked by intolerance and aversion to diversity that seeks to maintain social order and norms, acceptance of authority and a move towards conformity while targeting outsiders labeled as "the other." Survey data from Great Britain, France, Sweden, Germany, and the United States show increased intolerance and aversion to diversity and targeting of outsiders viewed as the "other" (MacWilliams, 2016). The "preliminary conclusion from these surveys is inescapable: the electoral rise of Trumpism and the Alt-Right to the United States and populist national parties in Europe appear to share one common, measurable trait-- a predisposition among supporters toward authoritarianism" (MacWilliams, 2016, p. 2). Our goal in this paper is to examine the degree to which such practices have made their way into leader debates in three recent national campaigns.

2. POLITENESS IN LEADER DEBATES

At the core of beliefs about deliberative democracies is the belief that communication is at the center of politics requiring effective justification of positions, reciprocal understanding across differing ideologies, values of inclusion and reflection, and suspicion of coercive and deceptive communication strategies (Ercan & Dryzek, 2015; Gutmann & Thompson, 2004; Gastil, 2005). Deliberation requires citizens and their representatives to justify their decisions, providing reasons for their actions, and responding to reasons citizens give in return.

Gutmann and Thompson (2004) lists four characteristics of deliberative democracy. First, and most importantly, citizens and their representatives must justify their decisions, providing reasons for their actions, and responding to reasons citizens give in return. Gastil (2000) goes further in stating that political actors need to not only provide reasoned arguments for their own views, but also "consider alternative views" (p. 24). Second, these reasons provided should be accessible to all citizens they are addressed to, that is not overly technical but understandable, and occur in public settings. Third, the deliberative process aims to produce a binding decision for a period of time. However, these decisions are provisional, in that the fourth characteristic recognizes that the process is dynamic (Gutmann & Thompson, 2004).

Political debates provide a forum where competing ideas can be tested in civil ways. Presidential and prime minister candidates represent their parties' interests without the aid of advisers, must stand on a stage while moderators question them, are sometimes subject to questions from citizens in town hall formats, while citizens watch and deliberate on the characters and leadership potential of the candidates (Hinck, 1993; Jamieson & Birdsell, 1988). As of 2000, Hart had found that presidential debates were important forums for testing ideas, at least in the U.S.: "presidential debates are comparatively sober, comparatively focused, comparatively plainspoken, comparatively self-risking encounters with some potential to create genuine dialogue" (p. 126). However, after the 2016 presidential campaign in the U.S., these views were called into question by McDonough (2018) who found Trump's performance in the 2016 general campaign debates reached the standard of demagoguery.

From a politeness perspective (Brown & Levinson, 1987) concern about the degree of face saving and face threatening messages used in debates, as well as a focus on policy issues, might reveal how well the deliberative process is served by leader debates (Dailey, Hinck, & Hinck, 2008). Candidates are concerned about political face in the debates because they constitute a high stakes political event (Schroeder, 2008); gaffes or poor performances can undermine a candidate's appeal as was the case in the 1976 debate between Ford and Carter when Ford declared that Poland was not under the domination of the Soviet Union. Candidates and their staffs spend substantial time negotiating the details of debates (at least in

the U.S.) to ensure that the conditions of participating advance their political image (Self, 2016; Seltz & Yoakum, 1962). Ideally, a candidate should be able to give reasons and provide evidence to support claims about policy proposals. Failure to do so reveals the lack of substantive support for policies and presumably, would diminish political support for policies that cannot be defended. Candidates prepare in earnest to inform the public and defend their political image in debates (Jamieson & Birdsell, 1988).

Debates place positive face at risk in debates, the degree to which a candidate wants to be approved and supported by audience members (Brown & Levinson, 1987). Candidates advance positions and reasons in support of those positions in the hope of reinforcing support for their candidacy and of persuading undecided voters to support them. Debates call forth attacks on those positions by inviting disagreement in a forum designed to show how well candidates advance and defend reasons for their positions. Discourse strategies can reflect direct attacks on the face of opponents, indirect attacks, or supportive strategies that convey agreement or good will toward opponents. Supportive strategies are rare given the adversarial nature of the context but not are unknown. (A recent example of a supportive strategy could be found in the primary debate where Bernie Sanders exclaimed that he did not "give a damn" about Clinton's emails thus terminating that as an issue between them as candidates for the Democratic nomination.)

Politeness strategies offer an assessment of the tone of debates in regard to civility, or respect toward one's political opponent. Candidates can use language strategies that demonstrate respect for one's opposing views or can choose language strategies that convey a lack of respect. In previous work we have examined the intensity of face threats along five content dimensions: leadership/character, policy/plan, consequences of the plan, use of data, differences and/or disagreement between the candidates, campaign tactics, and ridicule (Dailey, Hinck, & Hinck, 2008; Dailey, Hinck, Hinck, & Hinck, 2017). Debates featuring indirect attacks or instances of supportive messages on character, proposals, use of data, ways of disagreeing, and campaign tactics would suggest candidates are observing democratic norms of civil disagreement; debates featuring greater instances of direct attack on character and use of ridicule would suggest candidates are deviating from democratic norms of civil disagreement. To explore the state of political discourse in leader debates in the context of reported shifts toward populist and authoritarian appeals, we examined three debates from three campaigns in three different countries from 2015-2017.

3. CAMPAIGN CONTEXTS

3.1 The 2015 Canadian Prime Minister election

The Canadian campaign took place over eleven weeks between August 2 and October 19, 2015. Five candidates participated in one or more debates. Stephen Harper ran for re-election representing the incumbent Conservative Party. Justin Trudeau, son of former Prime Minister Pierre Trudeau, led the Liberal Party. Tom Mulcair was the candidate of the New Democratic Party. Gilles Duceppe led Bloc Quebecois and Elizabeth May represented the Green Party. Five nationally televised debates were held during the campaign; all were multiparty debates. Harper, Mulcair, and Trudeau participated in the second debate on September 17, 2015 which focused on the economy and was used for this study

Major concerns facing Canadian voters included child care, climate change, coalitions, crime, defense spending, democratic reform, health care, jobs, marijuana, pensions, refugees, taxes, terrorism, Trans-Pacific Partnership, truth and reconciliation, use of a niquab in citizenship ceremonies, and vanishing data in census surveys (Peyton, 6 October 2015).

Although the Canadian political landscape differed from that of the U.S., there were concerns about populist appeals moving from the U.S. to Canada and beyond (Ibbitson, 17 August 2015; Patriquin, 16 October 2015). Stephen Harper's campaign defended a controversial *Anti-Terrorism Act* (which Justin Trudeau and his colleagues of the Liberal party supported) and advocated the banning of niquab's for federal public servants and at citizenship swearing-in ceremonies (Peyton, 6 October 2015). Despite the complexities of Canadian politics past, "both Quebec separatism and western-specific grievance politics have vanished as forces in Canadian politics, giving way to a more straightforward left-right ideological conflict" (Yglesias, 2 August 2015).

3.2 The 2016 United States Presidential election

The U.S. presidential campaign pitted Hillary Rodham Clinton, former U.S. Senator from New York, and former Secretary of State in the Obama administration against Donald Trump, a wealthy business person turned celebrity, known for developing reality television shows, The Apprentice and Celebrity Apprentice. Over the course of her campaign, Clinton developed policy papers on 41 issues (Clinton, 2017). Comparatively, Trump's campaign offered commentary on a little more than half the number as Clinton and his positions evolved during the campaign. Jane Timm of NBC News reported that "President-Elect Donald Trump took 141 distinct stances on 23 major issues during his bid for the White House" concluding that "After more than a year and a half of stadium rallies, around-the-clock interviews, sweeping primary wins, and one stunning general election victory, the Republican president-elect has the most contradictory and confusing platform in recent history" (Timm, 28 November 2016). However, Trump sought to make character the focus of the campaign. Trump argued that Clinton's use of unsecured servers for her email while serving as Secretary of State was a threat to national security. Despite being cleared by several congressional committees of any wrongdoing, the Trump campaign called for her arrest in the slogan, "lock her up." Additionally, despite being recorded on an Access Hollywood tape that he could assault women with impunity, and accusations by other women claiming Trump harassed them, he argued that Clinton had been much worse on women's rights in defending her husband against claims of sexual harassment.

Clinton prevailed in all three debates by wide margins in the polls--62 percent versus 27 percent in the first debate (Agiesta, 27 September 2016), 42 versus 28 in the second debate (Palmer & Sherman, 11 October 2016), and 52 percent versus 39 percent in the third debate (Agiesta, 20 October 2016). Clinton won the popular vote but lost the electoral college vote.

3.3 The 2017 French Presidential election

Eleven candidates competed in the first round of voting April 11, 2017. Marine Le Pen (Front National [National Front]), Emmanuel Macron (former member of the Socialist Party during the tenure of Francois Hollande who formed his own party En Marche [On the Move]), Francois Fillion (center right Republicains party), Jean-Luc Melenchon (former member of the Socialist party who started his own party--La France Insoumise [France Unbowed]), Benoit Hamon (former education secretary in Hollande's Socialist Party cabinet), Philippe Poutou (New Anti-Capitalist Party), Francois Asselineau (Popular Republic Union party), Nathalie Arthaud (Workers' Struggle party), Jean Lassale (Resistons!), Jacques Cheminade (Solidarity and Progress]), Nicolas Dupont-Aignan (Debout la France [Stand Up France]). Emmanuel Macron and Marine Le Pen advanced to the second round, Macron with 24% of the vote and Le Pen with 21.3% of the vote (John, 25 April 2017).

The May 3, 2017 debate between Macron and Le Pen was viewed by 16.5 million French citizens (*Le Figaro*, 4 May 2017). The moderators were Christophe Jakubysyn of TF1 and Nathalie Saint-Circq of France 2. Four major issues drove the discussion over policy differences: 1) France faced 10% unemployment--more than neighbouring UK and Germany; 2) France was struggling with sluggish economic growth; 3) French citizens were concerned with security after terrorist attacks took the lives of more than 350 people in 2015; and 4) large Muslim minorities reside in France making immigration a salient issue for many French citizens (John, 25 April 2017). Two scandals were also part of the conversation: Le Pen was facing an investigation over allegations of false employment of her assistants and use of violent images in responding to critics on Twitter; Macron apologized to conservatives for calling France's history in Algeria a "crime against humanity" despite the fact that around 1.5 million Algerians lost their lives in a battle for independence from France (John, 25 April, 2017).

The 2017 French presidential debate it occurred after Britain's decision to exit the European Union and Trump's improbable victory in the 2016 U.S. presidential election. Both outcomes were attributed, partially, to growing anti-immigrant sentiment. The French presidential debate could be viewed as a test of whether U.S. conservative messages were attracting support in other nations and whether they could shift the election from a 40% to 60% showing in the polls favoring Macron to a much closer contest through debates.

4. RESEARCH QUESTIONS

Our first interest was to find out what politeness strategies were used by the candidates in the three debates. Also, coding the debates gave us a sense of frequency of use of these strategies and might allow us to consider when and where face threats were adapted strategically to issues raised in the debates. Thus, our first research question:

RQ 1: Do the candidates exhibit differences in their use of face threats in the debates?

We were also interested in whether the general level of aggression differed among the campaigns and cultural contexts in which the campaigns occurred. While the U.S. and Canada share a continent, the two nations' political system and cultures are distinct (as examples, consider the significant differences in approaches to policy regarding health care and gun control). Additionally, France represents a European system with a political culture distinct from the west. Comparing the level of face threats across the debates can help determine if there are differences in how these political cultures engage in leader debates. Previous work discovered some differences in debates due to culture (Hinck, Hinck, Dailey, Hinck, & Ghanem, 2015). Research question two asks:

RQ 2: Are the face threats of the three debates different in their levels of intensity?

Prior work has led us to believe that prior to 2016, aggressive tones had been rising but for some debates and some candidates, indirect strategies of face threat were still being used. However, after 2016, at least in the U.S., a significant increase in aggressive tone was noted in presidential debates (Dailey, Hinck, Hinck, & Hinck, 2017). To see if leader debates in campaigns in other countries after 2012 were featuring more aggressive tones of discourse, we asked:

RQ 3: Do the face threats of the debates vary in levels that are different from campaigns prior to 2015?

The rise of populist and authoritarian appeals raises the question of what kind of discourse is promoted in the political process. Critics of populist and authoritarian rhetoric claim, at least "within the digital space, polarization, fragmentation, tribalism, and a virulent

form of populism that rejects reason and fact are now the hallmarks of contemporary politics" (Browne, Rohac, & Kenney, 2018, p. 13). Finding such strategies in leader debates would suggest that democratic institutions are under increasing strain since leader debates constitute a unique forum where the ideals of democracy are enacted before a public audience (Hinck, 1993). A healthy political system, normatively speaking, would have candidates arguing about the campaign issues, plans and policies, and evidence and reasoning advanced in support of claims about those issues (Jamieson & Birdsell, 1988; Jamieson, 1992). Therefore, we asked:

RQ 4: Do the most recent leaders debates from the 2015, 2016, and 2017 campaigns in Canada, the U.S., and France feature more strategies of ridicule compared to strategies testing argument and reasons?

5. METHOD

5.1 Selection of debates and the acquisition of primary texts

We chose the second Canadian debate held on September 17, 2015 because it featured the three major candidates arguing about economic issues, Trudeau, Harper, and Mulcair. Additionally, it was one of two debates in English and thus a transcript was convenient for coding. We choose the third U.S. debate held on October 19, 2016 in Las Vegas, NV. The first and third U.S. debates featured similar formats while the second was a townhall style debate. There was only one debate between the top candidates in France occurring on May 3, 2017. The content of the last debates of the French and U.S. elections and the second Canadian debate gave us a basis for exploring the role of intensity in face threats across the three political systems. All three debates focused on global economic issues, immigration, and refugees--subject matters related to concerns about how populist and authoritarian appeals are tested in political leader debates in democracies undergoing economic stress.

The September 17, 2015 Canadian Prime Minister debates included Justin Trudeau (Liberal Party candidate), Steven Harper (current Canadian President/Conservative Party), and Thomas Mulcair (National Democratic Party). The English language debate was 90 minutes in length and addressed five topics related to the economy: jobs, energy and the environment, infrastructure, housing, and taxation. The October 20, 2016 U.S. Presidential debate lasted 90 minutes featuring the Republican candidate Donald Trump and Democratic candidate Hillary Rodham Clinton. The debate was divided into six topics that included debt and entitlements, immigration, economy, Supreme Court, foreign affairs, and presidential temperament. The May 3, 2017 debate for the French President lasted 140 minutes and included Marine LePen (National Front) and Emanuel Macron (En Marche). The key topics for the debate addressed immigration, terrorism, unemployment, and the role of France in the European Union.

The transcripts for the Canadian and the French debate were found on c-span.org and the transcript for the U.S. debate was found on the Commission for Presidential Debates website.

5.2 Unitizing and Coding the Debates

Two individuals served as primary coders of the transcripts. The coding process involved three decisions regarding the discourse of the candidates. First, the coders divided the transcripts into thought units. A thought unit is defined as "the minimum meaningful utterance having a beginning and end, typically operationalized as a simple sentence"

(Hatfield & Weider-Hatfield (1978, p. 46). Since viewers of televised debates are interested in how candidates construct their messages, unitizing the transcripts into statements of complete thoughts seemed most appropriate for the study.

Second, thought units were coded according to Dailey, Hinck, and Hinck's (2008) coding schema, an extension of Kline's (1984) social face coding system. Kline's schema notes that positive politeness and autonomy granting/negative politeness are two separate dimensions of face support. Positive politeness is defined as the desire to be included and the want that one's abilities will be respected. Positive face is supported by expressions of understanding solidarity, and/or positive evaluation; it is threatened by expressions of contradiction, noncooperation, disagreement, or disapproval. Negative politeness is defined as the want to be unimpeded by others. Our coding schema focused on positive face of the candidates since political debates are primarily concerned with a candidate's ability to demonstrate his/her ability to lead, to offer policies and plans for the country, and invite disagreement--all of which threaten positive face.

The coding schema is composed of three major levels. Statements at the first major level of the system are those that threaten the positive face of the candidates. Statements at this level of the system are further differentiated concerning the directness of the positive face attack (levels 1 and 2). Statements at the next major level of the system balance both threatening and supportive evaluative implications for the other's face (level 3). Finally, statements at the final major level explicitly support the positive face of the candidates. Statements at this level of the coding system are further differentiated in terms of the directness of the positive support exhibited by the candidates (levels 4 and 5). Examples of statements reflecting the different levels of the coding schema can be found in Dailey, Hinck, and Hinck (2008).

The second decision made by the coders focused on the topic of the action identified in the coded thought unit. Topics such as leadership/character, policy/plan, consequences of the plan, use of data, differences and/or disagreement between the candidates, campaign tactics, and ridicule were identified.

Because the Canadian debate included three candidates, we also coded for the direction of the attack: which candidate(s) or candidate's party the attack was intended.

6. RESULTS

The first research question asks: Do the candidates exhibit differences in their use of face threats in the debates? The answer is a clear "yes." While most of the candidates did follow the current trend of personal and direct face threat and criticism toward other candidates, the Canadians showed a wide diversity in their use of direct versus indirect threat thought units (See Table 1). Across candidates, comparing direct threat thought units, indirect threat thought units, and thought units not coded as any sort of threat, a significant difference ($x^2 = 67.1$, df = 12, p<.001) was found. Looking at direct threats to face, the Americans and the French used about the same percentage of thought units directly threatening the face of their opponents. Clearly the Canadians showed the diversity of the results with Harper using far fewer direct threat thought units and his opponents using far more. Looking at indirect threat to face, we see Canadian Harper using an extraordinary amount of indirect threat to face, and Canadian Mulcair with an elevated use of indirect threat compared to the rest of the candidates. Harper's behavior stands out as so different from the others that the analysis without his results does not produce a significant outcome.

If we consider what we see as the most face-threatening behavior, direct threat to character and leadership competence, we see, again, a significant variance considering threat

thoughts units used for this particular form threat units in any other threat category ($x^2 = 52.2$, df = 6, p<.001). Compared to the first analysis, however, the variance is more shared across the candidates with 44% as the median value.

Table 1								
Face Threat Behavior Among Canadian, French, and American Candidates								
	Canada - 2015			U.S. - 2016		France – 2017		Historical Mean Pre 2015
	Harper	Trudeau	Mulcair	H Clinton	Trump	Macron	Le Pen	
Direct Threat	17%	48%	43%	35%	36%	38%	37%	25%
Indirect Threat	29%	9%	14%	9%	8%	6%	7%	10%
Direct Threat to Character/ Leadership	12%	46%	47%	54%	37%	44%	41%	13%

Research question 2 asks: Are the face threats of the three debates different in their levels of intensity? The answer to the question in both forms of analysis is yes (See Table 2). If we consider the proportions of indirect threat: $x^2 = 28.1$, df = 4, p<.001 due to the high level of indirect face threat in the Canadian debate. As Table 1 shows, the Canadian numbers were largely a result of Harper's behavior.

In terms of direct threat to character and leadership competence, there is modest variation across the debates ($x^2 = 6.64$, df = 2, p<.05). The Canadian debates show a smaller level of this particular face threat, albeit the variation across the Canadian candidates is extreme (See Table 1).

Table 2				
Face Threat Behavior in Canadian, French, and American Debates				
	Canada – 2015	U.S. - 2016	France - 2017	Historical Mean Pre 2015
Direct Threat	37%	35%	38%	26%
Indirect Threat	17%	9%	6%	10%
Direct Threat to Character/ Leadership	37%	45%	43%	15%

Research question 3 asks: Do the face threats of the debates vary in levels that are different from campaigns prior to 2015? The answer, again, is yes there is a difference (See Tables 1 and 2). Considering the use of indirect and direct face threats, it seems clear that the three debates in question had higher levels of direct face threat, and similar levels of indirect threat, save the levels in the Canadian debate ($x^2 = 76.7$. df = 6, p<.001). In terms of the threat to character and leadership competence, the debates in question show remarkable high levels of this threat compared to U.S. campaigns before 2015 ($x^2 = 2342.6$. df = 3, p<.001).

The trend of these threat types can be seen in Figures 1, 2, and 3. The graphs place Canadian and French debates in their chronological order among U.S. campaigns. The level of direct face threat shows quite a variation, but trends upwards as is the case of the Canadian and French debates along with the 2016 American campaign debates. In terms of indirect threat to face, heretofore, we would have seen a clear decline in the use of indirect threats, but clearly, the Canadian debate stands out in contrast. Finally, in terms of the percentage of threat thought units used to directly criticize the character and leadership competence, the Canadian and French debates follow this trend in sequence with the history of the U.S. campaigns.

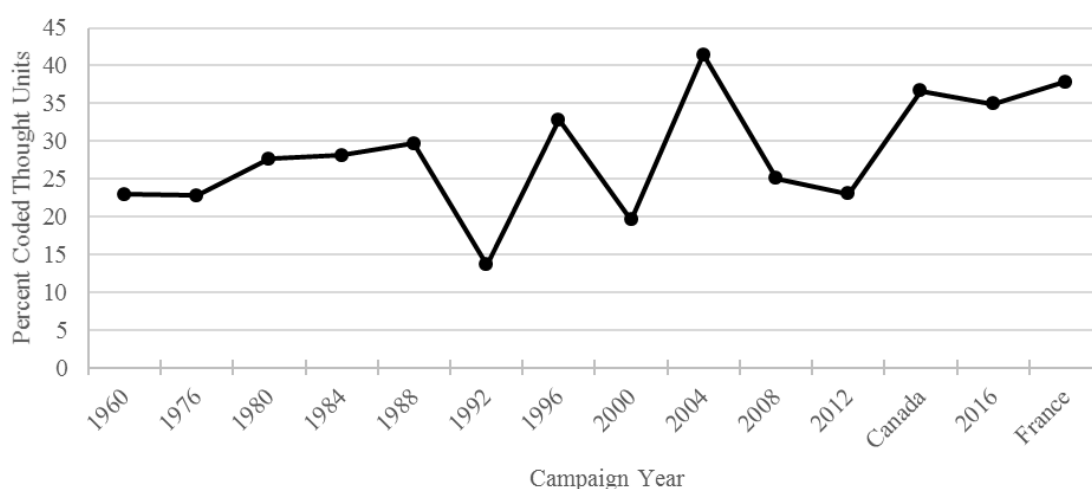Figure 1

Percentage Direct Face Threat Over Time

Figure 2
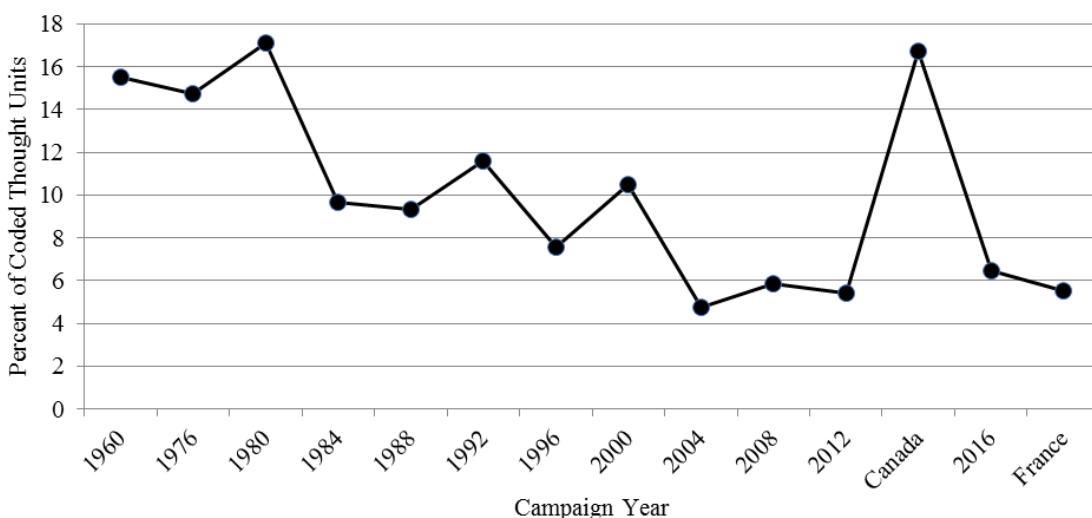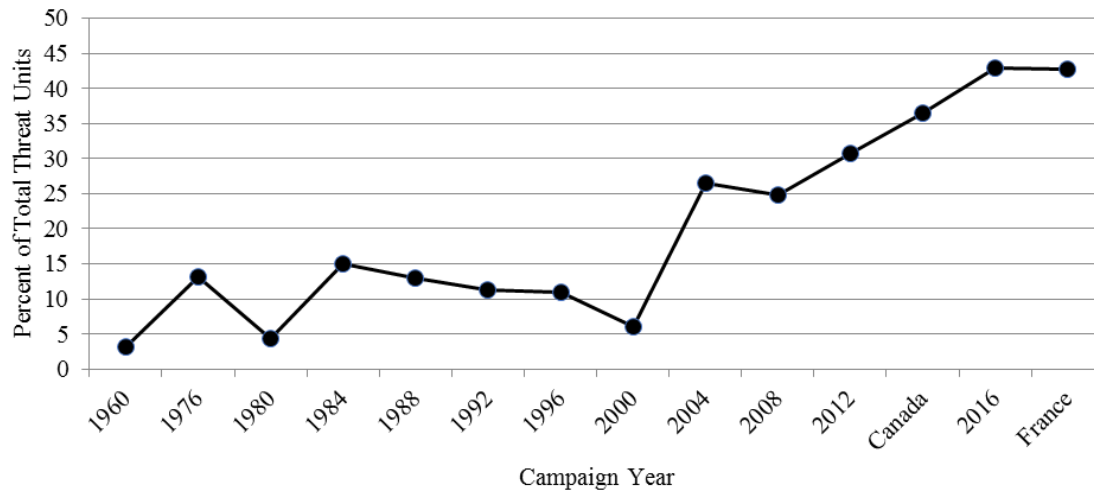
Percentage Indirect Face Threat Over Time

Figure 3

Percentage of Threat Thought Units Spent Directly Attacking Character and
Leadership Competence

Research question 4 asks: Do the most recent leaders debates from the 2015, 2016, and 2017 campaigns in Canada, the U.S., and France feature more strategies of ridicule compared to strategies testing argument and reasons? Two content categories in our schema tend to correlate and comprise what we see as the best of debate and reason behaviors. These are the category we call threat towards the opponents' policies and plans and they category we label as threats to the opponents' use of data. These are what we call here "testing arguments and reasons." The rest of the coded units we put in the category of ridicule; these include threats to character and leadership, blame for problem, bad campaigning, general disagreements, and overt ridicule. The use of these two broad groups has changed over the years, and it easy to demonstrate that the Canadian, 2016 American, and the French debates represent a clear departure from what was happening when debates started (See Table 3). While the 2004, 2008, and 2012 debates had started to change the relative use of these groups of thought unit types, the three debates we analyze in this present study demonstrate a whole scale change in what happens in the debate ($x^2 = 137.0$, df = 2, p<.001).

Table 3			
Proportion of Thought Units Used for Policy Debate Versus Other Threats			
	Through 2000	2004, 2008, & 2012	Canada, 2016, & France
Plans, Policies, & Data	17%	15%	12%
Criticism, Blame, Campaigning & Attack	18%	20%	33%

	Canada - 2015			U.S. - 2016		France – 2017		Historical Mean Pre 2015
	Harper	Trudeau	Mulcair	Clinton	Trump	Macron	LePen	
1A	5%	26%	26%	24%	16%	19%	18%	5%
1B	10%	4%	4%	4%	4%	4%	3%	7%
1C	-	-	1%	-	3%	-	2%	2%
1D	-	4%	3%	2%	9%	5%	4%	6%
1E	2%	9%	6%	4%	1%	6%	5%	4%
1F	-	3%	1%	-	1%	-		1%
1G	-	3%	1%	2%	1%	4%	5%	1%
2A	8%	6%	9%	6%	5%	2%	3%	2%
2B	13%	-	1%	-	1%	1%	1%	3%
2C	-	1%	-	-	-	-	1%	2%
2D	7%	-	-	2%	1%	1%	-	1%
2E	1%	2%	4%	1%	1%	-	-	2%
2F	-	-	-	1%	1%	-	-	0%
Code 3	-	-	-	-	-	1%	-	1%
Code 4	-	-	-	-	-	-	-	2%
Code 5	-	-	-	-	-	-	-	0%

Table 4

Specific Face Threat Types Among Canadian, French, and American Candidates

7. DISCUSSION

The results of this study confirm, generally, a trend toward more aggressive debates. While the results for RQ 1 showed different face threat strategies being used by the candidates, this trend seems to be more evident in the U.S. and French debates. Harper and Mulcair stand out as candidates relying more on indirect face threats, what we would regard as a more civil and substantive set of discourse strategies for the debates. RQ 2 showed a difference in intensity between the Canadian candidates and the U.S. and French candidates. Part of this effect might be due to the similarity between the 2016 U.S. campaign issue of immigrants and the 2017 French rise of LePen's candidacy. French voters had the advantage of viewing the effects of Trump's rhetoric and we would argue this caused more moderate elements of the French electorate to take the appeals of LePen seriously. After deliberating on the tone of discourse presented in the French debate, it might be the case that French voters desired a more cosmopolitan, less xenophobic view of the world and chose a more moderate candidate to lead their nation.

Considering the Canadian candidates, we do not know if these strategies of indirect attack are characteristic of Canadian politics. Arguably, Canada's concern about divisive ethnic and cultural differences might have receded after the Quebecois movement of the 1980's when citizens claiming a French heritage advocated for independence from Canada. Unlike the U.S., which was concerned with race and immigration in 2016, Canadian voters were not arguing over equally divisive issues in 2015. Whether this sense of civility extends to previous Canadian debates is not known. Future research might include at least the two debates in the 2011 Canadian prime minister election to see if such patterns of civil and substantive debate extend back to Harper's victory in 2011. Even so, the future for Canadian debates might not be so clear. Extremist views have been salient in recent campaigns concerning immigration. It will be interesting to see how candidates and voters respond in the

next prime minister campaign. At the very least, in 2015, Canadian candidates for prime minister demonstrated that it is still possible to argue about issues in civil ways.

The results for RQ's 3 and 4 suggest significant changes in the quality of debate discourse, an increased aggressiveness since the 2012 U.S. presidential election cycle. The results for the U.S. and French debates confirm claims by observers that our political discourse is becoming more polarized. Specifically, the results regarding the use of ridicule as a strategy in 2015, 2016, and 2017 represent a growing lack of respect for political differences and a growing strain on our political systems. While such strategies were evident in the U.S. and in France, they were not present in the Canadian debate and were not effective in France's debate.

8. CONCLUSION

What do we make of the state of debate discourse going into future leader debates? Levitsky and Ziblatt (2018) argue that for democracies to function successfully, two norms are required: 1) mutual toleration, "the idea that as long as our rivals play by constitutional rules, we accept that they have an equal right to exist, compete for power, and govern" (p. 102); and 2) institutional forbearance, "avoiding actions that, while respecting the letter of the law, obviously violate its spirit" (p. 106). These norms should be evident in leader debates where the values of reason giving and respect are expected as signs that rational discourse continues to test competing ideas. However, results from this study show that norms of debate discourse were violated in the U.S. and French debates reflecting populist and authoritarian appeals.

Our findings suggest a continuing trend toward a more aggressive, less respectful, less substantive quality of leader debates. If debates do not serve deliberative ends of facilitating arguments over policy differences and do not serve epideictic ends of displaying reasoned discourse for the community, debates do not serve democratic values. These findings should be of concern to political communication and argumentation scholars.

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On fallacy and language

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ABSTRACT: To be complete, any theory of fallacy, or indeed of argumentation, must take proper account of the role of language in the giving of arguments. This paper suggests that since the work of Aristotle, proper account has not been taken, and that, given both the subtlety and potential importance of linguistic fallacies, a new framework, involving an informal argument semantics, needs to be constructed to allow a complete analysis of arguments to be carried out.

KEYWORDS: ambiguity, Aristotle, equivocation, fallacies of language, fallacy theory, informal argument semantics

1. INTRODUCTION

The wider project of which the thoughts contained in this paper are a part is motivated by the premise that, while it has certainly not been completely ignored, the role of language in the practice, the assessment and the study of arguments has not been fully acknowledged, and that this shortfall in attention has prevented a better understanding of certain elements of the process of argumentation being reached.

The aim of this short essay is to discuss language in the context of fallacy theory, to show that without a proper understanding of its importance, such theory cannot be considered complete, and to suggest, in outline only, a new form of assessment of argument which I shall refer to as informal argument semantics. The paper is divided into four parts. The first gives a very brief review of how the role of language in fallacious thinking has been characterised in the literature. This is followed by a section in which a number of claims are made as to the nature of language, the nature of argumentation, and the way in which the first influences the second. These claims form the foundation upon which the conclusions of section five, and indeed, the work of the broader project, are based. Before those conclusions are expounded, however, section four provides further explanation of the necessity of the informal argument semantics approach in the form of examples of arguments which require a proper semantic analysis to expose their weaknesses.

2. FALLACIES OF LANGUAGE

In order to describe fallacies of language, one ought, perhaps, to begin with a description of what being fallacious is taken to mean by the author. In the context of this essay, however, that would be to jump the gun rather. It might also be considered a good idea to describe what other scholars have taken the concept of fallacy to mean. That will be touched upon, but, in truth, there have been a good many such reviews written (see Tindale, 2007, ch.1), and there is no space here to produce another complete history of the fallacious argument. Instead, I shall begin with Aristotle, and mention others who have contributed comment on aspects of

the dangers of the linguistic pitfall in reasoning, and lament the lack of a theory of argument which brings them together.

In the opening section of 'On Sophistical Refutations', Aristotle singles out the ambiguity of names as a major reason why some arguments appear to be good, but are in fact not, and then notes: "There are two methods of refutations; one has to do with the language used, the other is unconnected with the language" (Aristotle, 1955, p.13). This fundamental division, an "inviolable distinction between the linguistic and the extralinguistic sources of error" (Schreiber, 2003, p.3) is followed by two lists of ways in which one may be fooled by poor arguments. Aristotle's list of linguistic fallacies: Homonymy, Amphiboly, Form of the Expression, Accent, Composition, and Division, and the distinction itself, have been criticised on a number of fronts, but come from the basic assumption that "false reasoning is persuasive only if the victim holds a particular false presupposition about either language or the world. It is the nature of that presupposition that determines where the example of false reasoning is situated in Aristotle's typology" (Schreiber, 2003, p.4). It is Aristotle's concentration on the victim of the Sophist which leads him to organise things the way he does: more modern theorists are apt to treat all sides in an argument generously as seekers of truth and consider poor arguments as obstacles in their path rather than attempts to play on the weaknesses of the audience.

It is not my intention here to examine Aristotle's taxonomy in detail, nor to defend it. The first three items on the list are all forms of multiple meaning and the second three largely apply to the nature of the ancient Greek language; which facts might appear to allow the modern author to reduce the distinction to one between forms of ambiguity and other fallacies. There is, however, a far more important point to be noted: Aristotle makes it clear that an audience can be deceived by the structure of reasoning or by the way in which it is expressed.

The concerns of Berkeley, which are echoed by Wittgenstein, are of an even more fundamental nature: both see language itself as a great source of erroneous reasoning, rather than just a fallible tool for its expression. Berkeley blames language for the very existence of abstract ideas: "had there been no such thing as speech or universal signs, there never had been any thought of abstraction" and believes that a great deal of confusion is caused by the misapprehension that the meanings of words are "precise and settled" (Berkeley, 1988, p.47). In the same vein, Wittgenstein highlights the error of the belief that if there is a word, there must be a thing which corresponds to it, an error which happens "again and again in philosophy" (Wittgenstein, 1958, p.6) making it "one of the great sources of philosophical bewilderment" (1958, p.1).

To discuss the ways in which the misunderstanding of the nature of language creates erroneous thinking is beyond the capacity of this paper, and would, indeed, require an entire volume of its own. The intention here is simply to point out that there is a long and well-known tradition of both recognising that forms of expression may be fallacious and recognising that language itself may trick even the finest minds into making foolish arguments. To these observations should be added the work of Ducrot and Anscombre on the inherent argumentative content of natural language utterances (Anscombre & Ducrot, 1989) and the related influence of Grice's theory of implicature on argumentation (Macagno & Walton, 2014).

In spite of all this, and a host of other work which looks at linguistic factors, there is no comprehensive theory of language and argumentation and no theory of fallacy which takes these elements fully into account. In Tindale's book length discussion of fallacies (2007), there is one chapter on "Problems with Language" which provides a good description of the usually cited examples, equivocation and vagueness, as well as considering other fallacies which might be based on errors in language. Tindale even provides "Critical Questions" to

ask in order to establish whether a fallacy of language has been committed; but this is still a long way from a full theory of the complex relationship between language and argument. In order to begin to move towards the construction of such a theory, some basic notions about what argument is and how it may go wrong must be established.

3. LANGUAGE AND ARGUMENT

In this section I advance several claims about the nature of language and of argument. The claims are, of course, supported; but they are not advanced as *the* way to understand argumentation, rather as *a* way to do so, and one which will offer certain advantages in the study of argument. I begin with a definition.

The definition of argumentation which I shall offer is designed to be useful to the theorist of fallacy. It is not a definition which will be accepted universally – as if such a thing were possible – but one which draws out the three elements of arguing which can, and often do, go wrong. Aristotle distinguishes between the reasoning and its expression, but it has always been clear, as Hansen's review (2002) showed, that the trouble with reasoning wasn't restricted to cases of logical invalidity: other commonly recognised fallacies are categorised as being fallacies of relevance. Relevance is a slippery concept, of course. If an argument is irrelevant, it must be irrelevant to something; and that something is not necessarily another argument advanced by another speaker, since not every argument must be a direct reply to what has just been said. Rather, I would characterise relevance in this context as relevance to the process of argumentation currently ongoing. What is relevant in one type of process, a court of law, for example, might not be so at another time in another place. It is this element of process, then, which forms the third aspect of my definition of argumentation.

Thus: Argumentation is a process involving the expression of reasoning in language. Any particular example of an argument, then, can fail to be a proper part of the process, can fail due to its expression in language, or can fail as a result of its faulty reasoning. Reasoning, here, is understood as a pre-linguistic system of inferring employed in the mind of the arguer. Naturally, such inferences need not be restricted to the deductive; and naturally too, I do not submit this as a universal definition of what the word reasoning does, or indeed should, mean to others in other places. I might also add that if other non-linguistic forms of argument are advanced, they are still, if meaningful, coded expressions of reasoning, and that system of coding and decoding faces the same vulnerabilities as linguistic processing.

From the point of view of fallacy theory, then, this leads to an apparently clear division into fallacies of process, fallacies of language, and fallacies of inference. I have included the word 'apparently' because I am aware that, as is usually the way with clear theoretical distinctions, in practice there are cases which do not obviously sit in one category to the exclusion of the others. This is not an important flaw, however, since the main role of the division is to show the three ways in which arguments can be fallacious, accepting that some may be so in one more than one, rather than to draw up lists of fallacies in three neat columns for students to learn.

There are two other points of interest to which the separation of these three strands leads. The first is that rather than existing in parallel to one another, there is a sense in which they occupy a hierarchy; certainly in theory, and, I suspect, largely in practice as well. At the most basic level comes the question of process. A certain agreement between parties on the conventions of the process is necessary – a point brought out strongly in the pragma-dialectical description of the critical discussion, to which I return below. Any argument which violates those conventions is simply not considered, regardless of the strength of its logic. Whether it be a shift of burden of proof, a refusal to doubt the sacrosanct, or a circular

argument, an argument which does not comply with the process and move it forward is at once rejected. Second comes the inferential structure. It is for the audience to the argument to judge if the conclusion put forward does, in fact, follow from the premises given for it. Errors of inference may be obvious, or they may be subtle; they may be demonstrable or they may be subjective. What is clear, however, is that an argument may be a relevant part of the process, it may be sound: having true premises and an acceptably strong inference for the situation, and yet it may still fail at the third level by committing a fallacy of language.

This ordering seems natural when one considers the alternatives: it would be odd to look at the niceties of the language of an utterance, then examine its inference, and finally reject it because it was on a topic unconnected with the current discussion. Similarly, it would be odd practice to closely examine the language of an argument and then conclude that it doesn't matter anyway since the inference is utterly illogical. Again, as I have said above, I do not claim that all arguments *must* be examined in this order, only that it seems a good way to go about it. Obviously, some examination of the language of an argument is necessary to form an opinion on its relevance and its soundness, that cannot be helped if we are to interact at all; but our common use and understanding of the languages we speak is not the same thing as the type of analysis I shall describe and recommend in section 5 below.

This hierarchy, as I suggested above, may also be reflected in the levels of sophistication in real-world debate. Errors of process, as the most fundamental, are also the coarsest. Utterances put forward that are not arguments at all, mere insults and insinuations, refusal to doubt and debate: these are all examples of the lowest level of practical argumentation. They are common in the harsh and unforgiving arena of the internet debate, in the non-sequiturs of the political interview, and the evangelising of the true believer. It is not the case that those making such errors must themselves be coarse, though they may well be, rather that this type of poor argumentation is exemplified in a level of debate which can barely be called argument at all; a level of debate in which the pursuit of truth is not only not paramount, but is often actively disrupted.

On the other hand, when an argument has passed the first hurdle and is found to be an appropriate contribution to the process at hand, it deserves to be treated a little more seriously, as does its protagonist, and have its structure examined. Often such errors are made in speech, but they are also frequently found in earnest attempts at written persuasion. Anyone who has read a large number of student essays will be able to attest that errors of inference proliferate in such texts. These errors are made sincerely; relevant arguments are advanced in accordance with the accepted process in a genuine attempt to establish a true conclusion. Other forms of more considered writing show the same tendency: the non-polemical newspaper opinion piece, for example. Such mistakes can be made by people of intelligence, and are often not noticed by others of intelligence. It is easy to train students to spot breaches of the process, but far harder to instil in them a critical attitude to unwarranted leaps of inference, and harder still to get them to remove such leaps from their own writing.

Finally, errors of linguistic expression are to be found at the highest level of debate: amongst philosophers and other serious thinkers, who would be unlikely to seriously put forward arguments which ignored the relevant process, and ought not to be making mistakes in the structure of their reasoning. Textbook examples of ambiguity may involve foolish savers burying their money in the sides of rivers, but in reality such arguments involving completely different meanings of words are neither common nor problematic. However, philosophy, I would argue, is plagued by instances of equivocation, of vagueness, of obfuscation, and of the type of general misunderstanding of the nature of language, and the words of which it is made, referred to in the section preceding.

All three varieties of error, of course, can be found at all levels of sophistication. Philosophers do make basic errors, internet trolls do misuse language. There is a

correspondence, however, between the subtlety of the error and its importance, and thus between the difficulty in finding it out and the necessity of doing so.

All three types of error are also addressed by all schools in the study of argumentation. However, the second point of interest I wished to draw out was that the principles of the process of argument receive particular attention within the pragma-dialectical tradition, where the clear emphasis is on what arguers should and shouldn't do in order to reach the desired conclusion; while the informal logicians are more inclined to concentrate on the way in which inferences are made. While discussing the rationale behind Rule 15 of the extended rules for critical discussion, van Eemeren and Grootendorst note that: "If a discussant is unclear in formulating his standpoint or in calling a standpoint into question, or if the discussant misinterprets the formulations, there is a high probability that they will speak at cross-purposes" and that, therefore, "discussants must formulate optimally" (2004, p.156). This discussion acknowledges the importance of making arguments clear, but does so from the point of view of the process – a process which cannot take place if one discussant does not understand the other. Given the focus that it places on the interaction between discussants and the normative nature of its rules, the pragma-dialectical approach is ideal for the assessment of fallacies of process, but while other fallacies can be identified as breaches of the rules, those rules themselves are not especially helpful in identifying when those fallacies occur.

It is, I suppose, not controversial to claim that informal logicians take great interest in the structure of arguments and, in particular, in the process of inference. Where the rules of pragma-dialectics tell us that inferences must be made by acceptable argument schemes, informal logic sets out and analyses argument schemes. In order to reach the actual structure employed in the inference, a great deal of reconstruction, along with a degree of interpretational generosity, is often required, taking the focus away from the utterance itself, and making the argument as speech act less important than the argument as inference structure. Informal logic, after all, is still logic. This approach, therefore, is of particular importance in the detection of errors of reasoning: fallacies of inference.

Just as pragma-dialectics demands clarity of expression, so informal logic also recognises that ambiguous language can lead to false inferences; but the feeling remains that the form of the expression of the argument is something to be cut away in order to reach its underlying structure. Argument is an activity of language: and while the pragmatics of argument has been elaborated and discussed at length, the semantics of argument still awaits a full theoretical treatment.

On the nature of language, here, just one observation. Theorists of argument have generally latched onto ambiguity as the root of linguistic fallacies. It should be noted, though, that, to borrow a phrase from the writers of computer software: ambiguity is not a bug, it's a feature. All language is inherently ambiguous: concrete nouns refer to many concrete objects; abstract nouns, adjectives, verbs and adverbs refer to many instances,
and their meaning is never precisely the same. It is not enough, then, to say that an argument has gone wrong because it contains ambiguity – a full account needs to explain why the ambiguity, in this case, is unacceptable.

4. SEMANTICALLY PROBLEMATIC ARGUMENTS

To illustrate some of what has been said above and to emphasise the need for a specifically linguistic analysis of some arguments, this section sets out some examples of arguments which are shown to be linguistically fallacious. There are three varieties of such arguments which I wish to highlight: equivocations, imprecisions, and what I shall call cases of semantic incompatibility – a category which I have not seen discussed elsewhere. The first two are well

known and often cited as fallacies of language, although I suspect their ubiquity is rarely recognised: all of them are particularly 'dangerous' to the audience for different reasons. Equivocations may go unnoticed, even by careful listeners, if the variation of meaning is of a subtle nature, especially if the audience is unaware of the possibility of such variation – for instance that a word has a certain technical meaning in a particular field as well as a more generally applied one. Vague, imprecise language, descending sometimes into total meaninglessness can allow poor arguments to pass in two ways: firstly, it encourages the audience to understand what they want to understand in an utterance, allowing differing interpretations and making refutation difficult. Secondly, obtuse, pretentious, unclear language can be daunting, and an arguer lacking in confidence, or unsure of his language abilities, whether in his native or a foreign tongue, may fear to address the lack of clear sense for fear of looking foolish and being accused of simply not understanding. The long word, the twisted sentence, the new meaning bestowed upon a familiar sign; these are the cloak, the beard and the dark glasses behind which the charlatan hides the poverty of his ideas. Finally, semantic incompatibility occurs when, perhaps in the premises, but more especially, in the conclusion of an argument there are words which may fit together perfectly in terms of syntax, but cannot function together semantically: that is to say, that while the sentence may appear well-formed, the meanings of the words within it clash, creating an impossibility. As this category has not received attention, it will be best explained with the use of an example, as below.

In the manifesto of the Labour party published before the 2017 UK general election, under the heading "Brexit", the following promise was made: "Labour recognises that leaving the EU with 'no deal' is the worst possible deal for Britain and that it would do damage to our economy and trade. We will reject 'no deal' as a viable option" (Labour Party, 2017, p.24). There are a number of things wrong with this argument, assuming that the second sentence is an inference from the first. Firstly, "no deal" is described as "the worst possible deal" when, by definition, it is not a deal, and cannot, therefore, be the worst one. Secondly, without wishing to take sides politically, the statement is obviously false: one can easily imagine a trade deal with huge tariffs and other restrictions in one direction only, which would be much worse than having no deal at all. There is, however, a far more interesting error which, as is often the case, only becomes apparent when the argument is fully reconstructed, as below:

P1. Reaching no deal with the EU on trade would be against the interests of the UK.
P2. We must defend the interests of the UK.
Therefore: We reject 'no deal' as an option.

Such an argument appears to be sound. All sides of the debate agree that a deal would be better than no deal (although other political parties would stress that a bad deal would also be against the interests of the UK), political parties ought to defend the interests of the countries they seek to govern (but see the example below), and the inference looks to be valid. The conclusion, however, is an example of semantic incompatibility. The absence of an agreement is simply not the sort of thing which one *can* reject. Neither party to a negotiation has the right to demand a deal and reject the possibility of not reaching one. One might quibble that the phrase "a viable option" means that they are not rejecting the possibility of not reaching a deal, but only of its being "viable". That only leads to a further questioning of what "viable option" actually means. If it means a good option, then the argument is reduced to 'having no deal would be a bad thing, therefore, no deal is not a good thing'. It could be that they meant to say that the Labour party rejected the pursuit of a 'no deal' exit from the European Union as a policy option, accepting that 'no deal' was still in reality a possibility. That, however, is to stretch the implication well beyond what was actually said.

However the argument was meant, the way it is set out above serves as an example of how an apparently sound argument can still deliver an unacceptable conclusion due to the semantic relationships between the words used to express it: some verbs cannot work with some nouns and nonsense is the only result of putting them together. Perhaps more important than a political manifesto, by the same token, the entire school of Utilitarian philosophy might be dismissed on the not unreasonable grounds that human utility, whatever it is, is not the kind of thing which can be summed. Any argument which concludes that it should be has, therefore, gone astray somewhere.

There is, perhaps, no need to provide examples of arguments made in imprecise language. For the category of imprecision based on a simple lack of clarity as to what is actually being said, one might pick up any book by the great figures of Continental Philosophy, who employ a style Barry Smith has characterised as "the utilization of various tricks" designed to "distance themselves from the responsibility of making assertions which might be judged as true or false" (Smith, 2006, p.21). Smith cites in evidence a passage from Jacques Derrida, which begins: "The feminine distance abstracts truth from itself in a suspension of the relation with castration. This relation is suspended much as one might tauten or stretch a canvas, or a relation, which nevertheless remains –
suspended – in indecision" (Derrida, 1978, p.59). This is, in fairness, a translation; it is also completely without meaning, and, therefore, impossible to argue with. Derrida may have had a clear idea in his mind of what he wanted to express, if so, the expression is a failure. One might claim to understand what those two sentences mean, but one would have to accept that the words themselves do not carry that meaning in any usually accepted way.

Such examples, along with such propositions as Theresa May's famous "Brexit means Brexit", might well be considered fallacies of process first and foremost, since any argument process will require that statements made within it actually say something. Vagueness does not have to mean meaninglessness though; it is often a case of under-determination. In March of this year, The Washington Post published a story with the title "Trump doesn't have America's best interests at heart" (Sargent, 2018); then, one month later, the Financial Times published an article "Donald Trump is standing up for American interests" (Navarro, 2018). The titles may be understood as standpoints being defended. That they contradict one another is neither surprising nor wrong; both articles set out at length the actions they think support their conclusion, but neither stops to consider whether America actually has, or even could have, interests. This might be a case of semantic incompatibility or the author might have a conception of 'America' in mind which would allow it to have interests, the reader cannot know. Both authors take it as obvious that an American interest exists and can be defined and recognised, but for both the concept remains vague.

Imprecision is a close cousin of ambiguity. Vague words are often words which could mean various things, even if there aren't actually conflicting distinct senses: consider phrases such as 'help for the homeless', which could describe a very wide range of policies offering very different types of 'help'. Help is not exactly ambiguous, but it refers to many possibilities. Equivocation is what takes place not when completely different uses of a word are taken to be the same, but when the precise designation of the word is different in two or more places within one argument. This may often be the result of quite legitimate analogical thinking. For example, one may say that a difficult or traumatic period in one's life teaches one a lot; and one may say that time spent at university teaches one a lot. The result of this analogy is the phrase 'the university of life'. However, if one then argues that one doesn't need a university education because one already has an education from the university of life, one commits a fallacy. The two uses of 'university education' are not the same: having knowledge of how the world really works is not a substitute for having knowledge of how chemical processes work, for instance.

Such observations, of course, are nothing new. My point is to show how far-reaching and varied are the ways in which language can disrupt the process of argumentation. The examples discussed in this section relate to the expression of reasoning and have not touched upon the ways in which linguistic notions can affect that reasoning itself, on which there is much more to be said.

5. CONCLUSION

This paper serves as the introduction to a larger project. It has attempted to illustrate the need for a more systematic theoretical approach to the impact of language on argumentation, in order to facilitate better analysis of arguments and understanding of where they have gone wrong. In terms of pragmatics, argumentation theory has been well-served by the Pragma-dialectical approach; there is, however, certainly room for a theory of the semantics of argument, informed by the philosophy of language, and understood as a compliment to, rather than a replacement of, the existing approaches. This semantics I intend to develop and present in forthcoming publications. For the sake of avoiding confusion with formal semantics, with which my approach has little in common, I propose to refer to this theory as informal argument semantics.

Informal argument semantics aims to provide a comprehensive account of how the meaning of words affects the arguments in which they are employed. This includes considering how arguments are understood, how they are expressed, and how language interacts with the reasoning process. It must bring together a treatment of ambiguity, of implicature and argumentativity, and, crucially it must provide a practical means of assessment by which the faults of arguments can be shown, just as they can be shown to breach the rules of pragma-dialectics or to fail in the answering of the critical questions relevant to an identified argument scheme.

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Reflective consensus building as a goal of argumentation

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ABSTRACT: The literature on argumentation discusses many purposes of argumentation. Building on Gilbert's "coalescent argumentation" which aims at reaching ''agreement based on maximally fulfilling the goals and needs of the arguers involved,'' I develop the notion of reflective consensus building as a goal of argumentation and show how it is implemented—in the form of user guidance—on the Reflect! platform.

KEYWORDS: coalescent argumentation, computer-supported collaborative learning, conflicts, consensus, CSCL, disagreement, Michael Gilbert, reflection, scripts, scripted user guidance, wicked problems

1. INTRODUCTION

The literature on argumentation discusses many functions or purposes of arguments and argumentations (Hoffmann 2016, supplemental online materials):

- Persuasion / changing people's beliefs, attitudes, or confidence in positions
- Justifying claims / giving reasons for claims / making reasons manifest
- Resolving or managing differences of opinion / finding agreement on the acceptability of descriptive, normative, or evaluative claims
- Learning scientific reasoning
- Understanding other people: Seeing reasons allows us to appreciate the legitimacy of positions
- Critical testing of opinions
- Inducing attitudes like fear, hope, hatred, or admiration in other people
- Stimulating reflection
- Relationship between the arguers ("face goals")

Whereas these functions of arguments are either well-known or, at least, discussed frequently in the literature, it is surprising that an additional purpose that Michael Gilbert discussed extensively already in 1997 did hardly find any discernible resonance, as far as I can tell:[1] the objective of reaching ''agreement based on maximally fulfilling the goals and needs of the arguers involved'' (1997, p. 74). In a book with the same title, Gilbert introduced the notion of "coalescent argumentation" as a method of arguing that aims at such agreement (Gilbert 1997).

This contribution continues the discussion that Gilbert started. After summarizing the arguments that he provided more than twenty years ago for developing the practice of coalescent argumentation, I will introduce the notion of "reflective consensus building" as a

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[1] Besides the project described in this contribution, an exception is Jan Albert van Laar's "Middle Ground" web app that he is currently developing at the University of Groningen, NL. As he writes in its August 2018 user guide: "This app assists groups of 2 to 5 students in performing a reasonable discussion on some predetermined scenario-based issue, with the goal of crafting a compromise agreement despite the participants' having diverging opinions on the topic."

goal of argumentation. "Building" consensus does not refer to finding agreement on a given claim, but to the *creative* process of collaboratively developing a new claim, position, or proposal to solve a problem that can be accepted by all involved. Instead of "winning" an argument about a given proposition, the goal is to build consensus through a particular reflective process. This process is realized—in the form of scripted user guidance—in the Reflect! platform, an online learning system that is designed to train reflective consensus building on wicked problems in teams of about four students. The paper will explain this process of reflective consensus building by way of presenting the platform, and it will show at which points arguments in the sense of justification are crucial for this process.

2. GILBERT'S COALESCENT ARGUMENTATION

Gilbert takes aim at the still widely shared assumption that the main purpose of arguments is bringing "an opposer around to the point of view the proponent is defending" or "winning" an argument: One point of view is abandoned by both parties, the other accepted. However, as he points out, "winning does not occur frequently. More often, outcomes include a negotiated agreement, a compromise, or a realization that further dispute is futile." Even if one arguer gives up, "there is a strong sense" that the agreement is not "very well entrenched"; the opponent might well go back to the previously defeated claim.

Often an arguer simply runs out of reasons. "In this case the argument may terminate but not with a satisfactory solution." Gilbert reminds his readers that according to Quine's holism, "beliefs are connected in a web-like way, such that altering one belief has considerable impact on surrounding beliefs and potentially on the entire belief set." This means, some beliefs are much harder to change than others.

For all these reasons, Gilbert argues that we should focus instead on "the joining together of two disparate claims through recognition and exploration of opposing positions"; that is, on "coalescent argumentation" (Gilbert 1997, p. 103).

How can such a merging of positions be achieved in coalescent argumentation? Gilbert's general strategy is based on an understanding of argument as "any exchange of information centered on an avowed disagreement." It is well known that, for Gilbert, such an exchange goes beyond providing Claim-Reason Complexes. While he counts giving reasons for claims as the "critical logical" strategy, important are also an "emotional," "visceral (physical)," and "kisceral (intuitive)" strategy (p. 76; "kisceral" is formed from the Japanese term *ki* which means "energy"). Through the application of these strategies, he thinks coalescent argumentation should be possible:

> By uncovering the crucial connection between a claim and the attitudes, beliefs, feelings, values, and needs to which it is connected, dispute partners are able to identify points of agreement and disagreement. These points can then be utilized to effect coalescence: a joining or merging of divergent positions by forming the basis for a mutual investigation of non-conflictual options that might otherwise have remained unconsidered. (Gilbert 1997, pp. 102-103)

3. REFLECTIVE CONSENSUS BUILDING

In addition to Gilbert's arguments that argumentation theory should explore possibilities of reaching ''agreement based on maximally fulfilling the goals and needs of the arguers involved,'' it should be noted that many disagreements are not at all about claims but about the question: What exactly is the problem? In research on conflict resolution it is well known that a crucial barrier is often the fact that stakeholders have a radically different understanding

of what a conflict is about, its history, what exactly is involved, what the decisive questions are, and how it could be resolved (Dewulf et al. 2009; Donohue, Rogan, & Kaufman 2011; Gray 2005; Lewicki, Gray, & Elliott 2003).

In this literature the concept of *framing* has been developed to capture the observation that problems and conflicts are often perceived and conceptualized differently. I use the concept of framing to define what Horst Rittel and Melvin Webber introduced 45 years ago as "wicked problems" (Rittel & Webber 1973). According to this definition, wicked problems are problems whose complexity results from the fact that they are framed in a number of different ways, depending on who is looking at them. Differences in framing can refer to the question of what the problem exactly is, where to draw the line between problem and context, on which level it should be addressed, and when it can be considered solved. Generally, framing is realized in two different processes:

1. Determining the boundary around the problem in a specific way
2. Describing the problem by specific concepts, images, metaphors, theories, descriptive, or explanatory models (Hoffmann 2011).

Wicked problems cannot be described "as such," their perception, formulation, or indication always depends on a particular way to frame the problem. It depends on people's background knowledge or knowledge that is specific for a certain scientific discipline; or on conflicting interests, world-views, cultural contexts, values, ideologies; or on other cognitive limitations. As long as people have different interests, value different goals, and have different tools at their disposal to conceptualize reality, framing is a fact of life that we cannot simply wish away.

Wicked problems are a crucial challenge in many areas of life. Every time a problem can only be addressed by collaborating with people who contribute specialized expertise or different values or ideologies, chances are that we are facing a wicked problem.

When it comes to wicked problems, I would claim, the goal can only be to build consensus among those who deliberate on the problem, not to solve the problem once and for all. The reason is the following. Since any solution depends on how the problem is framed, there can be no solution that is independent from any particular framing. But we also cannot expect that all stakeholders immediately come up with the same solution. Even though it might be possible—although unlikely—that every relevant stakeholder proposes the same solution, in spite of framing the problem differently, this possibility cannot be taken for granted. But if there is no objective, frame-independent solution and no expectation that all stakeholders agree right away on a solution, then the only remaining option is an ongoing process of trying to build consensus among the relevant stakeholders (Hoffmann forthcoming; Hoffmann submitted).

4. CONSENSUS BUILDING ON THE REFLECT! PLATFORM

The cognitive limitations that come with framing wicked problems from a particular point of view lead to three important consequences:

1. Decisions on wicked problems can harm people—people who are affected by the consequences of the decision but were overlooked in the process of making the decision.
2. For this reason, and to overcome the cognitive limitations on which such unethical decisions might be based, wicked problems should only be approached in collaboration with others. We need different points of view and we need to learn from others.

3. Collaborating with others whose perception of the problem differs from our own often leads to confusion and conflicts. Frequently people do not understand that others look at the same problem from a completely different point of view.

Even though wicked problems are everywhere in modern life, there are hardly any attempts in education to prepare future generations to deal with them. One of the reasons is certainly that it is difficult to provide opportunities to experience wicked problems in educational settings (Hoffmann submitted). Work on wicked problems—especially in teams—is unpredictable and does not fit easily into a curriculum. Moreover, it is a question of ethical responsibility whether we should even confront students with situations in which they might experience conflicts and overwhelming confusion.

The Reflect! platform has been designed as an answer to this pedagogical challenge. It tries to achieve a balance between self-directed learning in small teams—which is crucial to experience the challenges of wicked problems—and guidance that is required for three reasons: to manage collaboration on a wicked problem within a given time frame; to reduce the impact of confusion; and to reduce chances of conflicts. The platform is an online tool (http://reflect.gatech.edu/). Instructors can set up classes with teams who might work on different wicked problems.[2] Each class works along the same "work plan" so that the activities of all teams are synchronized.

The main innovation of the Reflect! platform is the implementation of a particular strategy to approach wicked problems in the form of user guidance that the software provides (Hoffmann 2018, submitted). There is not only guidance for the work of individual students and teams, but also for the instructor. Reflect! realizes what Pierre Dillenbourg called an "orchestration of sequences of learning activities" (Dillenbourg 2015). Modelled on Dillenbourg's "orchestration graphs," we developed what, as he points out, "does not exist" (at least at the point of his writing): a platform that allows "the management of pedagogical scenarios" in which activities that learners perform individually, in teams, and with the whole class are orchestrated by "scripts." In psychology, a "script" is a cognitive schema that refers to a sequence of behavioural steps with which people in a certain culture are familiar and which they experience as "normal," such as dining at a restaurant (Schank & Abelson 1977). The term interaction script has been used in research on computer-supported collaborative learning (CSCL) to model sequences of activities according to which students are supposed to interact with each other, with tools, and with the teacher in a way that fosters collaborative learning and triggers "engagement in social and cognitive activities that would otherwise occur rarely or not at all" (Kobbe et al. 2007, p. 212).

The orchestration of a project will be achieved by combining two types of scripts, which we call scripted user guidance and action scripts. We define *scripted user guidance* as a sequence of individual activities that is pre-determined and needs to be completed one-by-one by the user. Scripted user guidance might offer choices, but each choice leads again to pre-determined steps so that the user's freedom is heavily constrained. We define an *action script*, by contrast, as a set of instructions that prescribe a "chunk" of activities—be it individual or group activities. These instructions are designed to support students to achieve a certain subgoal within a project. This chunk of activities is not determined in detail. Students are free to determine and perform activities within such a chunk as they see fit.

In Reflect! the orchestration of activities is achieved by "Work plans." There are currently five available, each for a specific type of project:
- A comprehensive "Work plan for Reflective Consensus Building on Wicked Problems in Education" that is designed for project work that covers roughly half of the class

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[2] Currently, classes can only be established manually by contacting the author of this paper.

time of a 3-hour-per-week class over the course of a college semester. Part of this currently most extensive work plan are trust building measures and exercises that guide reflection on team dynamics and problems within teams.

- An "Instructor version" of this work plan that determines, for example, at which point feedback to the teams' work is required. It also provides criteria to assess student work and highlights commonly observed problems. Additionally, it provides instructions and materials for the exercises on team dynamics.

- A work plan for a "3-hour workshop on reflective consensus building." I offer these workshops to familiarize potential instructors with the Reflect! approach. In three hours, though, participants get just a taste of how it feels to work in a team on a wicked problem, supported by the platform. This work plan can be used for smaller projects in class, but since this has not yet been done, there are no experiences to communicate.

- A work plan for deliberation among stakeholders. This work plan will be used this fall for a consensus building process on the controversial issue of Confederate Memorials that can be found all over the South of the United States. Under the heading of "Controversial figures and events of the past: How to deal with them if eradicating them from history is not an option?," this work plan engages representatives of civic organizations in Atlanta, Georgia, that promote conflicting stances on a particular memorial in the city.

- A "Support team work plan" for teams that facilitate such a deliberation project.

In the future we plan to transform the platform into a modular system that allows users to define their own "project types" (each with a generic work plan), develop "modules" for work plans, or to select such a generic work plan and tailor it by selecting specific modules from it. Such a selection will then create a class-specific "work plan instantiation."

The strategy of Reflexive Consensus Building (RCB) that is implemented in the user guidance of all currently existing work plans focuses in particular on the following main challenges:

1. *Problem formulation*. Students and users need to learn how difficult it is to develop a problem description for a wicked problem: On which scale should the problem be addressed? How to determine its boundaries?

2. *Stakeholder analysis*. This requires, first, to identify all those who have or should have a particular interest in the outcome of a decision *and* who either affect, or are affected by, a decision. And, secondly, it requires to understand the legitimacy of their positions. On the Reflect! Platform, this is achieved by guiding users to develop statements that describe what each stakeholder would propose to solve the problem; to provide reasons for these proposals; and then to abstract from these reasons specific values and interests that motivate each stakeholder.

3. Creating a *"symphysis proposal."* In Greek, *symphysein* means "growing together." Whereas "synthesis" refers to "something that is put together," "symphysis" is intended to signify an ongoing process of growing together, that is, the evolution of a proposal that is always better—i.e., more broadly acceptable—than its predecessor or predecessors. A symphysis proposal is created based on a reflection on all the proposals put forward by stakeholders. It attempts to cover as many of the motives underlying stakeholder proposals as possible, taking the broadest possible variety of stakeholder interests, goals, and values into account, and trying to find creative solutions and possible win-win solutions. The goal of creating a symphysis proposal is achieved when all stakeholders might be able to accept it as a (preliminary) solution of the problem.

In addition to project phases that address these main challenges, the comprehensive "Work plan for Reflective Consensus Building on Wicked Problems in Education" includes a project phase in which individual students and teams develop justifications for each component of their symphysis proposal. Since this proposal has to satisfy all stakeholder interests, it is usually rather complex. The justification of all its components is important for two reasons:

1. It is an easy way to document all the reasoning that went into the formulation of the symphysis proposal in a well-structured manner. Moreover, it allows to communicate project results to others. The justification of the symphysis proposal represents and summarizes all the arguments for the main outcome of the project.

2. Sometimes an attempt to justify a claim shows that the claim is badly formulated or just wrong. Students are instructed to use argument assessment skills (http://reflect.gatech.edu/how-to-assess-the-quality-of-an-argument/) to evaluate their justifications, and to use the results for either improving the justifications or reformulating those components that cannot be justified.

To create these justifications, the work plan refers teams to the argument mapping tools AGORA and MindMup.[3]

5. CONCLUSION

About twenty years ago Michael Gilbert argued that argumentation theory should engage not only with ways to "winning an argument" on a claim that is given from the beginning, but also on processes such as "coalescent argumentation" which aim at reaching ''agreement based on maximally fulfilling the goals and needs of the arguers involved.'' The present contribution is one of only very few answers to this challenge. By developing the notion of "reflective consensus building," I hope to initiate a broader discussion in the field that continues Gilbert's work.

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Is it reasonable to be funny?

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ABSTRACT: This essay addresses the relationship between norms of reasoning and norms of humour: To what extend can one be funny and reasonable at the same time? For this purpose, a normative system of reasoning (i.e. the model of the pragma-dialectical critical discussion) is contrasted with three approaches to humour: ancient rhetorical humour, and the modern Script-based Semantic Theory of Humour (SSTH) and the Benign Violation Theory (BVT) respectively.

KEYWORDS: benign violation theory, communication norms, critical discussion, fallacies, humour, joking, reasonableness

1. INTRODUCTION

Being reasonable is great. In light of the outlet and the audience of this essay, treating reasonableness as a communicative virtue should encounter very little resistance. Reasonable argumentation can serve as a universal language to bridge disagreements, and being able to solve differences of opinion on the merits might well be judged to be one of the decisive personal skills in a diverse society.

It is easy to jump from this very common starting point to the assumption that a virtuous communicator should maximize his or her reasonableness in discourse wherever possible. As a matter of fact, it seems that Frans van Eemeren supports this view when he describes fallacies (i.e. violations of the rules of reasonable *argumentation*) as a faux pas of *communication*.

> In our view, the fallacies could be better understood if they were treated as faux pas of communication – as argumentative moves whose wrongness consists in the fact that they are a hindrance or impediment to the resolution of a difference of opinion on the merits. (van Eemeren 2010, p. 193)

For most practical purposes the underlying assumption that a faux pas in argumentation implies a faux pas in communication is entirely unproblematic. As soon as one looks at the fascinating – and arguably still understudied – areas of conflict between different sets of communicative norms, however, the difference is essential.

Being reasonable is great. But reasonableness is far from the only communicative virtue. Communicators legitimately strive to be reasonable, but – depending on the specific occasion, setting and communicative goal – they also strive to be funny, polite, law abiding, moral, flirtatious, persuasive and so on. The topic of this essay is a brief exploration of some of the conflicts that can arise for communicators that try to pursue the first two of these goals simultaneously in a given situation, and are thus confronted with the questions: 'Is it reasonable to be funny?' and 'Is it funny to be reasonable?'

Visiting the borderlands of reasonableness and humour or, to be more precise, questioning under what conditions the communicative norms of reasonableness and of humour conflict, requires a great deal of preliminaries, definitions and disclaimers. Luckily, this essay is not the first visit to one of these areas of potential conflict between sets of communicative

norms, and accordingly most of the required clarifications can be taken from a previous essay that analysed the intersection of reasonableness and politeness (Hoppmann, 2017).

To avoid undue repetition with the methodological considerations presented there and in the interest of due brevity, a reminder of some of the key assumptions should suffice here: a. conflicts between two or more communicative norms can arise when a communicator tries to pursue multiple communicative virtues at the same time; b. these conflicts arise in individual speech occasions and are dependent on personal priorities – communicative activity types (CATs) or dialogue types / dialogue orientation genres (DOGs) influence these speech occasions but do not align with them; c. only norms that are directly or indirectly prescriptive can collide with each other, 'normal' behaviour does not lead to the kind of theoretical conflicts that are of interest here; d. the words 'norms' and 'rules' are (in agreement with large parts of argumentation literature) used mostly synonymously here, but it is of course acknowledged that in other fields these words invoke different concepts; e. only norms that prohibit or demand can conflict with each other, but not with norms that permit; in other words if being funny requires speech act x and being reasonable permits speech act non-x, there is no conflict. (Hoppmann, 2017, pp. 220-231)

With these general considerations acknowledged, the main preliminary remaining for this essay is the selection and definition of the communicative norms to be contrasted: what does it mean to be reasonable and what does it mean to be funny?

The first of these questions can be answered with relative ease and confidence for the purposes of this analysis: while modern argumentation theory has created a large number of sophisticated and useful models of reasonableness, an easy case can be made that none has been worked out in quite as much detail and influenced recent scholarship anywhere near as much as the pragma-dialectical model of a critical discussion developed by Frans van Eemeren and Rob Grootendorst and further enhanced and refined by countless others. Accordingly, 'being reasonable' as a communicator will here be understood as abiding by the pragma-dialectical rules, and 'being unreasonable' as breaking one or more of the "ten commandments for reasonable discussants" (van Eemeren and Grootendorst, 2004, p. 190).[1]

The situation is nowhere near as easy in the case of humour. What rules does one have to follow if one wants to be funny? Or humorous? Or witty? Or ridiculous? Firstly, the distinctions between 'humour', 'wit', 'ridicule' and many other related terms that have entertained generations of rhetoricians[2] will be mostly without consequence for the present purpose. However, the underlying differences between the definitions of humour in, say, classical rhetoric and modern linguistics are of key interest. In other words: Whether one can be reasonable while being funny depends strongly on the definition of humour that is being used. In the following sections, three exemplary definitions of humour will be contrasted with the pragma-dialectical rules: 1. humour and ridicule in classical rhetoric, 2. joking in modern linguistics (SSTH and GTVH) and 3. the benign-violation-theory. General overviews of the history of humour in general, and rhetorical humour in particular (Phillips-Anderson, 2007, pp. 3-48) tend to emphasize the three dominant strands of humour as an expression of superiority, humour as caused by incongruities, and humour as an expression of relief. While the correspondence is not exact, the three models discussed below can be seen as representatives of those three strands, with classical rhetorical humour showing clear signs of superiority, the

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[1] The difference between the 15 rules and the ten commandments of the critical discussion is of no consequence for the purposes of this essay, given that the substance they cover is functionally equivalent. For simplicity's sake and because the theoretical centre of the analysis is the practical communicator, most references will be to the ten commandments.

[2] By any likelihood no rhetorician is more representative of this keen interest in rhetorical humour and obsession with terminological preciseness in this field than George Campbell who dedicates the opening chapters of his *Philosophy of Rhetoric* to these phenomena and launches a fierce attack on the "spurious bantling called *fun*" (Campbell, 1963, I, 2, 3)

linguistic model being built on the incongruity between two different scripts, and the benign violation theory and its predecessor stressing the relief of non-threatening normality in humour.

2. IS ANCIENT HUMOUR REASONABLE?

Fine details aside, humour, laughter and the risible are principally treated as a bullying technique in classical rhetoric. Like most of the Greek writings about humour it is relatively clear representative of superiority theory (Attardo, 1994, pp. 14-34). Cicero offers a representative example of this approach in his masterpiece De Oratore, when he defines the limits of the legitimate use of laughter by the speaker:

> But the limits within which things laughable are to be handled by the orator, that fourth question we put to ourselves, is one calling for most careful consideration. For neither outstanding wickedness, such as involves crime, nor, on the other hand, outstanding wretchedness is assailed by ridicule, for the public would have the villainous hurt by a weapon rather more formidable than ridicule; while they dislike mockery of the wretched, except perhaps if these bear themselves arrogantly. And you must by especially tender of popular esteem, so that you do not inconsiderately speak ill of the well-beloved. (De Orat. II, 237)

Cicero continues his explanation by providing a large set of examples of fierce personal attacks and ridicules that he seems to endorse and enjoy (De Orat. II, 239-254). Note that in Cicero's rhetoric, laughter is clearly an aggressive technique or weapon, one that should be used against the opponents, unless they are too vicious (because then they deserve more open hatred) or too esteemed (because then the audience will not tolerate attacks with ridicule). Wilkins comments on Cicero's description of humour as a tool that "shatters or obstructs or makes light of an opponent" (De Orat. II, 236):

> Wit 'breaks' the force of an opponent's attack by turning his serious charges into ridicule, 'hampers him' by preventing him from pressing on in the same line, 'disparages him' by turning him into a laughing-stock and thus robbing him of his *auctoritas,* 'deters him' by showing the superior acuteness of his antagonist, 'refutes him' by laughing away his accusations. (Wilkins, 2002, p. 346)

Quintilian expresses a similar sentiment when he distinguishes between three methods of arousing laughter "(1) from the physical appearance of our opponent, or (2) from his mental attitude, which is inferred from his actions and words, or (3) from external circumstances" (Inst. Orat. 6, 3, 37) and continues on to classify ridicule as a form of invective (ibid.).[3]

If humour in classical rhetoric is thus an aggressive tool of personal invective, can one be funny (in this sense) and reasonable at the same time? Or do the two communicative norm sets collide? Two pragma-dialectical commandments stand out as potentially in conflict with humour of this kind.

The first commandments, the 'freedom rule' demands that "Discussants may not prevent each other from advancing standpoints or from calling standpoints into question." (Van Eemeren & Grootendorst, 2004, 190).[4] Among the communicative behaviours prohibited by this rule are the varieties of the *argumentum ad hominem* or attempts to limit the ability of a communicative party to effectively participate in the discourse (van Eemeren et al., 2014, p. 550; van Eemeren & Snoek Henkemans, 2017, p. 164). In as much as humour and ridicule in classical rhetoric are used as personal attacks on opponents and attempts to undercut their credibility, they are certainly violations of the first commandment.

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[3] Don Waisanen provides a less antagonistic interpretation of the function of humour in Cicero's and Quintilian's rhetoric. (Waisanen, 2015)

[4] The wording is slightly different in Van Eemeren & Snoek Henkemans, 2017, 163.

The other pragma-dialectical rule that stands in potential tension with classical rhetorical humour is the fourth commandment. The 'relevance rule' requires that "Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint." (Van Eemeren & Grootendorst, 2004, 192)[5] It seems rather evident from the practical examples of successful ridicule that Cicero and Quintilian provide, as well as from their theoretical observations, that humour in classical rhetoric is indeed often intended as a way to avoid engaging in the argumentation of the opponent or as a strategy to deter the opponents from producing relevant counterarguments (see Wilkin's commentary above). In both cases being funny in this sense does indeed mean that one cannot be fully reasonable at the same time.

3. IS LINGUISTIC JOKING REASONABLE?

If being funny in the ancient rhetorical sense might thus well stand in stark contrast to the norms of reasonableness, then how about its relationship to modern linguistic theories? Introducing these theories, requires a shift away from a rhetorical perspective with its concentration of humour and ridicule as a persuasive tool towards a concentration of the evocation of laughter in jokes. One of the most influential modern linguistic attempts to explain these phenomena is the Script-based Semantic Theory of Humor (SSTH) by Victor Raskin (1985) and its extension and modification with the General Theory of Verbal Humor (GTVH) by Salvatore Attardo (1994). The SSTH' main hypothesis claims that:

> A text can be characterized as a single-joke-carrying-text if both of the conditions are satisfied:
> i) The text is compatible, fully or in part, with two different scripts
> ii) The two different scripts with which the text is compatible are opposite […] (Raskin, 1985, p. 99)

Raskin and Attardo illustrate this model with the help of a number of well-known jokes, such as the following: "George Bush has a short one. Gorbashev has a long one. The Pope has it, but doesn't use it, Madonna doesn't have it. What is it? A last name." (Attardo & Raskin, 1991, pp. 305-306; Attardo, 1994, p. 392). This relatively typical joke works with two scripts that stand in opposition to each other.[6] The first and dominant script for the interpretation of the statements invokes male genitalia. The second and victorious script invokes names. An additional bonus that is not demanded by the SSTH, but which is nevertheless a frequent feature of many of their jokes, is the fact that one of the scripts touches an awkward or taboo topic for polite conversation (in this case sexuality).

The SSTH is clearly catering to the analysis of prepared and repeated jokes, but it is not hard to see its application to some more general forms of conversational humour that depend on ambiguities and surprising turns. Whenever a speaker or writer creates a false expectation by setting up two possible scripts that are compatible with an ambiguous narrative and then surprisingly switches from one to the other to create a humorous effect (a strategy that is quite

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[5] Van Eemeren & Snoek Henkemans 2017, 163 change the phrasing to "A party may not defend his or her standpoint by advancing non-argumentation or argumentation not *related* to the standpoint." (italics mine). At first glance it seems as if this change significantly softens the content of the fourth commandment, since a joke or personal attack might well be *related* to a standpoint (e.g. non-smoking advocates being mocked for their inability to quit smoking themselves) without being *relevant* to it. Given that the explanations and related fallacies remain similar, it seems that no significant shift is intended however.

[6] Attardo and Raskin do not clarify their use of the term 'opposition', their examples make it clear however that they do not envision a full contrary opposition but seem to rather think of some kind of contradictory opposition. A somewhat clearer formulations of the second condition of the SSTH might thus be that the scripts need to be incompatible with each other.

frequent in many witticisms, puns and other forms of playful use of language), then the results can be capably explained by the SSTH. Reversely, if one attempts to inject humorous effects into discourse, the SSTH gives a rather clear recipe for its creation.[7] Does following this recipe violate any of the pragma-dialectical rules?

The tenth commandment, the 'Language use rule' states that "Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations." (Van Eemeren & Grootendorst, 2004, 195; similarly, Van Eemeren & Snoek Henkemans, 2017, 164). At face value there is a clear contradiction between the SSTH humour recipe and the tenth commandment, with the former requiring the intentional creation of ambiguity and the latter prohibiting it. Realistically this contradiction will be resolved in most cases as soon as the joke is completed, and the ambiguity resolved. A realistic conflict between the two sets of norms might however arise in cases with a continuous humorous undertone or extensive double entendre. In those situations, being funny (as understood by the SSTH) will indeed be an obstacle in the attempt to solve a difference of opinion on the merits.

4. ARE BENIGN VIOLATIONS REASONABLE?

The final model to be considered here is McGraw and Warren's Benign Violation Theory (McGraw & Warren, 2010; McGraw & Warner, 2014; McGraw & Warren, 2014; Warren & McGraw, 2016). The Benign Violation Theory (BVT) closely resembles Tom Veatch's earlier humour model (Veatch, 1998), but introduces some important adjustments to its definitions and standards. The BVT suggests that "humor occurs when (1) a circumstance is appraised as a violation, (2) the circumstance is appraised as benign, and (3) both appraisals occur simultaneously." (McGraw & Warren, 2014, p. 75) McGraw and Warren explain that within the framework of the BVT a wide variety of human norms can be violated to produce humour, assuming only that the violation is benign. Among the examples that the authors explicitly include are social norms, cultural norms, linguistic norms, logical norms and moral norms (McGraw & Warren, 2014, 76; Warren & McGraw, 2016, 410).

At first glance there is no intrinsic reason, why humour, understood in the terms of the BVT, should conflict with the rules of the critical discussion. One can certainly violate a variety or social, cultural or even moral norms without being unreasonable, especially if those violations are benign and perceived as such. When it comes to the violation of logical and linguistic norms, some of the considerations mentioned in the context of the SSTH might come into play again and thus create a tension with the tenth commandment.

More interesting than the potential tension with any specific pragma-dialectical rules however, is the larger question, if the norms of reasonableness themselves (in our case the ten commandments of the critical discussion) could be the object of humour creation in the sense of BVT. In other words: Do argumentations theorists have access to their own set of norms that can be violated in a funny way. Field-specific academic humour (i.e. humour that can only be appreciated with a certain amount of academic knowledge) in general is well spread. A beautiful illustration of this kind of humour is the charming Banach-Tarski joke that depends on basic knowledge of set theory (Question: What is a good anagram for Banach-Tarski? Answer: Banach-Tarski Banach-Tarski). For argumentation theory based humour to be possible, the

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[7] As in the case of any aspect of humour theory, knowing the recipe is of course not a sufficient condition for becoming a skilful cook. Yet, while the discrepancy between understanding humour theory and being funny in practice is a frequent object of discussion (the frequently cited dissected dead frog gives a testament to this), the same can of course also be said for similar tensions between theoretical knowledge versus practical competence in persuasion, irony, politeness and flirting – to name just a few.

field would need to have created a well-known set of norms that can be immediately identified by the listener and which can be violated in a benign manner. Reasonableness based humour of this type would thus by definition be unreasonable – but as in the case of the SSTH the potential violations might well be too insignificant to matter. The author of this essay so far has not observed any fully developed reasonableness humour in the wild – but witnessed at least a feeble start at the ISSA 2018 conference. Speaker 1: "I am not quite certain where Andrew is from, but I think he might be British." Speaker 2: "Why? Was he born in Bermuda?"

5. CONCLUSION

This essay is an attempt to continue the exploration of the borderlands of reasonable communication. What are the limits of reasonableness and when does one need to decide if one wants to be reasonable or primarily pursue a different communicative virtue. Exploring these fields by no means suggests an intrinsic superiority of one field over the other. On the contrary, the best a cursory examination of the tensions between reasonableness and its neighbouring norm sets can do, is point out where conflicts can arise. The solutions of these conflicts cannot be offered by any of the fields in question but requires priority choices of the individual communicator. If one decided to prioritize humour over reasonableness, does one act fallaciously? Maybe, but one does not necessarily commit a faux pas of communication. The main aim of this essay is not to offer or even discuss possible priority rules between communicative norm sets, but solely to point to some areas where making a priority decision might be necessary. In other words, this cursory exploration has aimed to identify reasonable reasons for being unreasonable.

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Musing on the meta-theoretical principle of externalization

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ABSTRACT: Although the pragma-dialectical meta-principle of externalization can be interpreted many ways, in practicing argumentation analysis it turns out to justify a separation between the actual formulations in the discourse and formulations in reconstructions that are the starting point of further dialectical analysis. This practice assumes highly articulated and transparent cognitive positions and semiotic systems. Cognitive semiotic insights explain that such view is untenable. Four interconnected implications are discussed.

KEYWORDS: externalization, semiotics, reconstruction

1. INTRODUCTION

The pragma-dialectic meta-theoretical principle of externalization is defined as:

> Externalization of commitments is in pragma-dialectics achieved by investigating exactly which obligations are created by (explicitly or implicitly) performing certain speech acts in a specific context of an argumentative discourse or text (Van Eemeren & Grootendorst 2004, 54).

Reflecting on this formulation, two questions come up. Firstly, what is meant by "investigating exactly which obligations are created"? Does such investigation has to result in a formulation of obligations that is exact (= can have one and only one interpretation) and undisputable (or at least undisputed), replacing the original discourse as a starting point for further (dialectical) analysis and assessment? If so, what if we are not able to live up to this achievement, does that mean that we should not consider the discourse argumentative, or is the communicative act to be assessed as defective? Secondly, who is investigating? Is the investigator some 'meta-semiotic' external judge, an analyst with the skills or authority to exactly determine obligations, or is the investigator a participant in the critical discussion (the testing of a standpoint against reasonable doubt)? In practices that on institutional grounds qualify as argumentative practices (for example courtroom discussions) one can observe that participants frequently paraphrase each other's contributions, discuss what obligations should result from performing certain communicative acts, refute some interpretations, qualify others, often mutually developing emergent meaning. Are they acting in what has to be considered some (preliminary) discussion, not part of the critical discussion in which standpoints are tested against reasonable doubt? Or is what these participants are doing dialectically irrelevant, are they 'strategically maneuvering' to pursue a complementary rhetorical goal? Or, on the contrary, should we model such 'externalization-process' as an integrated part of what the critical testing of a standpoint implies?

Because of its vagueness – a common feature of carefully designed but abstract and complex verbal utterances – this meta-principle has been interpreted in different ways. I will focus on two. The first reading is *pragmatic*; the principle is understood as an instruction that

(pragma-dialectical) argumentation analysts should start with determining the obligations of participants in argumentative discourse, replacing the original speech acts by an exact formulation of these obligations. Many argumentation analysts seem to adopt this reading when undertaking a dialectical analysis of actual argumentative discourse. In order to capture the dialectically relevant appeal to reason from often somewhat fuzzy, incomplete, indirect, redundant discourses, these scholars start to reconstruct (Van Eemeren and Grootendorst 2004; Van Eemeren and Houtlosser 2009), or standardize (Govier 2010), or dress (Woods 1995; Groarke and Tindale 2013) the discourse into what are considered the (dialectically) relevant arguments. With minor variations between different approaches this roughly means that the original discourse has to be replaced by sets of verbal expressions with a well-delineated propositional content, ordered in a specific, (informal) logical structure. Propositional content in a reconstruction need to be 'well-delineated' to assure that taking responsibility for such proposition can count as an exact obligation. In a terminology that is closer to informal logic: it has to be exactly clear what the premises are and what the conclusion is that some participant takes responsibility for.

It is remarkable that often no detailed account of this reconstruction, standardization, dressing is provided by the analyzing scholar; it seems to be supposed that the transformation is rather straightforward and basically evident and indisputable. If a reconstruction of a communicative act is considered problematic by the analyst, the participant's contribution is usually considered to some extent defective. If the discourse is reconstructed and participants disagree about some obligation, then either the participant who denies an obligation commits the fallacy of hedging (if the reconstruction attributes the obligation to him or her), or the other participant creates a straw man (if the reconstruction does not attribute the obligation to him or her). In sum, this first pragmatic reading of the meta-theoretical principle as an instruction states that a reconstruction can and should replace the argumentative appeal conveyed by the original discourse by a set of exact obligations; this set is object of further dialectical analysis. The original discourse is processed this way and plays no further role in the dialectical analysis, but may play a role in the rhetorical analysis (as a discussant's strategy to maximize effectiveness in convincing the prospective audience).

The other reading is *abstract and paradigmatic*; the principle is understood as a meta-theoretical declaration that the obligations of participants in a critical discussion are actually the object of dialectical analysis and that therefore dialectical analysis should always investigate to what extent such obligations can be determined. I think that Van Eemeren & Grootendorst (2004) intended this latter reading. The pragma-dialectical conception of dialectical reasonableness is modeled as a set of normative rules for critically testing a standpoint. Therefore communicative acts performed in an argumentative context should be interpreted in terms of these rules, which is similar to determining exactly what obligations they bring about. It may be assumed that in an idealized situation these obligations are fully determinable, but nothing is said a priori about the outcome of such investigation for specific discourses in practice. It is indeed a *meta*-theoretical principle that follows from the philosophical position that testing a standpoint is a rule based activity in which values as clarity and consistency are important requirements. Contributions of participants to a critical discussion are considered reasonable then and only then when they follow the set of normative rules. Therefore the game starts with investigating which obligations the rules assign to the communicative acts of the participants. Whether this results in clear set of obligations, and whether such investigations are in principle to be performed by discussants themselves as part of the critical discussion, is not specified in the meta-principle.

I intend to reflect on both readings. I will argue that the first reading is untenable because it violates basic features of the semiotic systems applied. In particular the requirement of with a well-delineated propositional content is the Achilles' heel. Moves in

discourses that we obviously consider argumentative are usually if not always underspecified in terms of exact obligations they bring about. Nevertheless they are taken up and considered practicable and meaningful by discussants testing a standpoint against reasonable doubt. In other words, exploring (instead of 'applying') the meta-principle of externalization is an argumentative process in itself, essentially part of the critical testing of a standpoint and therefore inseparable part of the critical discussion. Because investigating and often negotiating the exact obligations is a (dialectical) process within a critical discussion, largely owned and performed by the discussants, an exact set of undisputable obligations cannot be a constitutive criterion to speak of argumentative discourse (section 2).

Because determining the obligations is an argumentative process in itself, one cannot maintain that any disagreement among participants about each other's obligations has to be assessed as either committing the fallacy of hedging by the one party, or committing the fallacy of creating a straw man by the other party; we should theoretically model such disagreement as a legitimate and necessary and productive part of the critical discussion as such, although participants can of course derail, committing one of these fallacies (section 3).

The outcomes of section 2 and 3 imply that the first reading of the meta-principle as an instruction to the analyzing scholar to replace the discourse by a reconstruction of exact obligations is untenable. The outcomes however are fully compatible with the latter, abstract and paradigmatic reading. So, rejecting the first, pragmatic reading causes no problem for the original pragma-dialectical theory. Indeed, one can model discussants' behavior as reasonable if they fulfil obligations that follow from a set of normative rules, which implies a meta-principle that formulates the need to investigate these obligations. However, I will argue that rejecting the first reading has consequences for the *extended* pragma-dialectical theory. This theory distinguished between dialectical goals and rhetorical goals, analyzing the specific wording as presentational choices that are related to pursuing rhetorical goals. I will argue that such distinction between these two goals is grounded on the untenable first reading of the meta-principle of externalization. Determining whether two different formulations create the same set of dialectical obligations is an interpretative act instead of a reference to a reconstruction (section 4).

2. CONVEYING 'EXACT OBLIGATIONS'?

My discussion of the pragmatic reading of the meta-theoretical principle of externalization is related to a challenge that David Hitchcock has posted in 2006 on the list server of Association for Informal Logic & Critical Thinking. It is a challenge to people who believe that there are purely visual arguments. Hitchcock challenges them "to come up with examples which interpreters of visual artifacts with appropriate background knowledge will agree […] independently of each other on exactly what the premises are and what the conclusion is". An exact and undisputed consensus of what premises and what conclusion are conveyed by some discursive artifact seems equivalent to determining exactly which obligations are created by performing certain speech acts in a specific context. So Hitchcock's challenge mirrors the meta-principle of externalization; he seems to considers meeting his criterion a constitutive requirement to qualify a discursive artifact as conveying argumentation.

Hitchcock does not expect anyone to be able to come up with examples of visual artefacts that meet the criterion, and therefore does not expect that it is possible to convey discursive appeals to reason in a critical discussion by means of visual artifacts. It is indeed this realm of thought that underlies the first reading; if argumentation is a set of exactly and irrefutably determinable, then argumentative discourses that have formats other than a straightforward presentation of these premises and conclusions have to be replaced by a

reconstruction in the standardized format that scholars agree about; if that is not possible, the discourse is not argumentative.

My task is to show that many discourses that we obviously tend to consider argumentative do not meet the Hitchcock criterion. If I can, a pleasant side effect is that this supposed lack of determination of visual discourses is no reason anymore to deny that they are potentially argumentative. So, if I can come up with obviously argumentative discourses about which there is no consensus among experts about what exactly the conclusion and premises are, my point is made. As a consequence we cannot replace the original discourse by some reconstruction, neglecting the exact formulations as far as the dialectical aspects are concerned.

There are many ways to argue what is so obvious from a cognitive semiotic point of view. In the context of this brief paper it is impossible to develop decent empirical arguments that show that actual reconstructions of scholars are dubious or far from unassailable (but compare Van den Hoven 2012, 2015, 2017). It is also impossible to empirically support my claim that when observing actual argumentative discussions, for example in courtrooms, one sees that large parts of the disputes deal with what the other actually said, or meant to say, or is committed to, or should have said, or denies to have said, and so on; that opponents do not always replace metaphorical utterances by utterance that convey the 'literal' meaning of such metaphor (if that is possible anyhow) but take up the metaphor, extend of narrow it; that participants frequently allow and take up other party's formulations, even when they are obviously not specific enough to determine an exact set of obligations. In sum, that participants do not reject discourse that fails to meet the criterion as argumentatively irrelevant or at least defective.

My point can be made here in a brief and more playful way. David Hitchcock considers his challenge as a move in a critical discussion (about the possibility of visual argumentation). Let me try to reconstruct his argument. What is the conclusion and what are the premises to derive from his speech act? This is my proposal:

> Premise 1: If visual argumentation is possible, someone should be able to come up with examples which interpreters of visual artifacts with appropriate background knowledge will agree […] independently of each other on exactly what the premises are and what the conclusion is.
> Premise 2: Nobody comes up so far with such examples.
> Conclusion: (For the time being) There is no reason to accept the possibility of visual argumentation.

If you disagree with my reconstruction, my point is made because I seriously think that Hitchcock intends to convey this argument, so we have no agreement about a serious attempt to reconstruct. If you agree with this structure, then I have to continue. I need to show that in this reconstruction it is not clear at all what exactly the premises are and therefore there is no clear set of obligations.

In Van den Hoven & Schilperoord 2017 we present an analysis of some cartoons, showing that many aspects of their meaning are underspecified, but also showing that certainly not everything goes; some cartoons do convey argumentation, some do not and there are structural elements that explain this difference, and the audience is clearly guided to the one or the other interpretation; the author of the cartoon is obliged to take responsibility for this. Now, will David Hitchcock accept that we meet his challenge when he shares our argumentative interpretation of some of the cartoons (as we predict he will)? Does he think that the content of premises and conclusion is exact enough to be object of exact agreement? We do not need the actual answers on these questions; it suffices to see that posing these questions already fires back on Hitchcock's argument. These questions come up because it is

not clear what in premise 1 is meant by "agreeing exactly" and therefore it is not clear which obligations we can assign to Hitchcock. It is also not clear enough what in premise 2 counts as "coming up with an example" to tell me whether we actually did come up with several. So, the reconstruction obviously does not determine his exact obligations. Admitted, the vagueness is less spectacular than in "Our experiences with 9/11 teach us that we need to accept a certain surveillance of our private sphere by the government", the example discussed in Van den Hoven 2017, but still Hitchcock's argument in it given formulation is better understood as a first challenging move in a discussion about the possibility of argumentation conveyed by visual discourse, an invitation to be explored further in the critical discussion itself than as verbal discourse that meets his own criterium.

Developing the meaning of his utterances in a dialogue is actually what we did in an oral conversation during the ISSA 2018 conference. David Hitchcock immediately and wholeheartedly admitted that many verbal discourses that he considers argumentative do not meet his challenge. (This of course does not imply that he agrees with my rejection of the pragmatic reading of the meta-principle of externalization or any of the consequences of such rejection.) Although we did not work this out in the brief coffee break conversation, a next move of Hitchcock can be to articulate his challenge, because I guess that he still suspects a difference in exactness between genuine verbal argumentative discourse and visual discourse. This is in my view a regular and productive step in what I consider our dialectical investigations.

3. HEDGING OR STRAW MEN?

Often, if not always, argumentative communicative acts are severely underspecified. Therefore, determination of obligations is a dynamic process that is best considered element of the critical discussion, as I tried to show in the Hitchcock example. Meanings emerge. Participants can try to convey delineated obligations, but it can be just as 'reasonable' and most of the time inevitable to contribute to a discussion with invitations to emerge meaning, verbally or in multimodal codes. This is incompatible with the first , pragmatic reading of the meta-principle of externalization, but fully compatible with the second, abstract and paradigmatic reading.

Challenging the semiotically naïve ideas that underlie this first reading has a gratifying consequence; we can repair a naïve conceptualization of two interesting fallacies: hedging and creating a straw man. If one departs from a method for analysis in which an unambiguous dialectical reconstruction is assumed, then it is easy to define the fallacies of hedging and creating a straw man; if the reconstruction assigns an obligation to a participant and that participant denies that obligation, this is hedging; if a participant assigns an obligation to an opponent and the reconstruction does not, this participant commits the fallacy of creating a straw man. That is it.

However, insights from cognitive semiotics and cognitive linguistics make clear that argument theorists better adopt a much more advanced and plausible theory of sign systems, even though the consequence is a much more complicated, but also more interesting and productive theory about these fascinating interpretation fallacies.

It is remarkable how little attention argument theorists give to cognitive semiotics and cognitive linguistics because their insights deeply affect conceptualizations of rationality. Dennett (2018: 366) concludes after lengthy analyses: "The manifest image that has been cobbled together by genetic evolutionary processes over billions of years, and by evolutionary processes over thousands of years, is an extremely sophisticated system of helpful metaphorical renderings of the underlying reality […]. It is a user-illusion that […]we take it

to be unvarnished reality." This users-illusion is encoded in the semiotic systems, making their relation to a reality highly complicated. Especially in contexts of critical discussion we employ an often highly metaphorical language system, evolved to accommodate social-cultural needs, with a desire to reach high levels of exact, mutual understanding. One can predict the necessity to incrementally attempt to reach such high levels of mutual understanding. If we consider sign structures as cultural evolutionary phenomena that maintain a complicated relation to what they claim to represent (Dennett 2018), that strongly rely on prototype, analogy, metaphor (Hofstadter 2015), that employ processes of emergent meaning (Fauconnier & Turner 2012), then obviously one can predict that in (argumentative) exchanges there is a continuous need to cooperatively explore whether a sufficient level of precision can be reached that participants in the specific context accept as mutually shared meaning.

In this process obviously a participant can reject obligations that another participants attributes to him or her without committing the fallacy of hedging, usually by clarifying or developing the 'intended' meaning and if necessary explaining why the original, specific formulation was chosen and thought to be adequate. Vice versa, a participant can 'externalize' a reading (as I did with David Hitchcock's speech act) which is not shared by everybody and perhaps even rejected or modified by the original speaker, without such interpretation creating a straw man. These fallacies should be reserved for situations in which a communicative act is intentionally deceptive or intentionally misinterpreted. To qualify a move in a critical discussion now becomes an interpretative act, with a fuzzy border between committing the fallacy and proposing an interpretation of the speech act that is not fully accepted by other participants. Such model is adequate to describe what we can see happen in serious debates, balancing between cooperative searches for the intended meaning, negotiating meaning on the one hand, and accusations about intentional misinterpreting communicative acts on the other hand. Such 'process of externalization' is an integrated part of the dialectical aspect of the critical discussion and is in principle performed and owned by the participants. A scholar can analyze this process and can even develop normative assessments, but should not replace the process by some reconstruction, claiming that that reconstruction covers what is dialectically relevant.

4. STRATEGIC MANEUVERING

Externalizations can end up in a set of not fully determined obligations which are not irrefutable and beyond discussion. This is compatible with the meta-principle of externalization in the latter reading. This abstract and paradigmatic reading fits much better in the original pragma-dialectical theory (Van Eemeren & Grootendorst 2004) than the somewhat naïve pragmatic reading. Although the original theory departs in its idealizations from a modernist, Cartesian conception of rationality and therefore aligns very well with the (fundamentally untenable) ideal of a fully specific, unambiguous sign system, still this theory allows that argumentative discourse in practice is far away from this ideal and therefore resists perfect externalization.

However, nowadays we have to deal with the so called *extended* pragma-dialectical theory, developing the concept of strategic maneuvering. This theory (Van Eemeren and Houtlosser 2006, 2009; Van Eemeren 2010) assumes that a discussant attempts to reconcile both dialectical goals (resolving a difference of opinion in a reasonable way) and rhetorical goals (maximizing effectiveness) by choosing and performing dialectically relevant moves in a way that may convince the prospective audience best. This is called *maneuvering*

strategically. The concept of maneuvering strategically presupposes that we can distinguish the dialectical aspect from the rhetorical aspect.

Van Eemeren (2010) distinguishes three aspects of strategic maneuvering: choices made from the topical potential, adaptation to the audience, and presentational choices (2010: 93–127). The third aspect, presentational choices, is at the heart of the problem discussed in this paper. The theory states that presentational choices merely affect the rhetorical aspect, the effectiveness of the argumentation. This only makes sense if we assume that presentational choices are variations of what is dialectically the same argument. It seems inconsistent to model presentational choices as the presentation of different arguments, because different arguments imply potentially different dialectical commitments.

Van Eemeren writes: "[R]ecognizing the unbreakable connection between expression and content observed already in antiquity […] my starting point is that whenever something is at one time expressed differently than it was expressed at another time it is pragmatically no longer 'the same thing'" (2010: 119). This utterance is a beautiful example of a carefully formulated sentence that nevertheless needs elaboration to get clear what obligations it may bring about. If Van Eemeren would refer with "pragmatically" to the dialectical as well as the rhetorical aspect, it is unclear what the referent of "something" is; it seems that 'something' refers to an argument as represented in a dialectical reconstruction, something that 'exists' irrespective of its expressions.

When we look at the practice of strategic maneuvering analyses within the new pragma-dialectical framework, we observe that analysts actually make dialectical reconstructions first, apart from the presentational choices. Presentational choices are thus considered independent of these commitments (with one major exception: when the presentation renders a reconstruction problematic, this is considered a (dialectical) derailment (Van Eemeren 2010: 187–209).

So, perhaps without being fully aware of this, the extended theory seems to adopt the first, pragmatic reading of the principle of externalization, the reading I qualified as untenable. However, this is not necessary. One can accept that indeed there are different discourses that convey the same set of dialectical obligations. For example, when we have two rather well delineated propositions A and B, then it seems to me that usually (perhaps we can construct exceptions) "A therefore B" expresses the same set of dialectical obligations as "B because of A". But that is a possible outcome of an interpretation process. To determine whether "My starting point is that whenever something is at one time expressed differently than it was expressed at another time it is pragmatically no longer 'the same thing'" creates the same set of dialectical obligations as for example "Whenever an appeal to reason is at one time expressed differently than it was expressed at another time it has a different rhetorical meaning", requires a process of externalization that is best modeled as part of a critical discussion in which these expression play a role.

What does this imply? It implies that the actual formulations are in principle object of pragma-dialectical analysis, not some reconstructed sets of obligations. Because it is inevitable to assess which interpretations are possible and productive and therefore to be considered 'reasonable' and which interpretations derail to some extent (if such distinction is possible and in many situations it is), one needs semiotic theories about the sign systems applied. Argument theorists do not need to be semioticians, but need to reflect on the semiotic resources applied in argumentative discourses.

5. CONCLUSION

Although the meta-principle of externalization can be interpreted many ways ☺, in practicing argumentation analysis it turns out to justify a separation between on the one hand the actual formulations in the discourse and on the other hand formulations in reconstructions that are the starting point of further analysis and assessment. The challenge of Hitchcock symbolizes the world of thought that underlies this reading of the meta-principle, namely that argumentative verbal discourse is, or at least should be and to a large extent can be such that exact and undisputable determination of relevant obligations is tenable. Maybe such optimism is inspired by the logical tradition with its emphasis on formal sentence structures and highly simplified relations between sentences, neglecting discourse phenomena and neglecting the complexities that need to be exchanged in real live critical discussions. In other words, it assumes a world of highly articulated and transparent cognitive positions and semiotic systems that reflect such articulation and transparency. Cognitive semiotic insights explain that such view is untenable (Fauconnier & Turner 2002, Hofstadter 2007, Dennett 2018), in verbal discourses as well as for multimodal discourses. This has four interconnected implications.

Firstly, because exploring the meta-principle of externalization is inevitably an argumentative process in itself, it cannot be a constitutive criterion to consider discourse argumentative, excluding all discourses that do not meet the criterion. The pleasant consequence is that now a lack of consensus about what exactly are the premises and conclusion is no reason anymore for Hitchcock to hold the standpoint that argumentative discourse is necessarily verbal. On the contrary, content of a visually conveyed, anchored communicative act in the context of a critical discussion is often more determined than its verbal counterpart.

Secondly, because meeting the meta-principle of externalization is an argumentative process in itself, one cannot maintain that in a specific context of an argumentative discourse or text every sub-discussion about "exactly which obligations are created by (explicitly or implicitly) performed speech acts of one of its participants" (the meta-principle) has to end in either the finding that the participant denying a commitment committed the fallacy of hedging, or the participant accrediting a commitment committed the fallacy of creating a straw man. We need to develop a theory that allows for an appeal to reason to be (initially) underspecified or otherwise vague, but is taken up and considered practicable and productive (which is not the same as acceptable) by the discussants. I considered David Hitchcock's challenge a meaningful and productive move in a critical discussion about the possibility of visual argumentation, even though as we saw it is severely underspecified. My attempt to clarify should not be considered creating a straw man when Hitchcock turns out to be unhappy with my interpretation, nor should he right away be accused of hedging if he refuses to take responsibility for that interpretation.

Thirdly, because there is no possibility to replace the discourse by a reconstruction that catches the 'real' (?), the 'relevant'(?) , the 'intended' (?) argumentation, the 'dialectical part of the' argumentation, one cannot maintain a simple model of strategic maneuvering, that is to develop on the one hand the dialectical aspect by analyzing the argumentation as reconstructed (applying the tool kit of the non-extended version of pragma-dialectical theory and its refinements in for example the theory of argument schemes) and to develop the rhetorical line by analyzing the choices made in what content to include (topical potential) and the presentational choices that one identifies by imagining the numerous ways that the argument as it appears in the certified reconstruction can be presented.

Of course I do accept strategic maneuvering as an important category to analyze and access discourses that for some valid reason one considers part of a critical discussion. I

consider using very explicit conventional formats to indicate argumentative structures in a discourse a rhetorical strategy to suggest that one is oriented on a specific set of ideological (modernist) values (compare Van den Hoven 2011). But obviously one cannot separate a dialectical from a rhetorical aspect in the naïve way the simple model suggests.

Finally, my musing on the principle of externalization implies that interpretation is a significant element of the critical discussion as such, therefore that cooperative searching for (but necessarily also negotiating) and developing (but necessarily also assuming) common ground is element of discussions in which participants try to solve a conflict of opinions. This seriously complicates a theory that tries to grasp these social practices, because it acknowledges the complexities that these cultural practices bring about as they performed in the semiotic realm and therefore enclose the evolutionary, cultural, cognitive complexity of this realm. This does, however, not imply that anything goes. Obviously participants in these critical encounters are constrained. But constraints are often dynamic, emerging, appealing to creative processes. Therefore, to model important phenomena such as hedging and creating a straw man, argument theory needs to take into account cognitive semiotic theories concerning the semiotic resources employed, even if argument theory is developed as a normative and even idealized theory; it does not make sense to depart from ideals and to work with normative systems that violate fundamental principles of how human cognition works.

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Warrant-establishing arguments: Defending a new kind of inference

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ABSTRACT: Wolfram's *A New Kind of Science* proposed a new kind of inference built on computational modeling. Analyzing the book as an instance of warrant-establishing argument allows improvement on Toulmin's account of that process. Toulmin's insights about "logical innovations" are affirmed, but his speculative description of how this might occur is not. The empirically-grounded characterization of warrant-establishing argument offered here illuminates the central role of intuition in establishing inference rules.

KEYWORDS: computational modeling, Toulmin, warrants, warrant-establishing argument

1. INTRODUCTION

In many scientific fields, practice lags behind theory. In argumentation, theory is lagging behind practice. The natural practice of argumentation—most notably, how we actually draw and defend conclusions—is advancing far faster than our explanatory concepts and analytic methods. Communities of arguers are inventing new inference rules with some regularity, but our legacy concepts and theories often make it hard to see these inventions as within the scope of argumentation theory.

For any observer of contemporary argumentation practice, though, it is getting harder and harder to *not* notice the great wave of inventions and innovations that are occurring in how people draw and defend conclusions. Toulmin (1958, p. 257) drew attention to this phenomenon at a time when it was far less noticeable, when he spoke of "logical innovations" occurring periodically within specialized fields. What can be added 60 years later is that the pace of this kind of innovation has accelerated dramatically. I have argued elsewhere that this wave of inventiveness is partly a consequence of the rise of design thinking in society (Jackson, 2015; Jackson & Aakhus, 2014) and partly due to revolutionary changes in communication technology (Jackson, forthcoming). I have also suggested that argumentation theory should expand its research agenda to include certain designed objects: those that incorporate new inference rules that extend human capacity for reasoning and arguing, and those that incorporate new procedures for managing disagreement.

I assume, as did Toulmin, that new inference rules may be proposed within any field (not just logic), and that they should be understood not in relation to analytic argument (nor even in relation to known schemes) but in relation to their own purposeful contexts. A new inference rule is meant as a way of generating conclusions and arguments that support these conclusions; however, as Toulmin realized, any such rule may first need to be established through argument that builds confidence in the rule itself. The study reported here attempts to show how that establishment process may occur.

2. TOULMIN'S NOTION OF WARRANT-ESTABLISHING ARGUMENT

Toulmin (1958) urged greater attention to what he called "practical argument," meaning argumentation as practiced within any of its ordinary human contexts, and he introduced the still-controversial notion that standards for argument evaluation might be field-dependent. Every argument, he theorized, has some sort of warrant, or inference license, to permit the drawing of a conclusion from some sort of grounds. Early interpretations of the concept of a warrant likened it to the major premise of a syllogism, but Toulmin clearly had in mind that only in the very special case of "analytic" arguments was the warrant a statement or paraphrase of the syllogism's major premise. In non-analytic arguments, the warrant is clearly distinguishable from anything looking like data. In terms that have grown familiar in the intervening decades (Searle, 1976), a warrant might better be expressed as a directive-type speech act than as an assertive-type speech act: not a bit of information, but an instruction for how to work with information. In evaluating anyone's conclusions, the decision about how the conclusion was reached can be challenged, and that challenge *may* involve backing that often looks like additional information, but the warrant itself is more instruction than information.

Toulmin clearly had in mind that expert fields could devise completely new inference rules, that any such rule would likely require an argument aimed at defending its rationality, and that this defense could not be limited to formal demonstration. He distinguished "warrant-establishing arguments" from "warrant-using arguments," and said (1958, p. 120) that:

> Warrant-establishing arguments will be . . . such arguments as one might find in a scientific paper, in which the acceptability of a novel warrant is made clear by applying it successively in a number of cases in which both 'data' and 'conclusion' have been independently verified. In this type of argument, the warrant, not the conclusion, is novel, and so on trial.

Later, in his *Human Understanding* (1972, p. 487), he drew a very similar distinction (which he credited to Ryle) between "making a formal inference" and "justifying that form of inference," and he emphasized that justifying a new form of inference generally involved going outside established formal procedures to try to forecast the future success of the newly proposed procedure. He spoke often of innovation in reasoning, and was comfortable with the idea that these innovations belonged to all rational enterprises, and not just to logic. As he said (1958, p. 257):

> To think up new and better methods of arguing in any field is to make a major advance, not just in logic, but in the substantive field itself; great logical innovations are part and parcel of great scientific, moral, political, or legal innovations.

Unfortunately, we still know too little about how argumentation itself is involved in the emergence and spread of these innovations in argument. Toulmin's own speculative description of warrant-establishing argument (quoted above) is highly implausible, even for the limited context of establishing the major premise of a syllogism. It implies that the path to establishment of a new inference rule is to "apply" the warrant in several separate arguments, and that the warrant-establishing argument is somehow a generalization of the success of the warrant in these cases. But how, then, does the unestablished warrant succeed in any one of the cases? Although there is some merit in the idea that warrants might get established by compiling a track record of successful inference, this certainly is not always the case. An additional vulnerability in this account is that it assumes that success of a wholly novel warrant will be *intuitively* recognizable, a point to which I return later.

A very important correction of Toulmin's account that a warrant-establishing argument must have the warrant that is to be established as its conclusion, and there must be some

grounds offered in support of the conclusion; there must also be a warrant that generates this conclusion from the grounds. In an early review of *The Uses of Argument*, Castaneda (1960, pp. 283-284) noted this as a deficiency in Toulmin's sketch of warrant-establishing argument. Hitchcock (2006, pp. 214-215) made this point directly:

> In fact, there seems no reason to postulate a sharp difference in kind between warrant-using reasoning and warrant-establishing reasoning. If one is reasoning to a conclusion that will later serve as a warrant for further reasoning, the conclusion is one's claim and the 'backing' for that claim constitutes one's grounds; the inference from grounds to claim will have its own warrant.

Also useful in the insight offered by Freeman (2011, p. 88), that Toulmin's warrants are not actually part of an argument in the same way that data and conclusion are part of the argument:

> [A]rguments instance inference rules rather than include them as elements. It is no more appropriate to count an inference rule as a part of an argument than it is to count an attribute as a part of a substance.

Freeman objects to the practice of turning warrants into the kind of expression that can be treated as part of the argument's content, an objection I have taken very seriously in my own efforts to examine warrant-establishing argument.

Beyond these useful clarifications, not much progress has been made in improving on Toulmin's ideas about how new warrants get established. But as new inference rules are proposed with increasing frequency and with increasingly high stakes for society, we need to understand their emergence and adoption.

3. EMPIRICAL STUDY OF WARRANT-ESTABLISHING ARGUMENTS

I and my colleagues have long argued for direct empirical inquiry as a basis for building argumentation theory (Jacobs & Jackson, 1982, 1989; Jackson, 2018). Especially in theorizing new objects in the environment such as novel inference rules, we should not expect legacy concepts and theories to have anticipated the truly new. As my recent studies with Jodi Schneider (Jackson & Schneider, 2018; Schneider & Jackson, 2018) have already shown, when we look at naturally occurring instances of warrant-establishing argument, what we find is different even from what Toulmin expected. New inference rules *do* get explicit defense, and these rules are not always (if they are ever) empirical generalizations that can be arrived at by induction. New warrants are often proposed and defended without anything we might call a track record of success. And the defense of a new inference rule often requires knocking down intuitive *resistance* to the rule rather than reliance on intuitive recognition of its success.

So we really need to almost start over from *The Uses of Argument*. We can save Toulmin's insights that these kinds of inventions occur, and that when they occur they are very consequential. But we need to carefully examine what they actually look like and how their inventors defend them as reasonable ways to arrive at conclusions. We need to find cases in which the warrant to be established is itself the conclusion of the argument that seeks to establish it.

Toulmin's early conjectures about warrant-establishing argument can be greatly improved by comparing them with what can be seen by examining defenses of new inference rules as these occur in real argumentation. Such arguments appear openly in the discourse of scientific fields (and no doubt elsewhere as well). Although they always have something to do with the field's specific subject matter, they are not assertions *about* the subject matter but instructions for how to work *with* the subject matter. Locating cases of warrant-establishing

argument requires looking for contributions to a discipline's literature that propose new ways of generating conclusions that can be applied, without explicit defense, in many independent arguments. Such proposals can sometimes be found in ordinary research reports, but they also appear in standalone methodological papers.

In this study, I examine one extraordinarily clear case of warrant-establishing argument, contained in Stephen Wolfram's *A New Kind of Science* (henceforth, *NKS*). The book runs to well over 1200 pages, so it required a great deal of processing. The procedures I used are a form of analytic induction, a method often employed in qualitative discourse analysis (Jackson, 1986). In analytic induction, the analyst begins with only a very loose idea of what is interesting about the phenomenon and makes observations without defining in advance what will count as data. Analysis becomes more purposeful as the analyst begins to form conjectures about what is going on. Taking *NKS* as data, the method of analytic induction involves reading, extracting passages that seem interesting, forming conjectures about important groupings of these passages, building hypotheses that can be held accountable to the data (that is, to the text itself), and testing these hypotheses by purposeful search for data that might contradict any one of the hypotheses. In my project, analytic induction was used to arrive at and test a special kind of hypothesis, a reconstruction of the book as an argument, with a conclusion supported by data and reasoning.

Despite the length and complexity of *NKS*, the book's argument is in many ways easier to reconstruct than arguments unfolding in dialogue, since Wolfram took pains to make clear what he was claiming and on what basis. However, even a very thoughtfully presented argument will require interpretation by each reader. Here, Wolfram's practice of commenting on his own presentational choices was often very helpful. His extensive notes provide clues as to the intentions behind particular rhetorical choices, such as the choice to treat visualizations themselves, and not mathematical descriptions of the visualizations, as evidence for his claims. But as with any other work of similar length, inevitably some content will be ambiguous, some will seem superfluous, and so on. Deciding whether content that resists a particular candidate reconstruction is or is not evidence against the reconstruction often comes down to the analyst's own intuitive judgment.

I approached the task of reconstructing *NKS* by keeping a file of interesting passages, simply recording them verbatim at first. When appropriate, I added analytic notes commenting on my initial impressions of a passage, or annotating passages with information checked against other sources. As with any qualitative study, this process involved starting with the most obviously interesting passages, but returning for multiple readings of passages whose significance was less obvious. As themes emerged, the digitized version of the book (available online at https://www.wolframscience.com/) was used to conduct systematic search for all mentions of certain concepts. For example, intuition was discussed in Chapter 2, but its centrality to Wolfram's overall argument did not become really clear until much later. At this point, a systematic search produced 75 mentions of intuition, each of which was examined separately and in comparison with the others.

The first chapter of the book provided a preview of the rest of the book, so very early I created several conjectures about the overall structure of the argument, including alternative conjectures about what to consider as the main claim of the book. A first question was whether to treat the book's main claim as some form of assertion (e.g., "Computational modeling will transform/has transformed science") or as some form of proposal (e.g., "Try modeling nature as computational"). The first chapter allowed both readings, each in several more specific variations, so each was retained as a conjecture to be tested against the rest of the book. But to survive as a credible reconstruction of Wolfram's top-level claim, a conjecture needed to be able to "roll up" as much as possible of the book's content.

The conjectural reconstructions guided reading of the remaining chapters, as I attempted to see whole sections and even specific passages as sub-arguments that could roll up to a case in support of one or more of the candidate claims. This quickly eliminated any possibility of reconstructing the top-level claim as an assertion about the future of science; too much material went too far beyond this. But these future-oriented claims did find a place as supporting arguments about what will happen *if* scientists come to see nature itself as computational, that is, as reasons for adopting Wolfram's suggested course of action.

4. WOLFRAM'S PROPOSAL FOR A NEW KIND OF INFERENCE

The book opens (p. 1) with this ambitious statement:

> Three centuries ago science was transformed by the dramatic new idea that rules based on mathematical equations could be used to describe the natural world. My purpose in this book is to initiate another such transformation, and to introduce a new kind of science that is based on the much more general types of rules that can be embodied in simple computer programs.

What is important here is that from the first line of the work Wolfram likens the unexplored potential in computational rules to the now-proven value of mathematical equations. In warrant-establishing argument, an advocate is generally trying to compare some newly devised inference rule with some prior way of working, often an established form of inference that enjoys a presumptive advantage based on its past successes. Overcoming this presumptive advantage might involve showing that what seemed like successes were in fact failures, but in this particular case, Wolfram acknowledges the successes and sets out to show that his new kind of inference is an improvement over what scientists have been able to accomplish with legacy forms of reasoning.

I suggested earlier that warrant-establishing arguments might involve practical reasoning. This works well for Wolfram's case. He establishes a goal (extending scientific understanding of the natural world), points to a new circumstance affecting this goal (the invention of programmable computers), and argues at great length that modeling nature computationally will in fact advance the goal. Figure 1 shows my reconstruction of Wolfram's top-level argument, using a practical argument scheme adapted from Fairclough and Fairclough (2012). The entire top level argument is previewed in the first chapter, though it is intermingled with enough other content to make the identification of the main claim uncertain.
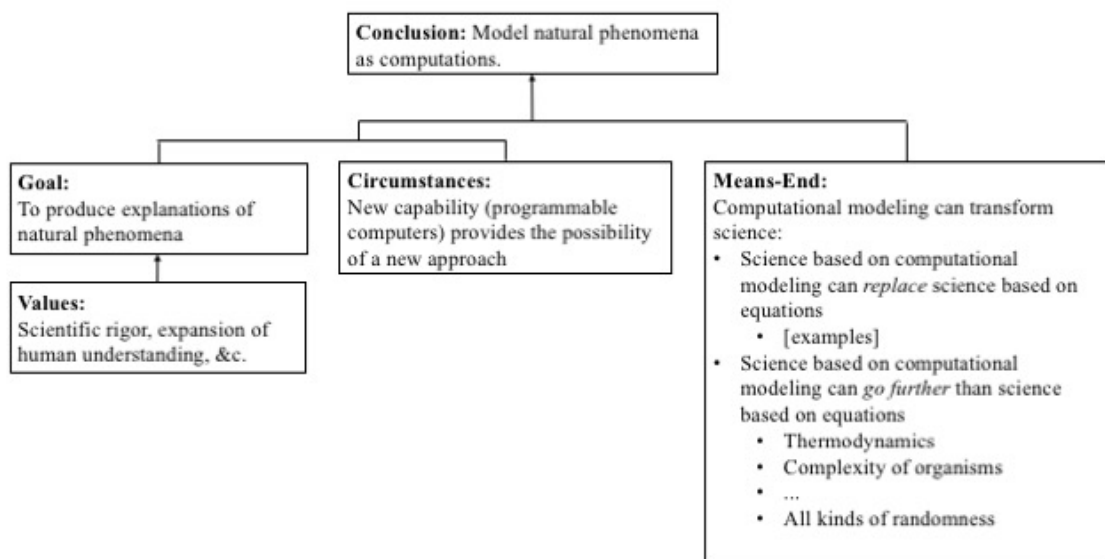
Fig. 1. Wolfram's top-level argument reconstructed as practical reasoning.

Macagno and Walton (2018) have argued that practical argument will normally require a modular analysis in which each component in the practical reasoning scheme may invoke entirely different kinds of schemes to support whatever rolls up to this kind of overview. *NKS* invites this kind of modular analysis, and although I cannot attempt that here, it is worth noting that the modules can be far more heterogeneous than is suggested by Macagno and Walton. For example, drilling down from the circumstance premise, we would find several arguments from analogy, based on conceptual change associated with prior technology changes.

The means-end premise is the most controversial part of Wolfram's argument, and he spends most of the book developing it. I plan to drill down on two sub-arguments to the means-end claim that science based on computational modeling can go further than science based on equations; Wolfram says that his new kind of science can generate accounts for phenomena that have long resisted explanation.

4.1 Randomness

Keep in mind that the argument to be developed about randomness needs to roll up to the means-end premise, so it needs to show *how* we can explain the occurrence of randomness in nature. Randomness has been a noticed phenomenon for at least several centuries, and it has generally been assumed to be what is unexplainable after we have explained all that we can. If something is random, it cannot be predicted by any sort of equation. At least in the social sciences, the random component of anything is treated as an irreducible source of error in our understanding of the world—what's left over when we've done the best job we can of fitting equations to actual observations. But Wolfram sets out to establish that randomness can be generated by even the simplest sort of rules, and that if we think of natural phenomena as the output of these simple rules, randomness and patterning both have the same kind of generative mechanism.

For his demonstration, Wolfram chooses to work with cellular automata, very simple programs that update cells in an array using rules that apply one step at a time. Wolfram has developed a standard form of visual representation in which the history of the array is preserved vertically, with each row showing the state of the cells in the array at one step in the

history. At step 1, the array is a row of white cells with one black cell. The history shows us what Wolfram calls the behavior of the rule.

Figure 2 shows two "rule icons" for cellular automata, one for Rule 254 and the other for Rule 30. Each rule tells how to update each cell in the array by referring to the state of the cell, and the states of its two neighbors, on the just preceding step.
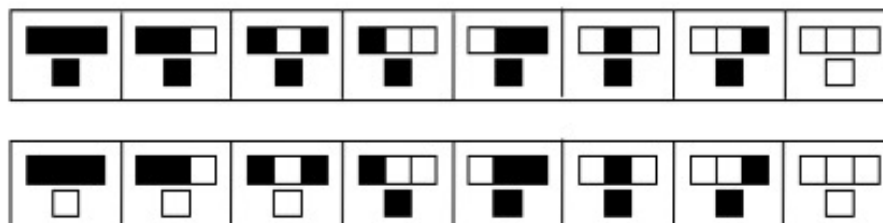

Fig. 2. Icons for Rule 254 (upper) and Rule 30 (lower), adapted from Wolfram (2002, p. 24 and p. 53).

Figure 3 shows the behavior of each of the two rules: the left panel of Figure 3 shows the behavior of Rule 254 through ten steps, or iterations, and it is obvious what must happen with further iterations: a symmetrical growing pattern in which a cell, once black, never returns to white. A simple rule producing simple behavior is no surprise, and it does not provide any evidence that simple programs can generate randomness. But Rule 30, which is simple in exactly the same way that Rule 254 is simple, produces behavior that is far more complex. The right panel of Figure 3 shows the behavior of Rule 30 through hundreds of iterations, and Wolfram expects us to see, just by looking, that there is no discernible pattern, no possibility of predicting the state of any arbitrary cell at any arbitrary step.
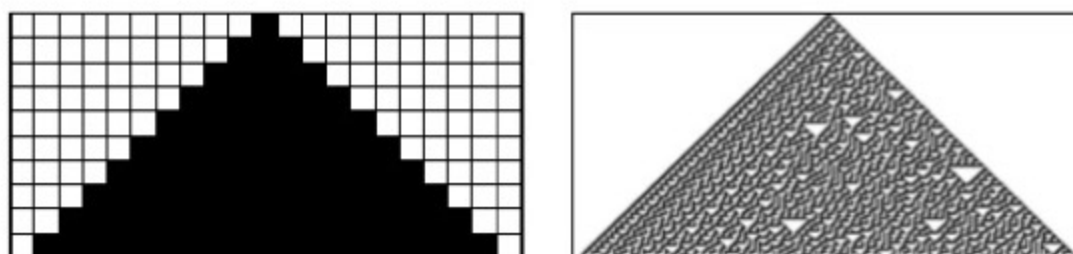

Fig. 3. The behavior of two rules (adapted or reproduced from Wolfram, 2002, p. 24 and p. 53). Copyright © 2002 by Stephen Wolfram LLC.

Suppose you looked just at the center column in the right-hand panel of Figure 3, and tried to predict what color the cell would be at any step. No equation can do so. The color of the center cell alternates randomly between black and white, and the only way to know what color it will be at any step is to actually perform the iterations required to get to that step. This is an important property known as computational irreducibility. Rule 30 produces random behavior and can be used for any practical task that requires random binary values. It is an important piece of Wolfram's demonstration that a simple program can produce complex behavior.

Wolfram's characteristic method is to define a rule type (like cellular automata) and exhaustively study the behavior of individual rules of that type. There are exactly 256 rules of this type, and Wolfram has studied the behavior of all of them. Only a few generate randomness. Most generate repetitive or nested patterns. But Rule 30, and several other rules, provide Wolfram's main evidence for the means-end premise that complex phenomena can be

successfully modeled with simple programs. All of these rules are simple in the same way, but they behave very differently. Both simple and complex behavior can result from rules of equal simplicity.

4.2 Complex natural organisms

Not all rule types examined by Wolfram can be studied exhaustively. Some types have so many individual rules that they must be sampled. But Wolfram still uses the characteristic method of starting by studying properties of the rule *type* by looking comparatively at many individual rules within the type.

Having identified a rule type that produces growth in a spiral pattern, Wolfram experimented with many rules within the type, producing behavior that is different in particulars but recognizably similar in appearance. Figure 4's left panel shows the result of changing two of several parameters that define any one rule for generating spirals.
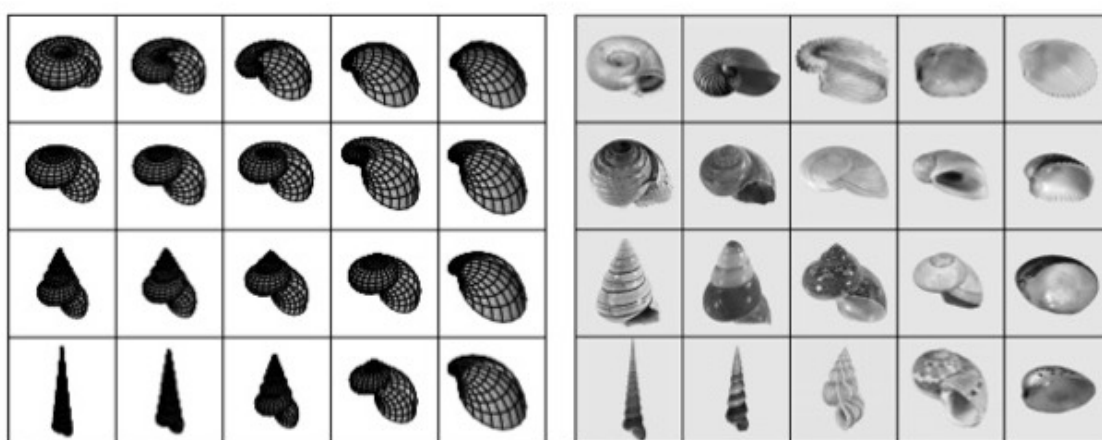

Figure 4. Spiral shapes generated by computational rules (left) and similar shapes found in nature (right). Reproduced from Wolfram (2002, p. 416). Copyright © 2002 by Stephen Wolfram LLC.

Wolfram asks a very interesting question about his computed shapes: "out of all the possible forms, which ones actually occur in real molluscs?" And he answers himself: "The remarkable fact is that essentially all of them are found in some kind of mollusc or another." (p. 415). The right panel of Figure 4 contains photos of shapes found in nature. The pairing of model and nature makes clear the special sense in which Wolfram thinks programs explain real-world phenomena: They show how the phenomena might have come about. The reliance on visualization captures well the style of Wolfram's argument, and the method of beginning with program behavior and searching for natural phenomena to explain is perhaps more radical than any other aspect of his method, suggesting as it does that if something can be generated by a simple rule, somewhere in a computational universe we should expect to find that it has been generated.

Each of Wolfram's means-end sub-arguments either shows how computational explanations can replace an earlier form of explanation (not reviewed here, but located in Fig. 1 as support for the first of two means-end premises), or shows how a computational explanation can handle phenomena that have resisted any other form of explanation. Some sub-arguments are far more speculative than the two reviewed here, but rolled up, even the weaker lines of support help to build the case for great potential in inference based on identifying simple programs that produce behavior seen in nature.

5. THE ROLE OF INTUITION

Although Wolfram's top-level argument fits well with a practical argument scheme, one issue discussed throughout the book does not fit, or at least not neatly. As is well known, practical argumentation may be countered by showing reasons, not considered by the advocate, why the proposal should not be accepted. In warrant-establishing argument, even a strong case for the proposal may have to overcome resistance that is not based on reasons but on strong intuitions—the sort of intuition so deeply entrenched that it dismisses the warrant-establishing argument out-of-hand. Reasoning rules that run counter to people's intuitions cannot fulfill their justificatory function for those people, so a defense of a new reasoning rule may require *making* the rule intuitive. Wolfram expects intuitive resistance to his ideas, and he responds with some of his most creative argumentation.

Wolfram mentions intuition many dozens of times, inviting analysis in terms of Gilbert's (1994) concept of the kisceral. The kisceral is a mode of arguing where a speaker's own intuition is the basis for a belief or decision, and some of Wolfram's mentions of intuition do appear to fall within this modality. But in a more basic sense, Wolfram's case illustrates that what we take as a good argument *in any modality including the logical* must satisfy a certain kind of intuition that is innate but shaped by experience. Wolfram knows that his argument will be counter-intuitive for his target audience, as it was for him at first. So he spends a lot of time trying to re-shape his readers' intuitions. He says (p. 47):

> [O]ne might hope that it would be possible to call on some existing kind of intuition to understand such a fundamental phenomenon [as randomness]. But in fact there seems to be no branch of everyday experience that provides what is needed. And so we have no choice but to try to develop a whole new kind of intuition.

Wolfram asserts that anyone performing experiments with simple programs will quickly develop the new kind of intuition required to see their potential. In effect, he suggests that the only reason a person resists this new way of thinking is that they *lack* a certain kind of experience—the kind of experience that he himself had in working with practical computers. By running experiments on simple programs "one is in the end able to develop an intuition that makes the basic phenomena that I have discovered seem somehow almost obvious and inevitable" (p. 41).

Recently I argued that all arguments, no matter how highly disciplined, must ultimately pass a deeply intuitive test of reasonableness (Jackson, 2018). But warrant-establishing argument often needs to do more: to change the intuitions against which arguments are tested. Changing people's intuitions is not easy, but neither is it impossibly difficult. Wolfram is a convincing example of this. He advances several quite different lines of argument but relies centrally on the testable assertion that people can change their own intuitions by having new experiences.

6. CONCLUSION

Updating Toulmin, warrant-establishing arguments will be such arguments as one might find in scientific discourse *proposing* a new way of reaching and defending claims about the field's phenomena. Some of what is learned from Wolfram's case confirms what is seen in other cases of warrant-establishing argument (Jackson & Schneider, 2018; Schneider & Jackson, 2018). But each case of warrant-establishing argument is likely to have particular features that were not present or not prominent in other cases. So each new case adds to a general understanding of warrant-establishing argument.

A first conclusion from this study, consistent with Hitchcock (2006), is that warrant-establishing arguments are not distinguished by a special form but only by their purpose. They are attempts to defend new ways of drawing and defending conclusions. They enter a space that may already be occupied by other ways of reasoning, some of which may be very well entrenched. In many ways, the defense of these new inventions is similar to advocacy for any new form of technology. The inventor has to explain what the invention is supposed to accomplish, demonstrate that it can deliver what it promises, and often, actually get people to want some new thing for which they have felt no prior need. The fact that the invention being defended is an inference rule is interesting, but not as much of a puzzle as Toulmin seems to have expected.

No doubt there are multiple paths to establishing new warrants, but in cases Jodi Schneider and I have examined so far the top-level defense has taken the familiar form of practical reasoning. Wolfram proposes his new kind of inference and defends it by attempting to show that it can meet scientific goals that are not met by traditional methods. Without examining cases in nonscientific fields (especially law), it is too soon to conclude that warrant-establishing arguments generally instantiate practical reasoning schemes, but it is already clear that they are not (at least not usually) simple induction of the kind that might justify a major premise in a syllogism.

Most unusual in Wolfram's case is the prominence of intuition. Deep in the substructure of his case, he often relies on his own intuition as the grounds for a conclusion, in effect asking the reader to defer to his experience in working with materials of the kind he presents. But the more important role of intuition in this case is the recognition, by the case-maker himself, that no defense of an inference rule will be successful without making it intuitive for the prospective user. To review once more Toulmin's early conjectures about warrant-establishing argument, even if it were possible for a rule to arrive on the scene with a track record of success, it would still need some account of why it succeeds in generating good conclusions in order to reach this level of intuitive acceptance.

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An unabashed liberal's defense of Richard Nixon's "Checkers" speech: Why argumentation critics need an audience-centered principle of rhetorical charity

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ABSTRACT: Richard Nixon's "Checkers" speech is widely regarded as one of the most persuasively successful speeches in the history of American political rhetoric. It is also widely regarded as a poster child for the kind of demagogic emotional appeals to which the unwitting public must be kept alert. The critics are wrong. Their judgments illustrate the dangers of "cookie-cutter criticism" and a failure to take seriously the interpretive demands of when analysing real-life argumentative messages.

KEYWORDS: charity, cookie-cutter criticism, ethos, Nixon, rhetorical dilemmas

1. INTRODUCTION

On Sept. 23, 1952, Senator Richard Nixon delivered an historic one-half hour television speech (see Aitken, 1993; Parmet, 1990; Wicker, 1991; Wills, 1970). It was wildly successful, by far, the most persuasively effective speech in American political history. It is also among the most infamous: Nixon's speech is said to have only proven the public's gullibility and lack of critical thinking. Dubbed dismissively as "Checkers," the speech is used to this day as a textbook exercise in fallacy identification. But the dramatic disagreement between critics and the actual audience is an anomaly in need of attention: Is it possible that the critics, confident as they are in their judgments, may have missed something important? If our theories and methods cannot account for the success of this speech, we must not forget that criticism tests arguments, but also the concepts being deployed in the criticism. Our conceptual systems work well enough for straightforward, plain acts of justification, but not so well when we work with messages of real functional complexity, interpretive density, or genuine nuance.

I propose two maxims of Rhetorical Charity that, if followed, force the analyst to test their own judgments and theoretical presuppositions against the judgments and interpretations that other people find plausible.

> Maxim 1: To the degree that an audience finds a message convincing, presume there is an interpretation and functional design that would redeem that judgment and look for it.

> Maxim 2: Where a message (or message aspect) is judged fallacious, be sure that judgment is justified in response to how it might be defended as a constructive move that promotes reasonable argumentation and decision-making.

These maxims can be thought of as analytic injunctions to take seriously arguers and their audiences, to presume that arguers try to persuade their audiences through reasonable

means and that when audiences are persuaded by argumentation it is because they found the argumentative tactics to be reasonable (Jacobs, 2009, p. 68). Of course, arguers may care less about being reasonable than about having their way with an audience, and audiences can be careless in their assessments, and either can be simply wrong about argument quality. But for a critic to show that some case of argumentation is fallacious or otherwise defective, they should not simply presume the authority of their theoretical expertise or the adequacy of their critical method. Critics should accept their burden of proof. They should engage with the ways in which a message might be defended as *non*fallacious, not just as strategically fitting for some persuasive end, but as actually enabling, even improving critical discussion (Jacobs, 2002, p. 125). Critics should imaginatively project themselves into the viewpoints of the participants, the circumstances of occurrence, and the interpretations audiences give to the message (Jacobs, 2006, p. 431, 437). In effect, these maxims establish presumptions that turn the justification of the claim of fallacies into a refutational act, and not just an act of pointing and labelling. Critics must rebut defense of the presupposition of acceptability. And this rebuttal can be expected to account for contextualized interpretations.

2. BACKGROUND OF THE SPEECH

Nixon was the vice-presidential nominee on the Republican ticket with General Dwight D. Eisenhower. They were running against the Democratic ticket of Illinois Governor Adlai Stevenson and his vice-presidential partner, Senator John Sparkman of Mississippi. Nixon's speech was delivered in answer to a scandal that broke out just six weeks before Election Day.

On September 18, 1952, the New York *Post* ran a front-page banner headline: SECRET NIXON FUND! The story on page 3 was headlined, SECRET RICHMEN'S TRUST FUND KEEPS NIXON IN STYLE FAR BEYOND HIS SALARY. The story revealed that Nixon had a $16,000 fund (actually $18,000) donated by 76 prominent Californians to assist Nixon in his office and travel expenses after his election to the Senate in 1950. There was no question of the legality of the fund per se. Rather, the newspaper questioned the ethics of accepting money from special interest groups. The story was written so as to insinuate that the fund was not for campaign expenses, but for Nixon's personal use and that the contributions were given in exchange for political favors. As the boldface lead-in line put it: "The existence of a 'millionaire's club' devoted exclusively to the financial comfort of Sen. Nixon was revealed today."

The next day, Democratic Party National Chairman Stephen Mitchell called on Eisenhower to "cast away" his running mate. Nixon lashed back in speeches on his west coast whistle stop tour, saying he was being "smeared" by "crooks" and "communists". Nixon also had the administrator of the fund, Dana Smith, release a full list of the donors and their contributions as well as all the expenses paid for by the fund. Smith also explained to reporters that all contributors were prior and open contributors to Nixon's congressional and senate races, and that all contributions were limited to $500 per year so that no one would think Nixon owed them any special favors. But Nixon's explanations and Smith's disclosures were largely ignored by the press, shunted to the back pages in favor of stories reporting Eisenhower's lukewarm backing of Nixon and speculating on the reasons for lack of a full-throated defense of his running mate.

A movement began to have Nixon dropped from the ticket. On September 20, the *Boston Globe*, an Eisenhower endorser, led the front page with the headline: "OUSTING OF NIXON DEMANDED BY SOME OF IKE'S ADVISERS." Worse yet, the *Herald Tribune*--owned by one of Eisenhower's closest friends--ran an editorial calling on Nixon to resign from the ticket. These were not so subtle signals, leaked and endorsed by Eisenhower advisers

(and perhaps by Ike?), designed to get Nixon to step down without Eisenhower having to demand it. By September 21, the *New York Times* published a full page of editorial reactions and reported that disapproval of Nixon ran two to one against him--an astonishing result given that the vast majority of American newspapers at the time were under Republican ownership.

The problem was that corruption during the Truman administration was a central issue in Ike's Crusade to Save America, and Nixon had spoiled it all. Eisenhower faced a dilemma. If he unequivocally backed Nixon, Eisenhower would look like the very politicians he was denouncing--and like a hypocrite to boot. If he demanded that Nixon resign, Eisenhower would be admitting that for his first major political decision--the choice of the man to stand one heartbeat away from the Presidency--he had chosen a crook. The General would look like a political amateur. Thus, Eisenhower took a "wait and see" stance that only further stoked speculation among reporters covering the Eisenhower campaign tour and emboldened those campaign advisors who wanted Nixon dropped from the ticket.

That Sunday (September 22), newspapers reported that Republican leaders had met in St. Louis and arranged a one-half hour national TV and radio spot for Nixon to give an accounting. So, Nixon stopped his campaign tour and flew back to Los Angeles to prepare his speech. After spending Monday and all day Tuesday getting ready, at 6:30 p.m. California time (9:30 on the east coast), Nixon delivered his historic address.

3. THE SPEECH ACHIEVED OVERWHELMING SUCCESS

From Sunday through Tuesday Nixon had made no comments to the press, deliberately building the suspense as to whether or not he would resign. In a country of 162 million people, with only nine million television sets, almost 30 million Americans interrupted their nightly routines to watch the speech and another 30 million listened beside their radios. They thought it that important. They were paying attention. And their judgment--reached independently in each living room beside each radio and television set across the country-- was as decisive as anything America has ever seen.

Right after the speech, Nixon had thought he had blown it. He had asked the audience to write and wire to let the Republican National Committee know whether he should stay on the ticket or resign. But Nixon had missed the countdown cues and was cut off before giving the address of the RNC. He expected that, if people sent anything at all without an address, they would send their letters, calls, and telegrams every which way--to local campaign offices, to their congressmen, to newspapers or radio and television stations, to Eisenhower campaign headquarters (who wanted Nixon ousted), and not just to the Republican National Committee. The response would surely be dispersed, suppressed, lacking any focused force.

The public response was dispersed, and perhaps also suppressed. But the magnitude of response was so great that it had the force of a tsunami overwhelming everything everywhere. America had never seen anything like it before, and will probably never see anything like it again. Herbert Parmet (1990: 249) described the scene:

> Not knowing where to turn, listeners reached out to whatever seemed plausible. Calls and telegrams inundated Republican offices everywhere; in desperation, respondents also turned to local television and radio stations. The overloaded San Francisco telephone system became almost inoperative. In Whittier, [hometown native Gerald] Kepple recalled, the telephone lines "were so blocked there was more use of Western Union . . . than for anything that happened in the United States in a hundred years."

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Telephone lines across the United States jammed and broke down. Newspaper offices were overwhelmed with calls, so much so that some posted the address of the Republican National Committee on their front pages. Newspaper headlines described the public response with terms like "avalanche," "swamp," "deluge," "inundate" and "flood." Calls and telegrams were "pouring in" so as to "tax lines" in cities around the country. And the public outpouring continued for days.

In one week, over two million letters, calls, and telegrams managed to make it to the RNC headquarters alone. Western Union stopped counting the telegrams and simply weighed them by the bagful. The first 4,000 were read; all but 21 supported Nixon. Parmet (1990) reports messages favored Nixon 350 to 1.

No surprise, Eisenhower kept Nixon on the ticket. When Nixon flew to meet him in Wheeling, West Virginia, Ike ran onto the plane, put his arm around him, called him "My boy," and announced that Nixon had been "completely vindicated." The Republican National Committee never even needed to meet after phone calls that night showed the members wanting to keep Nixon on the ticket by a margin of 112-0. And all those newspapers whose editorials had been denouncing Nixon--now there was widespread praise.

But the effects were even more pronounced than that. Nixon did more than save his political career—he launched it. For the first time in American history, a vice-presidential candidate became a nationwide political asset. Campaign crowds to see Nixon were reported to be as large as those for the presidential candidates. Nixon was given control over his own campaigning and a few weeks later was given another one-half hour TV program. Eisenhower never went on television.

Moreover, Nixon had not only convincingly defended himself and his fund. He put the Democrats on the defensive more than ever. In his speech, Nixon had called on Stevenson to explain a donors' fund that the governor had used to supplement the salaries of state officials-- a fund that was much larger and much more loosely administered. Stevenson squirmed for days as newspaper headlines called on him to explain himself. After some initial resistance, Stevenson finally published a full accounting of the money, who donated how much, and who received how much. Also in response to Nixon's speech, the millionaire had to reveal his income tax returns. Likewise, Sparkman had to explain why his wife, unlike Nixon's, was given a salary as office staff. And Sparkman too had to reveal his tax returns. Eventually even Eisenhower made his tax returns public, something that must have given secret satisfaction to Nixon.

Then, after Stevenson's and Sparkman's release and Eisenhower's announcement of a release, Democratic National Chairman Stephen Mitchell said that Nixon too should release his tax returns (something Nixon had not done during the speech or later). What did Nixon do? Nixon said no. I'm not going to. Nixon had so strongly inoculated the public and the press against further charges that newspapers simply accepted his refusal. Even more than this, Nixon's speech had so decisively shifted the presumption in favor of his innocence and good character that he inoculated the press and public against any further accusations. Newspapers simply dismissed such stories as more unfounded smears or did not even bother the publish them.

And, of course, the Republicans won the 1952 election by a landslide. For the first time since Herbert Hoover and the start of the Great Depression, Republicans won control of the House of Representatives, the Senate, and the White House. Tellingly, beneath the headline announcing the "landslide" victory, the *New York Times* featured not only a photograph of president-elect Eisenhower, but beside it a photograph of vice-president-elect Nixon.

4. THE SPEECH OVERCAME IMPOSSIBLE DIFFICULTIES

But it is not just the magnitude of the audience response and the force, depth, and extent of the political consequences that mark Nixon's Checkers speech as such a success. The difficulty of the situation was such that no one (other than Nixon maybe) imagined that *ANY* kind of political success was possible. Consider the difficulties that Nixon faced. He had only one and one-half days to prepare his speech of self-defense. There was no real prospect of collecting documentation beyond what Dana Smith had already made public. (Nixon had expected full reports from a law firm and an accounting firm assigned by the Republican National Committee to investigate the fund. He received only summary letters of vindication.) He had to assemble a defense from a pastiche of one-liners and brief answers delivered to whistle stop audiences during the first few days of the scandal. He was given only one-half hour to make his case--hardly the time one would prefer in making a defense against corruption charges. Moreover, his speech was the very first one of its kind. Nixon had to use a new and unfamiliar medium whose presentational properties were barely understood, with presentational techniques woefully untested and underdeveloped.

Moreover, anyone would have thought the demands placed on Nixon by the Eisenhower campaign were completely unrealistic. Nixon could not ignore those demands--orders, really--without seeming to abrogate the duties of his role as the junior running mate to the presidential candidate. On a phone call in the days leading up to the speech, Eisenhower had told Nixon he needed make a "full disclosure" of all his financial information "from the beginning." The general had also told reporters that Nixon had to be "clean as a hound's tooth." And when Eisenhower's chief advisor, Thomas Dewey, called Nixon to discuss giving a speech, he told Nixon to have the public response sent to Eisenhower's campaign, and that Ike would "consider" keeping him on the ticket if the public showed "90% approval"! Not even apple pie or baseball could get that strong an endorsement. Then, just to make sure that Nixon understood that he was expected to bow out gracefully, Dewey called Nixon one half-hour before the speech and told him that it was the opinion of Ike and his campaign staff that Nixon should close his speech by announcing his resignation. With the demand to offer his resignation and leave his fate in the hands of a man who had set seemingly unattainable standards of success--and who would demand team loyalty and deference to his authority as a condition of membership on that team, Nixon faced a double-bind whose only solution seemed to be that he step down in a way that allowed Eisenhower to avoid making the decision he did not want to make. No wonder Garry Wills (1970) concluded that Nixon had been set up to fail. Still, Nixon found a way to avoid resigning and to even force Eisenhower to embrace him.

But the reason for the set up itself ultimately flowed from a deeper rhetorical problem for Nixon. It was a rhetorical problem that was no doubt led Eisenhower and other Republican politicians to the conclusion that Nixon's situation was hopeless. Nixon's core rhetorical problem flowed from a kind of Gestalt image that by 1952 was already taking hold in the public imagination. Since his first campaign in 1946 for Congress against the incumbent Jerry Voorhis, and later on as a member of the House Un-American Activities Committee exposing communists like Alger Hiss, then in his Senate campaign against Representative Helen Cahagan Douglas, Nixon projected a kind of double image: To his supporters, Nixon appeared to be a young, earnest moral crusader. They found in Nixon the character of a fighter with the courage to stand up against corruption and communism, willing to endure all the suffering that such a stand would draw in furious response. To his critics, Nixon seemed to be an unprincipled, cynical political opportunist who would turn to the worst sort of smears, demagoguery, and dirty tricks to advance his political career. He would ruin anyone and say anything to win.

Nixon's Gestalt-switching quality came from the way that the very same performances evoked both images--even to the extent that each image reinforced the other. For those who believed Nixon to be an American champion, the accusations of his opponents merely magnified his virtue because he would not back down in the face of unjust persecution. To his supporters, the critics only exposed the depths of the menace that Nixon was warning against. For those who saw in Nixon a dark and devious danger, his popular image was dismissed as a phony front and only provided further proof of just how threatening to the Republic Nixon really was.

But the charge of political corruption against the Crusader Against Corruption destabilized Nixon's image dynamic. The charge triggered a decisive flip in point of view, a seemingly irretrievable collapse of the hero image into that of the villain. Nixon now simply appeared to be the unprincipled hypocrite that his critics had been claiming all along.

And here, from a rhetorical and argumentative point of view was the deep dilemma for Nixon. Without the presumption of personal character, once the spiral of suspicion had taken hold, once the Gestalt image had flipped, Nixon had no apparent way to defend himself. An appeal to personal character was the only viable resource for self-defense against the kind of charges at the heart of the scandal. How else do you prove a negative when the presumption has shifted so decisively against you that proof of innocence must be provided? How do you prove the absence of hidden funds, of off-the-books bank accounts, of under the table payments? The representative of the new American middle-class family dream could hardly be expected to be living a lifestyle that rejected those aspirations. And how do you prove the absence of vote selling? After all, the contributors to the fund no doubt made those contributions because Nixon stood for the kind of political principles that those contributors supported. And if Nixon really was the principled advocate of free enterprise that he portrayed, he could hardly be expected to show votes against those principles. In the end, Nixon would have to convince his audience that he simply wasn't the kind of guy who would do the kind of thing he accused of. But how could he do that when the presumption of honesty and integrity had flipped so completely against him?

5. BUT WAS THE SPEECH REASONABLE?

Space does not allow for a detailed analysis of how Nixon pulled off such an amazing outcome against such seemingly impossible odds. Suffice it to say that among the many things Nixon did he demonstrated his innocence to the American public by the way that he performed his arguments of self-defense. His arguments were a demonstration of authenticity not just in the sense that arguments demonstrate a conclusion, but in the sense that his acts of argument realistically showed, displayed, embodied the requisite character. The whole point of his performance was to show through what he argued and the way he argued that he just wasn't the kind of guy who would do the kind of things he was accused of. Nixon argued the way a guy who would not do that kind of thing would argue. Nixon framed the charges the way a guy who would not do that kind of thing would frame such charges. He showed the kind of emotions that a guy who would not do that kind of thing would show. Nixon offered the kind of reasons and the kind of motives that a guy who would not do that kind of thing would offer. Nixon talked, and stumbled, and used language the way a guy who would not do that sort of thing would talk, and stumble, and use language.

And in doing all this, he reclaimed a persona that the American public could believe and approve. In making his case, Richard Nixon embodied all the cultural symbolism of a Frank Capra character (Think Jimmy Stewart in *Mr. Smith Goes to Washington*.). And Nixon did so authentically, vividly, and convincingly such that any reasonable person who shared

and believed in those cultural values and symbols would properly conclude that Nixon had been unjustly smeared.

The more important point to consider for the purposes of this paper, however, is why that public judgment, as overwhelming as it was and as convincing as it felt, was not also shared by so many professional pundits and academic critics. And how to this day could they draw such a contrasting judgment?

A good part of the answer lies in the way that pundits and academic critics have interpreted the speech. They have taken it literally, but not seriously. Or, at least, they have relied on relatively superficial, face-value interpretations of Nixon's arguments and rhetorical strategies. That's why they found the speech transparently "corny," "trite," "maudlin," "mawkish," "phony," "an illusion of proof," and wondered how so many people could be taken in by such "nauseating" baloney.

Those interpretations align well with the political, cultural, and aesthetic sensibilities and values that the broader communities of professional pundits and academic critics take for granted, and so it is not really surprising that those interpretations would generally go unchallenged. All of this would be further reinforced by the sense of sophistication and professional expertise that allows pundits and academic analysts not to worry that disjunctures between professional and public judgment might indicate that *they* may be the ones to have gotten something wrong.

It should no longer come as news that the majority of professionals in the news media and the academy do not share the sensibilities or have faith in the values that ordinary people found embodied by Nixon in his speech. What needs to be news is that alienation from those sensibilities and scepticism toward those values needs to be noticed and resisted, especially among a self-reinforcing community of like-minded critics. Without it, there is little or no demand to reconstruct the perspective and situation of the audience that was in place in America in 1952--at least, not in a way that is sympathetic or anthropologically serious. We should never feel safe dismissing such a manifest public judgment without asking whether people might be seeing something in Nixon's speech that would not make them out to be gullible, naive fools and rubes.

For academic critics, the problem is in many ways even more pronounced. Academic critics in particular must constantly struggle with the way in which their models of argument and their lists of fallacy categories encourage a kind of literal-mindedness in their interpretations of argument, a "cookie-cutter" approach to fallacy identification, a mechanical method of reconstruction, and post-hoc rationalization of personal judgments and cultural expectations disguised as the product of methical analytic procedure.

6. AN ICONIC MOMENT RECONSIDERED

Consider the iconic moment in Nixon's speech. It is one that continues to be widely mocked and repeatedly trotted out in argumentation textbooks as a "real-life" example of fallacy.

> Well, that's about it. That's what we have. And that's what we owe. It isn't very much. But Pat and I have the satisfaction that every dime that we've got is honestly ours.
>
> I should say this, that Pat doesn't have a mink coat. But she does have a respectable Republican cloth coat. And I always tell her that she'd look good in anything.
>
> One other thing I probably should tell you, because if I don't they'll probably be saying this about me, too. We did get something, a gift, after the election. A man

down in Texas heard Pat on the radio mention the fact that our two youngsters would like to have a dog. And believe it or not, the day before we left on this campaign trip we got a message from the Union Station in Baltimore, saying they had a package for us. We went down to get it. You know what it was? It was a little cocker spaniel dog, in a crate that he'd sent all the way from Texas, black and white, spotted. And our little girl Tricia, the six-year-old, named it Checkers. And, you know, the kids like all kids, love the dog. And I just want to say this, right now, that regardless of what they say about it, we're going to keep it.

      It isn't easy to come before a nationwide audience and bare your life as I've done. But I want to say some things before I conclude, that I think most of you will agree on. [Transcribed from the video. Nixon, 1952, Sept. 23.]

Both Nixon's mention of Pat's "respectable Republican cloth coat" and his insistence that "regardless of what they say about [Checkers], we're going to keep it" have been held up as transparently obvious fallacies (red herring for the coat; strawman for Checkers; both for ad misericordiam appeal). I think those uses ought to be held up as examples of the danger of falling into uncharitable, literal-minded, cookie-cutter criticism. Those judgments of fallacy reflect a superficial reading of the passages, ripped from the context of the speech as a whole, rendered without consideration for the functional design in which these passages play a role, and accepting a shallow, dismissive picture of the interpretive capacities of the audience.

      What's really going on here is that Nixon has been posing then answering a series of questions about his political fund. The questions are increasingly pressing, pointed, and sceptical. The impression created is that of a man being pushed into providing progressively more desperate proofs, giving ever more deeply embarrassing explanations and humiliating disclosures, of someone (as Nixon puts it later) having to "bare his soul." In answer to whether maybe he has been able "to fake this thing," Nixon has just ended an "unprecedented" full accounting of "everything I've earned, everything I've spent, everything I own." It is a deeply dramatic disclosure. "It isn't easy to come before a nationwide audience and bare your life as I have done" is profound understatement. No American politician had ever before made such a disclosure. It was a dramatic, and deeply embarrassing, moment in the speech, given American attitudes in 1952 toward the privacy of personal finances. The genuine sense of humiliation has only been amplified by Nixon's prior, almost frantic efforts to explain why he needed the fund and practically grasping presentation of legal and financial opinions declaring that he had done nothing wrong.

      In this context, Nixon's admission that Pat "doesn't have a mink coat" but only "a respectable Republican cloth coat" isn't a red herring. It is further evidence, a capping proof of his denial that "you may have feathered your own nest." And it is a reminder that Democrats in Washington have been accepting gifts of mink coats for their wives. But Nixon just isn't the kind of guy who would do that kind of thing. And if it is a disclosure that evokes an emotional response, it evokes that response in a way that is relevant to the audience empathically identifying with Nixon's situation, to understanding how he thinks and how he feels, to recognizing the character displayed in those thoughts and feelings, and to seeing how unfair it is that Nixon is the one who has to answer accusations of corruption.

      Nor is the Checkers story a straw man. It is not meant to be taken literally. It comes right after his detailed disclosure of how modestly his family lives, exemplified in the final humiliating admission that Pat can only afford to wear a cloth coat. The Checkers story is meant to show that Nixon has drawn the line. He has been pushed far enough. Nixon is fighting back. He then smoothly pivots into an angry attack on his (Democrat) accusers and a spirited call to join Eisenhower's Crusade.

The emotional force of the story does not come from thinking that Nixon is defying a call to give back his kids' dog. The story is hyperbole, and meant to be seen as such, as nonliteral exaggeration that captures the emotional sense of the moment. It is how Nixon expresses a sense of closure to the self-defense section of the speech and sets up and motivates the appropriately righteous indignation that frames Nixon's upcoming attacks.

7. CONCLUSION

His audience was moved by this and other emotionally charged moments in the speech because they took Nixon seriously but not literally, and because they found a functional sense and interpretive depth to his speech that has been woefully lacking in too many of the analyses of professional pundits and academic critics.

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Argumentation as an ethics of action and in action

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ABSTRACT: The primary objective of this paper is to show how and why rhetoric and argumentation arose as a revolutionary ethics of human action, with Perelman and Toulmin, in the second half of the 20th century. The thesis developed is that (1) philosophy overall can be reduced to the theory of rhetoric and argumentation; (2) that the divorce between knowledge and action established by philosophy since the modern era no longer makes sense to that theory.

KEYWORDS: action, argumentation, ethics, interdisciplinarity, knowledge, Perelman, philosophy, rhetoric, Toulmin

1. INTRODUCTION

Let me start by explaining, bearing in mind the subject of this presentation, how I see the current relationship between philosophy, on the one hand, and rhetoric, on the other. For me personally, the latter field is the field of philosophy itself as a whole, systematically understood, rather than simply an interdisciplinary subject-matter for research, among others, to which philosophers offer the contribution of their own research (as is the case of linguistics or of sociology). Thus, for me, after more than two decades of teaching and researching in both philosophy, in the broad sense of the concept, and rhetoric and argumentation, philosophy is essentially rhetoric and argumentation; or, if you prefer, rhetoric and argumentation are fundamentally philosophy. The faculty where I teach, or the faculty where I have the honor of presenting this paper now could therefore be called not simply faculties of "arts" or of "humanities" (noble titles, at that, in which rhetoric may, in principle, be included) but rather "faculties of rhetoric"; and I do see myself, as well as all philosophers, from ontology to aesthetics or to political philosophy, again not as people who simply teach philosophy, but rather as people who essentially or fundamentally teach rhetoric, irrespective of the field of research concerned.

It should be emphasized that this status of rhetoric and argumentation is not recent or original ─ it goes back to ancient Greece. Even today, the specificity of rhetoric derives from the fact that it has to do with the teaching of all that can be taught ─ hence its decisive importance and its essentially interdisciplinary nature. In this respect, we are at present still on the same footing as Plato and Aristotle among the Greeks. Since everything ─ absolutely everything ─ is susceptible of being taught, a philosopher is essentially a *rhetor*. The main aspects that differentiate us from Plato and Aristotle are our better perception of the fact that philosophy (rather than any other discipline or knowledge) should constitute the unifying framework of the said interdisciplinarity, and the idea that this is only possible if philosophy is identified with rhetoric itself ─ an idea which was indeed not foreign to Plato's thought when he wrote *Phaedrus* (cf. Meyer (ed.) (1989, p. 318). From this fundamental perspective, philosophy and rhetoric are therefore essentially on the same thing, although seen from different angles (see Ribeiro 2016, pp. 21-51). Obviously, when I mention this identification I am ruling out, from the start and without hesitation, the common meaning of rhetoric: that it

has to do merely with the form of our speech, rather than with its substance, being a sort of tool for presenting it. As I said, this is not Plato's conception in his above-mentioned dialogue; nor does it seem to be Aristotle's conception in his treaty on *Rhetoric*, although he may suggest it here and there. However, this was how rhetoric was conceived of since antiquity: something that deals with the way (the *form*) how we should persuade a specific audience, rather than necessarily the subject-matter or the substance of our own speech.

Elsewhere (books, articles, lectures), in the last few years, I have tried to explain this crucial paradigm shift, which is academically and publicly known as the "rhetorical turn". Up to the mid-1960s (notably, to Toulmin and Perelman), rhetoric was identified as a type of research which concerns itself primarily with the way we speak or argue, rather than (as I said before) with the substance of our own speech. Since it concerned form, not affecting the matter or substance, rhetoric could not help but be a secondary type of research, however important it might be deemed to be. On the other hand, the rhetoric I am talking about was not necessarily a philosophical or characteristically philosophical endeavor, but rather something of an interdisciplinary nature, or something shared by researchers coming from different areas. From this perspective, and virtually since ancient Greece, its status has remained ambiguous and indefinite, with the role of philosophy sometimes emerging, depending on the authors and their times, in open conflict with that of other interdisciplinary contributions (see again Ribeiro 2016, pp. 21-51). No! Again, what I am saying when I speak of the relationship between philosophy and rhetoric or argumentation is that the latter, irrespective of the origin of those contributions (theory of literature, linguistics, political philosophy, etc.), can be subsumed to, or entirely assimilated into the former, in the sense that the matter or the substance of the speech involved is, *par excellence*, a matter or a substance of philosophy itself, as systematically conceived. Philosophy, as I conceive of it, can and must play that fundamental role after the "end of philosophy" that was proclaimed, as early as the 1950s and 60s, by a number of major authors such as Wittgenstein and, most particularly, Quine (Wittgenstein 1953; Quine 1969). Using an analogy that I have often resorted to in the past, I see philosophy, as rhetoric or theory of argumentation, playing the role of the trunk in the tree of human knowledge at large, a role which, in his *Principles of Philosophy*, Descartes ascribes to metaphysics as "first philosophy" (Descartes 1993). It is from rhetoric and argumentation, as philosophically understood, that the different branches or areas of knowledge in general, whatever they may be, stem (see Ribeiro 2013). You may now understand a little better the institutional toponomy of rhetoric which I began by introducing ("the rhetoric of the arts and humanities", "the rhetoric of sciences", "the rhetoric of law", etc.). This conception can only become feasible if, as I suggested, against the heavy and pernicious tradition in this field since Aristotle, rhetoric and argumentation are not considered to be theories that have to do simply with the form of our speech, but rather, and fundamentally, as something that concerns its very subject matter; they are not simply "means" or "tools" to achieve or to arrive at whatever it may be ─ in this case, persuading or convincing a potential audience. However, if this is the case, it becomes clear that there are no reasons to distinguish between rhetoric and philosophy, as if they had two different, separate "essences".

2. THE RHETORICAL TURN

Before I continue to analyze the relationship between philosophy and rhetoric, let me just say the following: were it not for the novelty, the originality, and the radicalness of these conceptions, and, especially, the above-mentioned chaotic interdisciplinary status of the teaching of rhetoric in western universities, particularly in European and North-American universities, from the 1950s onwards, philosophers could and should have claimed for

themselves, institutionally and academically speaking, this absolutely crucial role of rhetoric, which follows from Perelman's and Toulmin's conceptions (Perelman & Olbrechts-Tyteca 1969; Toulmin 1958, 1976). When Wittgenstein, Quine, and their disciples called for a dismissal of philosophy, in the classical and traditional sense of the concept, from whose perspective there is nonetheless room for systematic and foundational investigation, the response could, and should, have been: "Your conceptions concerning the theory of meaning blatantly ignore the role of rhetoric as a theory of argumentation and communication. The end of philosophy that you proclaim is premature and unacceptable. While it makes no sense to speak of "essences" in regard to anything (the mind, language, the world), irrespective of ─ as we rhetoricians like to say ─ the "way how we talk or argue about them", let us then seek this last path (the path of connection, from the point of view of rhetoric, between language and the world) and see what follows from there, see what implications can be drawn for the philosophical work generally". This, as we know, was not the response that was generally given, although it could and should have been so, since, as I said, it follows, in principle, from Perelman's and Toulmin's conceptions. However, as I see it, the main reason for the absence of an answer such as this was that, on the one hand, rhetoric and argumentation theorists, after Wittgenstein and particularly after Quine, were almost obsessively committed to safeguarding what was miserably left in universities for themselves, after the teaching of philosophy as it was traditionally conceived had been accomplished; there was no room, no time, and no motivation to pursue the *desideratum* I was telling you about, which is indeed a very provocative *desideratum*. This issue is particularly relevant, especially in Anglo-Saxon universities, where, as we know, the role and the relevance of analytic philosophy are quite prominent (see Ribeiro 2016, pp. 127-151). On the other hand, as regards the interdisciplinary nature of rhetoric and argumentation, we philosophers have grown used to it as an irremediable situation to which so-called "post-modernity" has condemned us. Again, there is apparently no room, no time, and no motivation for meta-philosophical and meta-systematic problematics such as those that I have defined, which have to do with the foundations of philosophy itself.

Within this new conception of philosophy that I have first mentioned in regard to Descartes' tree of knowledge, only rhetoric and argumentation can guarantee a true or authentic interdisciplinarity. Again: the main point here consists in the fact that, as I have emphasized, they do not have to do only with the form of your speech, generally, but they rather concern the substance of this same speech. This connection is what essentially characterizes the rhetorical turn and distinguishes it from other approaches to philosophy; in particular, this is the connection that allows for a clear demarcation between rhetoric and argumentation, on the one hand, and alternative approaches to the philosophy of language and, particularly, to the theory of meaning, as is the case of analytic philosophy. Faced with such approaches to language as Wittgenstein's and Quine's, who reduce their object to information and overtly ignore the dialectical role of argumentation and communication, therefore concluding that it is impossible to develop them systematically, the idea is that, if philosophy is focused on these dialectical matters, it will continue to be a perfectly feasible, and thus, possible enterprise. Arguments such as Quine's holistic argument concerning the indeterminacy of translation and the inscrutability of reference (Quine 1969; cf. Quine 1962) no longer make sense, since the dissociation between language and the world (form and substance), which is the starting point for this philosopher, is in itself rhetorically unacceptable. Again: when we communicate or argue we are not merely informing others about the world, as analytic philosophers somewhat naively presume: the subject-matter of these speeches cannot be reduced to my speech or to my interlocutor's ─ it is a third, intersubjective entity which imposes itself dialectically and can therefore be closely analyzed. Strictly speaking, this is not simply about a theory of meaning, but rather about a theory of

argumentation. What was said above concerning the role that rhetoric and argumentation could have played in the second half of the 20th century is that, had Wittgenstein and Quine realized the crucial importance of that role, they would certainly not have subscribed to any pessimistic conceptions as regards the future of philosophy in systematic terms.

2.1 A word on ethics

One of the consequences that stem from what I have just said regarding the new conception of philosophy with which we must deal at present is that traditional conceptions no longer make sense, particularly the well-known distinction, or dissociation, between knowing and acting, which originates in modernity and which, as we know, Kant introduced as a distinction or dissociation between a supposedly pure reason (knowledge) and another reason which was supposedly practical (action) (see Kant 1998, 2015). As Perelman, in particular, has shown, commenting on Quine's work, *speaking* may already be a way of *acting*, and, more generally, the realm of knowledge — even in the most refined areas, speculatively speaking, as is the case of axiomatic deductive systems involved in the application of logics to physics and to physical-natural sciences — has to do with essentially practical assumptions, which, in turn, concern the role of rhetoric and argumentation (Meyer (ed.) (1989, 109-122). When, as Quine explains in "On What There Is" (Quine 1961), philosophers who deal with the foundations of logic must choose between the different meta-philosophical orientations concerning those foundations (for example, between formalism and intuitionism), that choice, that decisional act, does not belong to logic itself. Perelman, in turn, believes that it is a matter of rhetoric *par excellence*; that choosing between certain axioms or principles in detriment of others is a matter of rhetoric, not of logic, or, if you wish, of applied logic. Therefore, and for the same reasons why the traditional dissociation between knowledge and action does no longer make sense, the idea that ethics encompasses exclusively the latter domain is unacceptable (see Toulmin 1976). This means that one should discard this type of dissociations when it comes to trying to understand what we mean when we talk about "ethics", or, as is my own case in this presentation, an ethics of action and in action. Certainly, as I said before, this is not about an ethics that might concern, either by comparison or by contrast, a different realm which we call "knowledge". More generally, for that new conception of philosophy which I mentioned at the beginning of this section, that is, for a conception that brings to bear the best elements in some postmodern philosophy, as is the case of Rorty's, traditional concepts such as subject, object, mind, language, world, truth have stopped making sense as more or less unquestionable or indisputable truths (Rorty 1989, pp. 3-22). In particular, the thesis that truth can be attained through a correspondence between language and the world has stopped making sense (Rorty 1991, pp. 1-17). Provocatively, I include among these concepts the old philosophical principles of identity and of noncontradiction, which are especially important for ethics, as we have conceived of it since the distant past. That something can at once be and not be, that a proposition can simultaneously be true and false, these are conceptions which rhetoric and argumentation should begin by pondering and analyzing closely, without any scruples or repugnance. More generally, the vocabularies of rhetoric and argumentation, and namely those of ethics, must yet be fully reconstructed or reformulated.

We have to reconstruct everything from the very beginning, and we should not be afraid to do it. In regard to relativism and the application of the principle of noncontradiction, in a conference on argumentation that was recently held in Portugal and which caused some scandal, I defended precisely what I have just suggested, following the thought of a contemporary argumentation theorist (Fisher 2012). Personally, as a theorist of rhetoric and (supposedly) as a specialist in the theory of argumentation, I do not hold any scientific, academic, or institutional privileges that might enable me to decide between a theory that

advocates abortion or euthanasia and a different theory that advocates the exact opposite. Unfortunately, that is not possible or doable; if it were, argumentation theorists would have played a key role in the cultural and political organization of western democratic societies; and, as we know, they have not generally played that role (for example, a role that might be comparable to that of astrologers or chiromancers). Unable to completely resolve this issue, I have to accept that a person may simultaneously be pro and against euthanasia, for example. Nothing in my expertise entitles me to fully qualify the people involved to formulate a final judgement on the matter; a judgement of the yes/no type. Even admitting that such a judgement is eventually made (which is what happens in most cases), I must accept, on the other hand, the following fundamental reservation: "Yes, I did vote in favor of it for one conjunctural or circumstantial reason or another, but, in accordance to my conscience, had I wished to be rational and consistent, I would have voted against." Now, if we were to accept that all that I have been telling you is appropriate or adequate (and I am convinced that some of it is), we would have to dismiss or, at least, repair many contemporary theories of rhetoric and argumentation, starting with those upheld by dialectical schools, as is the case of pragma-dialectics and formal dialectics, for which it is absolutely essential to safeguard the principle of noncontradiction. In my opinion, this dismissal is far from being serious: the idea is to respect and to understand real experience, or practice, in all its complexity, in the face of more or less speculative theories about it, and to sacrifice the latter entirely when that respect or understanding fails to happen or is not possible.

Faced with such serious and grave problems as the problem of relativism and others in ethics, what I am arguing is that, when confronted with their respective dilemmas and aspirations, we must, as philosophers, seek to understand and safeguard real experience, facts, in detriment of theory and speculation. If theory and speculation do not enable us to understand experience and facts without good faith and without inconsistences this is because they are ultimately of no use and should therefore be sacrificed and done away with. As the late Toulmin, the author of *Cosmopolis* and *Return to Reason*, shows, what is universal, necessary and timeless, that which we consider to be "rational" is, more often than not, not our best choice (see Toulmin 1992, 2001) . On the contrary, in regard to what ethics and human action are supposed to be, we must focus on what is essentially local, contingent, and temporal, i.e., what is "reasonable", which does not in principle and necessarily coincide with what is "rational" (see Perelman 1979, pp. 117-123). Matters as different as the defense of women rights or the rights of homosexuals, or the right to abortion and euthanasia can be included in the ambit of the "reasonable". The "reasonable" is, by definition, the incommensurable. There is, in that respect, no catechism and no categories that can teach us how to basically distinguish between what is "good" and what would, in principle, be "bad". That is determined by the reactions and the assessment made by the community or communities to which we belong; but even this assessment, as Toulmin argues in *Knowing and Acting*, is *par excellence* an anthropological matter (a "generalized anthropology, as he describes it), which is not necessarily transcendental (Toulmin 1976, pp. 141-206). Now, in the absence of universal, necessary, and timeless criteria to assess human knowledge and actions, as we have become accustomed to believe since the establishment of modernity, with Descartes and Kant, everything remains to be done or to be thoroughly reconstructed.

3. KNOWING AND ACTING

Let me sum up all that I have said up to now. (1) the first, fundamental idea is that our conception of philosophy as an endeavor to found knowledge and action at large, i.e., philosophy as it was conceived of by Descartes and Kant practically up to Wittgenstein's and

Quine's theories of meaning, has reached the end, is dead, and must be reformulated. This has been a key conception in analytic philosophy, through different agents and different paths, from the 1960s on, a conception which the theory of rhetoric and argumentation has only been able to follow in part. (2) The second idea is that such death does not mean that philosophy itself, as systematic investigation, has died. Rhetoric or the theory of argumentation can play this key philosophical role in the traditional sense of the concept, now as an approach to knowledge and action which deals not with the world, or with what in the world might correspond to our language, but rather with *the way we speak and argue about it* (see Ribeiro 2012). As I said before, what interests us — in following this path — is not precisely either one side of the problem (language/world) or the other, but rather the way how we are able to establish connections between both, namely why we establish a specific type of connection instead of other possible ones. (3) The third key idea which I have tried to introduce and clarify is that, if we accept these two first theses (and I am convinced that we should), then all of our philosophical vocabulary — and in particular that of ethics — still needs to be completely reworked, reformulated or rebuilt (cf. Rorty 1989, pp. 3-22). As paradoxical as it may seem, we must start anew.

Most of what I have been saying follows from Toulmin's well-known 1976 book, *Knowing and acting: An Invitation to Philosophy*, which I have mentioned above. By "knowing and acting", Toulmin is fundamentally speaking about rhetoric and argumentation, rather than two separate or divorced fields referring to two separate, or even opposed, essences. There is no place here for the old metaphysical problems posed by Kant and others since modernity: subject, object, determinism, freedom or free will, moral law. *Regardless of the field, this is about arguments and argumentation*: argumentation in the case of the areas traditionally associated with what we call "knowledge", which have to do fundamentally with logic (including metaphysics as "first philosophy"); argumentation in the case of those that are associated with action and have to do essentially with ethics (in Toulmin, with what he calls "generalized anthropology", after Wittgenstein in his *Philosophical Investigations*) (see Toulmin 1976, pp. 141-206; Wittgenstein 1953). Now, if, for heuristic purposes or for purposes of a philosophical dialectics with tradition, we should wish to keep the distinction between knowing and acting within the very framework of rhetoric and argumentation, as is proposed in *Knowing and Acting*, the result would be that those known assumptions which allow us to speak of "knowledge" and which have to do with the application of logic are quite unfit to explain action or argumentation in context; and this leads to skepticism (Toulmin 1976, pp. 123-139). And that the assumptions that allow us to explain that same action prove to be totally incompetent when it comes to explaining and justifying knowledge and logic, i.e., argumentation irrespective of its context; and this fact leads to relativism (Toulmin 1976, pp. 200-206). Consequently, as Toulmin suggests, the distinction or dissociation at issue must be definitively abandoned by rhetoric and argumentation (Toulmin 1976, pp. 207-261). From a perspective like his, what ultimately distinguishes knowledge from action is not the subject-matter of our argumentation, but rather its scope or its universality: the former will be universal, necessary and timeless *par excellence*; the second, by contrast, will be local, contingent, and temporal. In this matter, he follows Kuhn and, in particular, *The Structure of Scientific Revolutions*, and admits that the ultimate criterion to distinguish between science and non-science (or, if you prefer, between the rational and the reasonable) is essentially sociological rather than metaphysical (see Kuhn 1996, pp. 174-210). The alternative to both models of argumentation that I have mentioned earlier (that of knowledge and that of action or of common-sense) is what Toulmin calls a "critical model", which claims for itself (amid many doubts and uncertainties which the author himself emphasizes) the unification and possible conciliation between the fields at issue, which are theoretically opposed; a

compromise between the rational and the reasonable, or between the universal and timeless, on the one hand, and the local and contingent, on the other.

Nevertheless, for Toulmin, ethics is not a department of reason, essentially distinguishable from that of knowledge, as happened in the history of western philosophy after Descartes and Kant. This is not about a practical reason by opposition or by contrast with a would-be theoretical reason — the realm of the categories of the universal, the necessary, and the timeless, that is, the "rational" *par excellence*. Surely, ethics has to do with human action and its specific characteristics, although not because these would be distinguishable from and opposed to others — such as those pertaining to knowledge — which would be essentially different. The latter can also be considered a matter of ethics, provided they do not follow the above-mentioned fundamental categories. As I explained above when mentioning the relationship between Perelman and Quine as concerns the ultimate philosophical justification of the axiomatic-deductive systems of mathematics and the physical-natural sciences, a decision that is apparently only logic may have an extraordinarily deep ethical or practical significance/impact. This is what Perelman argues in different texts, including *La nouvelle rhétorique* (see Perelman & Olbrechts-Tyteca 1969, pp. 187-260). Therefore, there is no reason to ultimately divide reason into different departments and their respective categories. Its essential framework is, in general, fundamentally the same, irrespective of the realm at issue: argumentation and its applications. Thence it follows that, in principle, the metaphysical categories of traditional ethics (will, autonomy, determinism, freedom, etc.) must be completely revised and reformulated from the standpoint of the theory of rhetoric and argumentation — which should definitely not frighten us at all as philosophers.

4. CONCLUSION

I have tried to show how our current understanding of the role of rhetoric and argumentation within the interdisciplinary ambit of knowledge in general essentially involves how we understand the role of philosophy. Philosophy is, *par excellence*, rhetoric and argumentation, because more than twenty centuries after its beginning and development it cannot consistently be anything else, as analytic philosophy came to demonstrate, by default, during the entire second half of the 20th century. This fundamental thesis — I dare to say, "only this fundamental thesis" — honors the genius and the work of all our great predecessors, from Socrates, Plato, and Aristotle to Wittgenstein and Quine. At present, that is, in the post-modern era, any other conception condemns philosophy to a completely secondary and irrelevant role; and, in practice, to its progressive disappearance. Having said this, the essential — that which remains to be clarified in more detail — involves the idea that — like in Ancient Greece — in philosophy, and especially in the ambit of rhetoric and argumentation, everything remains to be done.

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Calling someone a racist: Orthodox and heterodox affective orientations in the context of the debate about Confederate monuments

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ABSTRACT: This paper examines two controversies over the removal of Confederate statues in New Orleans, LA and Charlottesville, VA. Using Moral Foundation Theory, it claims that arguments happen in predetermined affective frames. While many social scientists lament that these frames mean the end of reasoned argument, this paper argues that the frames provide opportunities for engaging with differing opinions.

KEYWORDS: affective argument, cognition, Confederate, moral dumbfoundary, moral foundations theory, motivated reasoning, turnaround

1. INTRODUCTION

The affective turn in communication studies has led to a pervasive cynicism regarding the possibility of argument. Recent studies in cognitive psychology illustrate this cynicism by noting that argument might be impossible and that all persuasion is affectively motivated. Moral Foundations Theory(Haidt & Joseph, 2004; Graham, Haidt & Joseph 2009), Cultural Cognition Thesis (Kahan et al., 2012) and Motivated Cognition (Nyhan & Reifler, 2010) pose traditional public argument as a nearly impossible task (to the extent that it can drive people to change their minds) that has greater social than epistemological significance. The apex of this movement is found in the Argumentative Theory of Reasoning (Mercier & Sperber, 2011) that places argument as little more than an evolutionary adaptation that is not so much a function of making better decision or having better beliefs as it is a social phenomenon where truth and accuracy are strategies of social capital that lead to an evolutionary advantage.

However, handwringing over the failure of rationality and argument to change minds poses opportunities for an affective based approach to argument. Beginning with insights from Moral Foundations Theory, I examine the ways that radically distinctive communities may engage each other. Using examples of affectively-charged debates over the disposition of Confederate monuments in New Orleans and Charlottesville, VA, I attempt to identify successful and unsuccessful approaches to winning over heterodox communities. I introduce the notion of the link-turn as an effective approach to arguing in a value-laden environment.

Here, I advance two main arguments. First, that affective arguments are not fundamentally irrational in that different communities must always stand completely apart from one another. Instead, they possess universally applicable internal argument logics that may be accessed by outsiders to engage heterodox communities. I will examine this through the lens of Moral Foundations Theory, a cognitive theory of argument.

My second claim will be that within these internal logics there are opportunities for argument and engagement. Because the foundations of a claim are established and can rarely be argued, argument theory helps to identify elements of a claim's structure that open them to appropriation. Here, I will introduce the notion of the link-turn from academic debate as a

way of adding subtlety to our understanding of political arguments and the best way to think about opportunities to appropriate orthodox claims.

Motivated reasoning starts with the notion that people evaluate arguments relative to their ability and motivation. Because people are motivated to think of themselves as smart and virtuous, they tend to evaluate argument that are consonant with the current views less critically than negating arguments. Consequently, people act more like advocates of a position than objective judges of argument (Lebo & Cassino, 2007; Slothuus & de Vreese, 2010). Thus, they are much better at creating counter-arguments to consonant claims than they are at defending things that they support. In motivated cognition literature, this inability to speak for arguments that one supports is called "moral dumbfounding" which manifests in an inability to offer elaborated arguments in support of consonant moral claims (Schein & Gray, 2018; Haidt, Koller, & Dias, 1993).

One of the consequences of moral dumbfounding is that the taken-for-grantedness makes it difficult to argue for consonant moral premises of arguments. Therefore, if someone disagrees with a moral premise, advocates are not in a good position to support them making heterodox argument significant difficult. Such a condition is generally the source of the frustration at the general lack of argumentative effect that undergirds much of the motivated reasoning literature. Because moral premises are considered foundationally important, providing the weight to an argument, it appears that rational engagement might be impossible.

This cynical theory of argument is laid out most clearly in Moral Foundations Theory (MFT). Graham et al. (Graham, Haidt, & Nosek, 2009) argue that there are five moral foundations for individuals' judgments of proper behavior. They are Harm/Care, Fairness/Cheating, Loyalty/Betrayal, Purity/Degradation and Authority/subversion. Each of the five dimensions receives a unique weight in evaluating moral situations encouraging different moral judgements. While the five foundations do not determine the final disposition of any argument, they provide a "first draft" or initial framework for engaging in moral judgement. These foundations results in "fast, automatic gut-like reactions of like or dislike" which aid determinations of wrong and right (Koleva, Graham, Iyer, Ditto, & Haidt, 2012)

Graham et al. (Graham et al., 2009) have advanced the argument that the foundations distribute along the lines of political ideologies. A series of studies demonstrate that Conservatives tend to use all five foundations while people that identify as liberal tend to use only the Harm/Care and Fairness/Cheating dimensions. In a step further, some research has demonstrated that liberals can come to support conservative polities when they are framed by liberal foundations and conservatives can come to liberal policies when framed by uniquely conservative values.

The source of these preferences are disputed. They may be biological (meaning that conservative or liberal ideologies might be hard wired). More likely, they are learned values that undergird orthodox communities. Consequently, there is the potential that such foundations may act more as peripheral cues linked to the desire to be part of a community. So, conservative argument might simply be the style of one party or the other. Use of the style is a marker that signals which arguments are sanctioned by the community. While there is good evidence that party cues are important to voter behavior.

However, there is evidence that under several conditions, people will listen to elaborated arguments, especially when they occupy familiar and comfortable moral frames. Bullock (Bullock, 2011) has argued that partisans that are well-informed on policy issues may be open to argument frames that are consonant with their moral foundations and may be resistant to party cues. Additionally, people are generally more willing to process information systematically and ignore source cues when they care more about the issue at hand (Nicholson, 2011; Chaiken, 1980; Petty, Cacioppo, & Goldman, 1981).

Moral Foundations Theory problematized heterodox argumentation because it predicts that it will be very difficult to argue with people outside of an orthodox/native community and that people are not equipped to explain the warrants for their foundational arguments. However, there is the potential that one could argue within the terms of the moral-givens of an argument community. While heterodox argumentation is doomed to fail, orthodox strategies might provide some hope. There are two reasons for this. First, people are more comfortable with consonant messages and that when messages match the moral foundation of arguers, that they are viewed as less of an assault and more likely to be accepted (Feinberg & Willer, 2015). Second, the use of a moral frame may indicate that an issue is important and may result in greater and more effortful analysis (Bullock, 2011).

Most of the studies of Moral Foundations Theory have taken arguments as a given whole or framework. In many instances, they are reduced to the use of a few terms laid out in the Moral Foundations Dictionary (Graham et al., 2009) which reduces frames to particular vocabulary terms. However, this semantic reduction may systematically simply the ways that moral foundations work their way into argument. Perhaps, it is possible to construct a more sophisticated notion of argument to better enable the use of moral frames for argument.

2. THE TURNAROUND

The narrow and unsophisticated understanding of argument where arguments are either for one side or another embraced by psychologists encourages cynicism. A more robust construction of argument puts a new spin on the potentialities of argument. This is especially true when arguments are viewed through a debate lens.

As early as the 1940s and by the end of the 1960's debaters grew tired of the traditional paradigm of policy debate that centered on the affirmative defense of a topic. This "Inherency-Harms" debate centered on the intrinsic inadequacies of the current system and the need to replace it with something substantially different. Bernard Brock (1972) located the roots of this traditional paradigm in the seminal work of John Dewey and his propagation of a "problem-solution" approach to decision-making. Brock argued Dewey's notion of a policymaker as an objective judge of facts no longer reflected the policymaking process. In its place, he advocated a "Systems Approach" to decision-making that emphasized the advantages and disadvantages to change rather than the solution to pre-determined objective problems.

Brock initially identified four burdens that debaters would have to meet to show a legitimate comparative advantage over the status quo (Brock, 1967). They would need to demonstrate that the affirmative was consonant with the goals of the status quo, that the plan was compatible with the current system, that the advantages were significant and that they must uniquely spring from the affirmative action (p. 120). In subsequent years, the obligations of an affirmative advantage have generally been reduced and applied to both affirmative and negative justifications. As every novice policy debater learns, dis/advantages must fulfill the burdens of a link, uniqueness and impact where a link is a statement of relevance related to an action, uniqueness is an establishment that the relation comes only or substantially from the action and an impact is a statement of significance or a claim of weight.

Within the systems paradigm, debates revolve around a series of causalities where an action uniquely results in a new (unique) condition (link) which is related to some valenced outcome (impact). This structure and approach to argumentation should be familiar to every novice policy debater and is one of the first things that they learn.

The Link, uniqueness, impact structure of debate creates the opportunity for debaters to selectively appropriate their opponents' arguments to their own end. In academic debates,

such arguments are called "turnarounds." Paczewski and Madsen (1993) write: "Strategically, the turnaround provides a way to coopt an opponent's position, either by accepting the impact arguments as true and reversing the impact or by accepting the impact arguments and reversing the link (p. 17). The two argue that there is a third variety of turnaround, where the terms of an opponent are appropriate and the vagueness of the enthymematic associations means that they can be coopted. They term this appropriation of language a "linguistic turnaround."

This common division of argument has implications for political debates. Whereas Moral Foundations Theory argues that you are either within or without a community of arguers (an orthodox or heterodox position) and that this position determines the potential for success. The ability to selectively appropriate pieces of argument through the turnaround increases the opportunities to engage in heterodox argument situations. It may be that moral foundations' framework approach cannot give a full accounting of what happens in political arguments and that the potential to engage others can be enhanced through a more sophisticated approach to argument structure.

In this next section I will quickly examine two case studies in heterodox and orthodox argumentation. While the first case study demonstrates the variety of argumentation that Moral Foundations Theory predicts will fail, the second offers a scenario where the strategic use of a link-turn diffuses a controversy and enables engagement through argument.

3. CASE STUDIES

From the outside, attempts to remove the General Lee statues in Charlottesville, VA and New Orleans, LA appear to be part of the same movement. In the aftermath of the 2015 shootings in Charleston, SC where an avowed white supremacist killed nine black churchgoers, popular attention turned to removing confederate flags and monuments to public spaces. Both Charlottesville, VA and New Orleans, LA appointed "blue ribbon" panels to review Confederate monuments for potential removal. In both instances, committees recommended the removal of Robert E. Lee monuments that had been installed at the start of the 20th Century.

In Charlottesville, the removal of the monument was spearheaded by Wes Bellamy, Charlottesville's vice mayor. Along with a city counsellor Kristin Szakos, Bellamy called for a "moment of rupture"(Johnson, 2017). In removing the monument, they would "just rip the entire band aid off" and "deal with the issue of race." Bellamy argued that the statues were a reflection of a deep seated white supremacy that systematically ignored the concerns of African American citizens. In an interview, Bellamy observed that white politicians "don't understand the psychological damage that our history has had on us"(Johnson, 2017).

Bellamy's call to remove the monuments was soon placed in a context his advocacy for Black Lives Matter (BLM) protests in Charlottesville, especially his leadership of protests against at restaurant owner that had equated BLM with the Ku Klux Klan. A local Charlottesville paper editorialized that: "Meanwhile, having dropped his matches, Mr. Bellamy is largely responsible for a conflagration that continues to escalate. And we see no sign that he is attempting to use his influence to mitigate the damage ("Counsellor should", 2016).

Bellamy's aggressive approach probably would not have been noticed if not for Jason Kessler. Within a month of Bellamy's and Szakos' press conference, the white supremacist and activist had labelled Bellamy as "anti-white" and had started a petition for his removal. During the petition campaign, Kessler unearthed some lewd messages that Bellamy had

tweeted that caused him to be removed from his job at a local school (Higgins & Dodson, 2016).

After failing at the recall petition, Kessler organized a small protest at the Lee statue that was marked by a torch-lit parade. In August, he helped to organize a larger protest of united white supremacist and right-wing groups labelled "unite the right". The August protest drew a few hundred participants and nearly a thousand counter-protesters. The march and speeches were marked by running skirmishes and tragically the death of one counter-protestor. Speaking of the rationale for the protest, Kessler said: "We have a serious double-standard in this community and across this country where people who are white are not allowed to advocate for their own interests.…There is no one who is protecting white people, and that's absolutely unacceptable… If people really care about diversity, if they really care about values like equality, you have to be allowed to have white people advocate for their own interests"(reports, n.d.).

There are two interesting takeaways from the Charlottesville example. Arguments for both side are orthodox. They exist to speak to the interests of each constituency. Whereas the Bellamy rhetoric relies on harm as a primary value. This harm value is unlikely to appeal much beyond that constituency according to MFT. On the other side, Kessler's appeals are to fairness, loyalty, and tradition, which are broader themes likely to appeal to conservatives. In either instance, the frames are competitive in that one either must ignore white objections or take them seriously. In the process, Kessler systematically ignores Szakos as an advocate (a white woman) and scapegoats Bellamy as the source of anti-white ideology. Faced with silencing arguments, there is little room for compromise.

The New Orleans examples is a little bit different. New Orleans does not have the overt history of massive resistance that characterizes Virginia. Additionally, Lee had only a peripheral role in New Orleans history. Also, because New Orleans is a majority African American city, there has been more ambivalent support for Civil War monuments and a greater willingness to alter and adapt them to contemporary circumstances.

In the wake of the Charleston shooting, jazz legend Wynton Marsalis and Mayor Mitch Landreiu called for removal of several monuments and renaming of several squares. Central to their campaign was removal of the Lee monument. Marsalis argued in the New Orleans Times-Picayune: "When one surveys the accomplishments of our local heroes across time from Iberville and Bienville, to Andrew Jackson, from Mahalia Jackson, to Anne Rice and Fats Domino, from Wendell Pierce, to John Besh and Jonathan Batiste, what did Robert E. Lee do to merit his distinguished position? He fought for the enslavement of a people against our national army fighting for their freedom; killed more Americans than any opposing general in history; made no attempt to defend or protect this city; and even more absurdly, he never even set foot in Louisiana. In the heart of the most progressive and creative cultural city in America, why should we continue to commemorate this legacy?"(Marsalis, 2015).

Landrieu used this same approach in his speech on the issue at Gallier Hall. He noted that the history depicted by statues was a sanitized and political history that ignored the bulk of New Orleans history. He then moves the argument toward issues of patriotism and loyalty. He notes, "we can more closely connect with integrity to the founding principles of our nation and forge a clearer and straighter path toward a better city and a more perfect union." He notes that removal of the monuments reflects loyalty to higher powers: "In our blessed land we all come to the table of democracy as equals. We have to reaffirm our commitment to a future where each citizen is guaranteed the uniquely American gifts of life, liberty and the pursuit of happiness." He finishes with an overt appeal to American patriotism:

> we are one nation, not two; indivisible with liberty and justice for all... not some. We all are part of one nation, all pledging allegiance to one flag, the flag

of the United States of America. And New Orleanians are in... all of the way. It is in this union and in this truth that real patriotism is rooted and flourishes. Instead of revering a 4-year brief historical aberration that was called the Confederacy we can celebrate all 300 years of our rich, diverse history as a place named New Orleans and set the tone for the next 300 years ("Transcript", 2017).

Rather than indicting the supporters of the monument as wrong-headed and rejecting their claims of loyalty and patriotism in their support for the monument, Marsalis and Landrieu appropriate the impact of the argument and embrace loyalty and patriotism as positive values. What they do is invert the link. The support for the historical monuments becomes a rejection of American patriotism. This value can only be achieved by removing the monuments and replacing them with something more representative.

4. IMPLICATIONS

It is unlikely that Mitch Landrieu's speech would have held the day in Virginia where the attachment to the Confederacy and General Lee are stronger and there is a history of massive resistance. However, it is clear that the attempts to win the day in Charlottesville were impossible in a world where one has to engage heterodox communities. Here, Moral Foundations Theory and systematic approaches to argumentation reveal a few dynamics of heterodox argument.

First, in heterodox situations, any attempt to turn the impact (to demonstrate that one impact super-cedes another) is a recipe for escalation rather than de-escalation. Motivated Reasoning theory predicts that dissonant messages receive much more attention than more consonant iterations and that people are better at making defensive arguments rather than offensive arguments designed to engage an opponent. The rejection statue supporters were more likely to receive strong responses in defense of the ideology. More overt and face denying rejections would receive more negative attention and arouse more negative affect.

This is borne out in the Charlottesville example where Bellamy and Szakos were more interested in creating a 'rupture" than engaging opponents. Their overt rejection of the legitimacy of any counter-argument was likely to gain more attention than would be more conciliatory attempts. Additionally, the fact that Bellamy and Szakos' argument relied on impacts related to MFT's harm foundation (rooted in the damage that the statues did to the African-American community) also predicts that they would be rejected by conservative thinkers for whom such considerations are inherently less important.

To the contrary, Marsalis and Landrieu did not so much reject the existence of opponents or their concerns or frameworks so much as attempt to co-opt them. Their acceptance of their opponents' impact enabled them to turn the link. In short, they concede that loyalty and patriotism were supremely important but also pair it with the link claim that the statues stand in the way of a true "patriotism" located in a combination of parochialism and diversity and historical diffusion. The appropriation of conservative values would help to reduce the attention that the argument would receive from opponents and increase the risk that people would attend to the policy claim. In short, they helped to turn moral dumbfoundary to their advantage by accepting the thing that was mostly likely to result in a purely affective response.

A second insight has to do with the utility of Moral Foundations Theory. Typically, as most motivated reasoning theories, MFT is used to indict the potential for argumentative engagement. The idea is that conservative and liberal thinkers occupy largely independent value spheres. As with many motivated reasoning theories, this indicates that argument is

impossible in heterodox situations. However, a more nuanced approach to argument indicates that the foundations also offer opportunities for engagement. There is evidence that morally reframed arguments can make a difference (Voelkel & Feinberg, 2017). Making the parameters of orthodoxy clear also means that the manners of appropriation become available. Here, the intransigence of impact arguments opens opportunities at the link level.

Finally, Moral Foundations Theory has implications for the study of argument. While such motivated reasoning theories typically throw up their hands at the potential for change, this theory indicates that teaching argument and debate are more radical acts than they appear. To the extent that argument and debate embrace the harm mindset and largely reject ideologically or authority-based arguments, argument and debate are in the business of creating politically liberal thinkers. Attention to arguments regarding degrees of harm and emphasizing care for others are exactly the kind of thinking favored by liberals.

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Presentational choice in *ad populum* argumentation

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ABSTRACT: *Ad populum* appeals are regarded as a weak type of argument. We therefore expect that arguers do not use them in a 'blatant' form, but make use of 'presentational devices' to present these arguments in a disguised way. In this paper, we present the results of an analysis of *ad populum* arguments by the Dutch populist politician Geert Wilders. Four stylistic means are discussed allowing Wilders to deny commitment to such an argument.

KEYWORDS: *ad populum* argument, presentational device, symptomatic argument, disguised presentation, commitment

1. INTRODUCTION

In this paper research will be reported that has been carried out on the actual use of the *argumentum ad populum*, i.e. on the ways it is linguistically presented in real discourse. See below some examples of how an *ad populum* argument is described in the literature:

- Because many, most, all people accept a certain belief or approve of a certain course of action, we have sufficient reason to accept that belief as true or that course of action as right. (Freeman, 1995, pp. 267-268)
- Everybody (in a particular reference group, G) accepts A. Therefore, A is true (or you should accept A). (Walton, 1999, p. 200)
- Everyone believes P; therefore P is true. (Johnson & Blair, 2006, p. 176)
- It is widely held among S that P, therefore, P is true. (Godden, 2008, p. 107)

All these descriptions of an *ad populum* argument mention a premise saying that a lot of people have the same view on some matter and a standpoint concluding that this view must therefore be regarded as correct. In other words, the line of reasoning of an *ad populum* is that the popularity of an opinion is taken to be an indication of the acceptability of that opinion. The class of *ad populum* arguments should therefore be considered as a subtype of the class of symptomatic arguments – arguments in which the premise-content presents a sign of the standpoint-content. The specific rationale behind this subtype is the idea that if so many people think the same, this should be taken as a sign that what they think cannot be wrong (Nolt, 1984, p. 250).

In argumentation theory, an *ad populum* argument is regarded as a bad argument. For instance, Johnson and Blair (2006, p. 177) call it an "outrageous" fallacy. And when this argument is not regarded as fallacious due to contextual circumstances, it is still regarded as a very weak argument, as is argued by Walton in his monography *Appeal to Popular Opinion* (1999). For this reason, it is to be expected that *ad populum* arguments are used in a disguised way. This expectation is also supported by Johnson & Blair's remark that it is not very likely that *ad populum* arguments are used in the way they have described the argument: "(…) the fallacy of popularity rarely occurs in such a blatant form. You often have to dig below the surface to find it" (*ibidem*). There has been hardly any research, however, addressing the

question of how *ad populum* arguments do occur in actual discourse. A small exception is Jansen (2018), presenting a short explorative inventory of referrals to 'the will of the people' used by the Dutch populist politician Geert Wilders, who has been characterized by political scientists as a 'textbook example' of populism (Pauwels, 2014, p. 118; Vossen, 2016). According to Jansen's (2018) inventory Wilders could not be held committed to an explicit line of reasoning displaying the type of *ad populum* argument of which we showed descriptions above.

Following Jansen (2018), we are interested in the actual use of *ad populum* arguments and will give a further report on the ways in which these arguments are formulated in argumentative discourse. We will present the results of a systematic analysis of all appeals to the people in 29 texts by Geert Wilders. In our analysis we distinguished four stylistic characteristics of the ways in which Wilders formulates his *ad populum* appeals. We regard these characteristics as 'presentational devices' that can entail a strategic presentation of an argument (cf. van Eemeren, 2010). It is argued that these presentational devices entail a disguised presentation allowing Wilders to evade explicit commitment to the line of reasoning conveyed in an *ad populum* argument.

2. CORPUS ANALYSIS

In order to investigate how *ad populum* arguments occur in actual argumentative discourse, we have systematically analyzed a corpus of texts from the Dutch populist politician Geert Wilders. The corpus contains 29 texts, covering the period of August 2015 until November 2016. The texts were taken from the website pvv.nl – the website of Wilders's political party, the Party for Freedom (PVV). They include speeches presented to followers and likeminded people, an interview, contributions to parliamentary debates and three tweets. The corpus also contains the written versions of the speeches held by Wilders when he made use of his right to speak in a legal case that was directed against him. This was the second case against Wilders, which was occasioned by statements expressing the wish to have fewer Moroccans in the Netherlands. In December 2016 Wilders was convicted on grounds of insulting a group of people and inciting discrimination.[1]

Our corpus analysis concerns any reference in these texts to a group of people.[2] A first result of the analysis is that not all of these references are an instantiation of an *ad populum* argument. Some references to 'the people' don't have a clear argumentative function or they are part of 'regular' symptomatic argumentation – as is the case in (1):[3]

> (1) Dutch democracy is going through a difficult patch. Citizens are having less and less confidence in politics and don't agree with the decisions taken by the Second Chamber.

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[1] Wilders and his lawyers disagree with this verdict and have brought the case to a court of appeal. The appeal case started in May 2018 and was not finished at the time of submitting this paper.

[2] Following the criteria described in van Leeuwen (2015, pp. 109-110), these references included: references to people or groups of people in society, references to *the Netherlands* when used metonymically to stand in for Dutch citizens, and impersonal pronouns like *everyone* or *nobody* when the context indicates that these words refer to citizens.

[3] An example of a reference to the people lacking an argumentative function is the following fragment: "What a historic day it was, last Thursday 23 June 2016. The UK chose for Brexit, for independence (…). And everyone in Europe saw it. Millions of people feel strengthened by this." (Geert Wilders's contribution in the parliamentary debate after the Brexit referendum result, pvv.nl, June 27, 2016, https://www.pvv.nl/index.php/36-fj-related/geert-wilders/9203-inbreng-geert-wilders-debat-over-brexit.html.)

In fragment (1) the people's opinion is expressed in the second sentence and concerns the citizens' decreasing confidence in politics and their disagreement with the decisions taken by the Second Chamber. This referral functions as a premise supporting the standpoint, expressed in the first sentence, that Dutch democracy is going through a difficult patch.[4] This is not an *ad populum* argument, because the standpoint does not contain an opinion that corresponds with the opinion of the people referred to in the premise. In other words, the opinion expressed in the standpoint and the people's opinion expressed in the premise are not the same. If it were an *ad populum*, the standpoint would have to be something like 'The decisions taken by the Second Chamber are wrong'. The argument conveyed in (1) is a 'regular' symptomatic argument, in which the premise is a sign or indication of the state of affairs that is mentioned in the standpoint:

1   Dutch democracy is going through a difficult patch
1.1   Citizens don't agree with the decisions taken by the Second Chamber
(1.1'   If citizens don't agree with the decisions taken by the Second Chamber, this indicates that Dutch democracy is going through a difficult patch)

Our systematic argumentative analysis of references to 'the people' in the corpus yielded 20 *ad populum* arguments. A detailed analysis of these cases confirms our expectation: Wilders's argumentation does not reveal any explicit case of an *ad populum* argument being formulated in one of the ways in which such an argument is described in the literature. Wilders makes argumentative appeals to the opinion of the people in many different ways, but never with an explicit line of reasoning saying that a standpoint should be accepted because a lot of people hold that standpoint. Wilders, who is – paradoxically – known for his clear language and even won prizes for this (cf. van Leeuwen, 2014, p. 228), can be regarded as a master of vague, unclear and most of all implicit language when his argumentation is concerned. As a result, it is often difficult to hold him responsible for the line of reasoning ascribed to an *ad populum* argument. We will demonstrate this by presenting four types of stylistic choice being characteristic for Wilders's formulation of such an argument.

A first stylistic characteristic of Wilders's unclear presentation of *ad populum* arguments is that he hardly ever expresses an argumentative relation between his mentioning of a group of people and a standpoint. This is directly related to a more general problem with Wilders's argumentative language: his texts are compiled of all sorts of statements, but there is very little indication of how these statements are related – argumentative indicators are systematically lacking. And when discourse markers actually *do* occur, they often cause more problems for the interpretation than that they solve them. For this reason, Wilders's texts lack clear and transparent lines of argumentation. At the same time these texts often seem to be argumentative, because they do contain statements that can be interpreted as standpoints. It is only through context, co-text, background information and the strategy of maximal argumentative interpretation (van Eemeren, Grootendorst and Snoeck Henkemans, 2016) that arguments can be distinguished for these standpoints.

A relatively unproblematic case in which we identified an *ad populum* is example (2). In this text Wilders comments on the outcome of the British referendum on the Brexit, which is evident from the first lines:

(2) Thursday June 23, 2016 will go down in history as Independence Day. The europhile elite has been defeated. Great Britain is showing Europe the path to the future and

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[4] Strictly speaking, the referral to the citizens can be regarded as two premises constituting coordinatively compound argumentation: (a) citizens are having less, and less confidence in politics and (b) don't agree with the decisions taken by the Second Chamber.

to liberation. It is time for a new start now, relying on our own strength and sovereignty.

A recent poll of [the Dutch news programme] EenVandaag [OneToday] shows that a majority of the Dutch people want a referendum on EU-membership, and that there are even more Dutch people who favour an exit instead of a remain.

The Dutch people deserve a referendum too. The Freedom Party therefore demands a plebiscite on a NExit, a Dutch EU exit.[5]

Unlike most other instances of Wilders using *ad populum* argumentation, this text does actually contain an argumentative indicator, which is 'therefore' in the last paragraph. This indicator makes it likely that the part of the sentence following this indicator is the standpoint, while the preceding part of the sentence functions as an argument for this standpoint. The *ad populum* argument covers the whole second paragraph and consists of coordinative compound argumentation because of the word 'even'. The *ad populum* seems to support the argument of the last paragraph – i.e. that the Dutch people deserve a referendum too – which turns this argument in a sub-standpoint:

1	There should be a plebiscite on a NExit, a Dutch EU exit
1.1	The Dutch people deserve a referendum
1.1.1a	A majority of the Dutch people want a referendum on EU-membership
1.1.1b	More Dutch people favour an exit instead of a remain
1.1.1a/b.1	This is shown by a recent opinion poll carried out by EenVandaag

Content-wise, the above reconstruction makes sense. However, it still contains some difficulties. Firstly, there is no argumentative indicator connecting the referral to the will of the people to a standpoint (cf. the standard descriptions of *ad populum* in the literature discussed in the Introduction). This is even more problematic because the *ad populum* appeal occurs in another paragraph than the one containing the standpoint. A last difficulty is that one may doubt whether the last sentence of the first paragraph – starting with "It is time now for a new start…" should not be considered as the standpoint as well, meaning that the Netherlands should make a new start by leaving the EU.

A second characteristic of Wilders's presentation of *ad populum* arguments is represented by cases in which the standpoint remains completely implicit. This can be illustrated by the following tweet, which comments on the fact that Wilders was prosecuted for his 'fewer Moroccans' statement:[6]

(3) Tweet @geertwilderspvv: prosecuted for what millions of people think. #political process #fuckoff

In our opinion, the standpoint that Wilders adopts in (3) can be interpreted in two ways. A first interpretation is the prescriptive standpoint 'I should not be prosecuted for my 'less Moroccans' statement'. This interpretation results in the following reconstruction:

(1	I should not be prosecuted for my 'fewer Moroccans' statement)
1.1	Millions of people think what I said
(1.1'	If millions of people think what I said, I should not be prosecuted)

[5] 'PVV congratulates the British with Independence Day!', pvv.nl, June 24, 2016, https://pvv.nl/36-fj-related/geert-wilders/9201-pvv-feliciteert-britten-met-independence-day.html.

[6] We chose this example because a tweet is conveniently short, but the corpus also contains examples of this characteristic in other text types.

The second interpretation – incited by the hashtag title – concerns the evaluative standpoint 'This is a politically motivated lawsuit'. This interpretation entails the following reconstruction:

(1   This is a politically motivated lawsuit)
1.1   I am prosecuted for what millions of people think
(1.1'   If millions of people think what I said, this indicates that this lawsuit is politically motivated)

It depends on the interpretation of the standpoint whether the reference to "what millions of people think" can be labelled as either an *ad populum* argument (in the first interpretation) or as a 'regular' symptomatic argument (the second interpretation). In the first interpretation, the standpoint that Wilders should not be prosecuted for his 'fewer Moroccans' statement is supported with reference to the opinion of a lot of people. The standpoint thus contains an evaluation of the opinion of a lot of people that is put forward in the premise: because a lot of people want fewer Moroccans in the Netherlands, this opinion cannot be liable to punishment. In the second interpretation, the standpoint does not conclude anything about the opinion of a lot of people presented in the premise. It just uses this opinion in order to support the standpoint that the lawsuit against Wilders is politically motivated.

A third way in which Wilders's presentation of an *ad populum* argument deviates from the standard conception of this argument concerns the choice of an atypical verb. In the standard definitions of *ad populum* arguments that we presented earlier, the premise always clearly indicates that people have an opinion:

- Because people *accept a certain belief* or *approve of* a certain course of action, we have sufficient reason to accept that belief as true or that course of action as right
- Everyone *believes* P, therefore P is true
- Everybody *accepts* P. Therefore, A is true (or you should accept A)
- It is widely *held among* S that P therefore, P is true

In our corpus, we did indeed find verbs that are suited for indicating an opinion, like *think, want, say yes/no, be in favour of*. But we also encountered verbs that do not necessarily refer to an opinion, such as *be sick to death, realize, trust*, *see* and *understand*. In the context of an appeal to the people, however, these verbs seem suitable for implying or presupposing an opinion, like in (4):

(4) My heart bleeds when I see what kind of wrong choices this cabinet is making, my heart bleeds when I see what is happening with our elderly people. Every day we receive e-mails from people who need our help, but who are left to fend for themselves. People who do not *understand* why the cabinet gives things for free to asylum seekers and not to them. And I support them. It is unconceivable, it is unacceptable, it is disgraceful. [5c]

We analyzed this example in the following way:

1   It's unconceivable, unacceptable and disgraceful that the cabinet gives things for free to asylum seekers and not to people who need help
1.1a   People do not understand it
1.1b   I support them

In (4), Wilders uses an *ad populum* argument to defend his claim that it is disgraceful that asylum seekers get something for free and Dutch people don't. He defends this standpoint by claiming that people "do not understand it". The semantics of the verb 'understand' do not necessarily contain an opinion: if one does not understand something, this does not automatically imply that one *disagrees* with it.[7] In fact, if one does not understand something, one cannot even know whether one agrees with it or not, because agreement presupposes understanding. However, this is the meaning of 'understand' in a literal sense, used in a context that one does not understand something because it is difficult or complicated. Instead, Wilders attributes this verb in (4) to a group of people in a context where the object of the verb consists of something negative. In (4) the object of understanding does not consist of something difficult, but of something that gets a negative evaluation, i.e. a practice that is called disgraceful. In this a context, not understanding something means having a negative opinion about it.

A fourth characteristic of Wilders's presentation of *ad populum* arguments is the use of a construction by means of which the verb that indicates the people's opinion is left out. This concerns formulations like: '*in the name of [the people]*', '*on behalf of [the people]*' or '*together with [the people]*'. These formulations present another deviation from the standard line of reasoning attributed to an *ad populum* argument, as is illustrated with example (5), taken from Wilders's parliamentary contribution to the General Debate of 2015:[8]

> (5) I say to you all: you are not the Netherlands. The heart of the Netherlands is no longer beating in this hall [the Second Chamber]. The real heart of the Netherlands is beating outside this building, where the Dutch people are, where our people live. That is the real Netherlands. In the name of all those millions of people that you no longer represent, I say this:
>
> (…)
> Stop that Islamic invasion.
> And please let the Netherlands remain the Netherlands.

In this excerpt, Wilders presents himself as the mouthpiece of his followers, who are represented as the 'true' people. The referral to the "millions of people that you do not represent anymore" seems to have an argumentative function, but this is neither indicated by an argumentative indicator, nor by a verb expressing (or implying) an opinion. Wilders does not say that the people have a certain opinion, but by using the construction 'in the name of', he *implies* that the "millions of (Dutch) people" he is referring to, share his standpoints that are listed below the brackets ("Stop the Islamic invasion. And please let the Netherlands remain the Netherlands"). In our opinion, therefore, fragment (5) can be reconstructed as follows:

1	Stop the Islamic invasion. And please let the Netherlands remain the Netherlands
1.1	I say this in the name of millions of people (that you no longer represent)
(1.1'	If I say X in the name of millions of people (that you no longer represent), then X should be accomplished)

Up till now we discussed four stylistic means of Wilders presenting an *ad populum* argument: lack of argumentative indicators, leaving the standpoint implicit, use of an atypical verb and

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avoiding a verb expressing an opinion by using a construction. It should be stressed that we have discussed these characteristics in isolation, for sake of clarity. In many cases though, the vagueness and implicitness of Wilders's *ad populum* appeals is the result of a *combination* of two or more of these stylistic techniques. This can be demonstrated with example (6), taken from one of Wilders's speeches held in the legal case that was directed against him after his 'fewer Moroccans' statement:

(6) I am being prosecuted because of my words. Whereas I didn't say anything wrong. Fewer Moroccans, fewer Syrians, fewer Mexicans, fewer Russians, I don't see why that is liable to punishment. But if Turkish members of parliament call me a cancer that needs to be combatted, and compare me to Hitler, then there is no consternation, no massive reporting of a crime with pre-printed forms, no prime minister who cries out against it, and no prosecutor who comes into action. In what country do we live.

But I speak on behalf of millions of Dutch people. And I will continue doing that. It is my duty as a representative of the people. And it is my right. It is a travesty that I am standing here in front of you [i.e. the judge] today.

Fragment (6) poses many problems for the analysis. For a start, it contains the adversative indicator 'but' two times, but in both cases it is not immediately clear what the antithesis amount to. The first 'but' seems to contrast the condemnation of Wilders's words on the one hand and the lack of condemnation with regard to similar words spoken by other politicians on the other hand. Wilders suggests that double standards are applied with respect to prosecuting politicians. Pointing out this inconsistency may support the last sentence of this first paragraph, which indirectly states that we live in a terrible country. The second 'but', introducing the referral to the people, may then implicitly address the politicians (and other 'elite' persons) behaving in the inconsistent way as is sketched in the preceding text. It may be meant to suggest that the people with their inconsistent behaviour are not backed up by millions of people, in contrast to Wilders himself.

Could a line of argumentation be discerned in the above text? The final sentence gives the impression that a standpoint is expressed: 'It's a shame that I am standing here today'. As this standpoint is part of a paragraph also containing the referral to the people, there may be reason to conclude that the latter functions as a premise supporting the first. But how does the argumentation run? Argumentative indicators are absent and an explicit referral to the people's opinion is absent due to the construction 'on behalf of'. We do know, however, on the basis of background information, that Wilders has often stated to be in favour of sending Moroccans back to their home country by declaring that a lot of people are fed up with Moroccans causing trouble. This allows for an interpretation of (6) in which Wilders uses an argument saying that it is a shame that he has been brought to court for expressing an opinion that is shared by millions of people. Or in other words, that it should be allowed to express a wish for fewer Moroccans (and thus not be prosecuted for that), because a lot of people think that there should be fewer Moroccans.

The above analysis entails an *ad populum* argument. But the analysis should be extended, because Wilders also refers to his role as a political representative. He states that it is his right and duty to voice the opinion of the people he represents. This addition seems to anticipate criticisms directed to an *ad populum* argument, i.e. criticisms saying that the amount of people having a certain opinion does not guarantee the correctness of that opinion. Wilders's addition can be analyzed as a second element in coordinative compound argumentation addressing this kind of criticism, as is shown in the reconstruction below (the implicit elements have been put between brackets):

1	It is a travesty that I am standing here today
(1.1	I should be allowed [i.e. not be liable to punishment] to express a wish for fewer Moroccans)
1.1.1a	I speak in the name of millions of Dutch people
1.1.1b	It is my duty and right as a representative to voice the opinion of millions of Dutch people
(1.1.1c	Millions of Dutch people want fewer Moroccans)
(1.1.1a-c'	If a representative voices the opinion of millions of people wishing fewer Moroccans, then it should be allowed [i.e. not be liable to punishment] to express a wish for fewer Moroccans)

The unexpressed premise 1.1.1a-c' makes clear that Wilders's anticipation to criticisms does not render his argument into a reasonable one. In the Netherlands, politicians are certainly liable to punishment if they transgress the boundaries posed by the law, even if they represent the feelings and wishes of their supporters. These boundaries may indeed be loosened up on the basis of majority vote, but only after a democratic process leading to an adaptation of the relevant legal rules. Thus, the fact that Wilders acts as a political representative does not legitimize everything he says.

In the reconstruction of (6) so far, the first paragraph has no role. One could think, however, that this paragraph contains two arguments as well. Firstly, the beginning of the first paragraph – Wilders stating that he did not say anything wrong – could contain another argument for the standpoint that it is a travesty that he has been brought to court. Secondly, Wilders's suggestion that double standards are applied with respect to his prosecution (as is indicated by the remark that other politicians saying controversial things have not been prosecuted) could also be reconstructed as an argument for this standpoint. Such an analysis – which is purely based on considerations regarding the content – entails the reconstruction below, which is an elaboration of the one above:

1	It is a travesty that I am standing here today
1.1	I didn't say anything wrong
1.1.1	I don't see why saying fewer Moroccans, fewer Syrians, fewer Mexicans, fewer Russians is liable to punishment
(1.2	Double standards are applied when it comes to my prosecution)
(1.2).1	If Turkish members of parliament call me a cancer that needs to be combatted, and compare me to Hitler, then there is no consternation, no massive reporting of a crime with pre-printed forms, no prime minister who cries out against it, and no prosecutor who comes into action
(1.3	I should be allowed to express a wish for fewer Moroccans)
1.3.1a	I speak in the name of millions of Dutch people
1.3.1b	It is my duty and right as a representative to voice the opinion of millions of Dutch people
(1.3.1c	Millions of Dutch people want fewer Moroccans)

The above two reconstructions of (6) illustrate how a combination of stylistic factors makes it hard to pin down Wilders's *ad populum* appeals. Analysis problems are the result of a combination of stylistic factors. Not only is an argumentative indicator linking the *ad populum* argument to a standpoint missing, but this (sub-)standpoint ((1.1) in the first reconstruction and (1.3) in the second) is left implicit as well. Moreover, an explicit referral to the content of the people's opinion (1.1.1c/1.3.1c in both reconstructions respectively) is also absent as a result

of using the construction 'on behalf of'. Our reconstruction thus shows that even the *ad populum* appeal *itself* can be left implicit. Such an (implicit) presentation is quite the opposite from how *ad populum* arguments are described in the literature.

3. CONCLUSION

The aim of this paper was to explore how *ad populum* arguments are presented in actual argumentative discourse. To this end, we presented a case study of how the Dutch populist politician Geert Wilders formulates *ad populum* arguments. In line with our expectation, the analysis did not reveal any instance of an *ad populum* argument as it is defined in the literature. Instead, we often had to "dig below the surface" to find appeals to popularity – to use Johnson & Blair's terminology (2006, p. 177). Although Wilders is well known for using 'clear language', from an argumentative perspective his discourse is often vague and hard to interpret. Wilders never presents *ad populum* arguments in a clear and explicit way.

We highlighted four stylistic factors in Wilders's discourse contributing to a disguised presentation of *ad populum* arguments: 1) leaving out argumentative indicators; 2) leaving standpoints implicit; 3) using atypical verbs, i.e. verbs that do not intrinsically refer to an opinion but can be used to imply such an opinion; and (4) using constructions which enable an arguer to leave out the verb that indicates the people's opinion. Wilders presents his *ad populum* arguments often by using a combination of these techniques, which makes that Wilders's *ad populum* arguments are often presented in a disguised way. Strikingly, our corpus analysis also revealed instances of *ad populum* appeals in which the *ad populum* appeal is left completely implicit (see the discussion of fragment (6)).

Some strategic advantages are connected to the presentational means used by Wilders to formulate an *ad populum* argument. In cases where argumentative indicators are absent and/or the standpoint is left implicit, arguers can claim that they only wanted to stress what people's opinions are and nothing more, thus denying commitment to an *ad populum* argument. In cases where an atypical verb is used for referring to the opinion of a group of people, it is not only less obvious that an *ad populum* argument has been used, but such a verb can also have the strategic effect of presupposing this opinion as true. For instance, a statement like "people understand that the deal with Turkey is not a solution" implies that it is generally agreed upon that this deal is not a solution. Finally, by using a construction like 'In the name of [the people]', politicians can deny commitment because they can easily say that as an elected representative they should mention the opinion of the people that they represent. By using such a construction, a politician can maintain that the opinion put forward is not necessarily *his* opinion, but that it is his duty to act as a mouthpiece. Moreover, these constructions are also strategic in that they presuppose that the people referred to share the politician's opinion.

Our research has shown that Wilders presents his *ad populum* arguments very differently from how this type of argument is described in the literature. In order to get a better grasp of their actual use and strategic presentation, we aim to further explore the discourse of Wilders and of other (populist) politicians.

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Causal patterns for justifying historical explanation. Causation in P.C. Hooft's *Dutch History* (1642)

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ABSTRACT: The practice of justifying historical explanations generates causal patterns in which several types of arguments play a role. This paper is aimed at identifying some of such causal patterns on the basis of an exploration of the institutional conventions regarding the nature and the shape of historical explanations as reflected in the *Dutch History* (1642) by Pieter Hooft. Causal patterns can unveil bias, prejudice and strategic aims, as well explain why a text may be (or has been) interpreted in a specific way.

KEYWORDS: abduction, causal patterns, causation, Early Modern historiography, P.C. Hooft

1. INTRODUCTION

Causal relationships are essential to establishing historical explanations (Tapp, 1952; Carr, 1964; Keil & Wilson, 2000). These explanations are a fundamental part of historiography, as historiographers not only use linguistic tools to respond to events emotionally (cf. Broomhall, 2013), but also causation as to select and assess different explanations of historical facts. This paper aims at providing an analytical tool to identify the way in which Dutch seventeenth-century historiography supports its claims with different causal patterns. My aim is to describe the prototypical causal patterns that arise when historiographers provide such a justification for their explanation of a memorized fact or a set of facts.

It has been assumed that historical genres, such as medieval chronicle-like narrative, use causation that simplify cause-and-effect, account genres that are not specifically capable of integrating a multiplicity of simultaneously occurring factors and outcomes: "Something happened and then something else happened *because*..." (Benson, 1972, p. 82). These narratives are focused on more immediate causes neglecting long-term, background reasoning. This article explores causal patterning in an intermediate phase between medieval and eighteenth-century account, a period as well between at the one hand chronicles and annals and at the other the contribution by 18th-century empirical theorists like David Hume. It focuses on Dutch humanist historiography, of which the most important representatives are the `world-famous' Neo-Latinist Hugo Grotius and the pre-eminent Dutch poet, playwright, and historian Pieter Hooft, who's *Nederlandsche Historien* (1642), the `Dutch History' (DH), will be in the centre (Haitsma Mulier, 2003, p. 43). This prose text is argumentative throughout. At the beginning of his book Hooft expresses as his cardinal aim to give advices to a current generation of local and state governors, as a school for politics and state administration. He considers it valuable for the `instruction of princes and nations' as well.[1] But most of all, he intends his historiography (which

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[1] Hooft, 1972, p. 3. Like Grotius, Hooft regarded historiography a "direct instrument for ruling in the hands of the government itself. Crucial to the working of this instrument is the statesman-historian's sharp perception of the real

is not without reason in Dutch, not in Latin) to be read and used by his fellow-countrymen. Hooft tries to get his advices accepted by his readers. He underpins them by examples from recent history, i.e. the Dutch Revolt against Spain (argument by `example).

In section 2 of this paper, I explore the institutional conventions that shape this way of supporting historical claims and provide a causal pattern for justifying historical explanations. This analytical tool, build for historical texts from the Early Modern period, will be tested in section 3. Here, after a short introduction of Hooft's *Dutch History*, an analysis of text fragments will indicate how the causal patterns work in practice. In section 4 I will discuss and evaluate my findings and indicate which causal patterns can be identified within the historiographic domain. The importance of this finding is twofold: the design of an argumentative tool for the analysis of Early Modern historiography, as well as the application of this tool in a significant Dutch treatise, of which the analysis has been neglected for a long time.

2. JUSTIFYING HISTORICAL EXPLANATIONS

In her study *Historical Discourse. The Language of Time, Cause and Evaluation* (2006), Caroline Coffin discusses causation as a value of educational linguistics and as an important part of the learning and teaching of history in secondary schools. In her opinion, there are some important classifications to be identified: historiography distinguishes between linear cause-effect chains and non-linear (factorial or consequential) explanation. A linear cause-and-effect chain involves chronological narrative in which cause and effect have a one-to-one correspondence. The non-linear variant is a more complex, analytical model in which short- and long-term causes and consequences operate across social, political and economic domains (Coffin, 2004, p. 263). The goal of factorial explanation is to explain the (supposed) reasons leading to a particular historical outcome by the sequence identifying a historical outcome - elaborating causes of historical outcomes - emphasizing key factors. A consequential explanation explains the consequences or effects of a historical event.

Early Modern historiography may be assumed to be predominantly narrative. In a narrative model, linear cause-and-effect operates relatively simply and mechanistically, with a focus on human agency and specific historical events. The analytical form of causation, in which cause-and-effect chains are dominated by abstract, nonhuman forces (like external economic and social causal processes), is presumed to be extremely rare in historiography before the eighteenth century. As our focus is on Early Modern historiography, a more and different detailed classification of cause-and-effect is desirable. Moreover, the distinction by Coffin is not fully indicative for the way in which causal patterns can justify historical explanations. Stone has distinguished conditions that make an event possible (`preconditions') from conditions that make it probable (`precipitants') or necessary (Stone, 2002, pp. 58ff; cf. Lorenz, 2007; Froeyman, 2009). Translated into a pragma-dialectical approach to argumentation, which regards argumentation as a complex speech act that occurs as part of natural language activities and has specific communicative goals (Van Eemeren & Grootendorst, 2004) the argumentative pattern for justifying historical explanations runs like table 1. Statements of particular facts are the premises here (Wagemans, 2015; Walton, 1999, p. 243). The standpoint in factorial explanation is that we may assume that a particular historical outcome is the case, in consequential explanation that a specific effect has been established.

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historical motives and causes" (Waszink, 2008, p. 97). See below.

Table 1. Causal argumentation for justifying historical explanations[2]

1 We may assume that a particular fact is the case (standpoint)
      1.1   It is observed that a (set of) particular fact(s) is the case
            1.1'   If it is observed that a (set of) particular fact(s) is the case, then we may
                      assume that a particular fact is the case
               1.1'1 Y causes Z
                      1.1'.1.1a   Y is a necessary cause of Z
                      1.1'.1.1b   Y is a sufficient cause of Z
                              1.1'.1.1b1   Y is the most likely cause of Z
                              1.1'.1.1b2   Y is a probable cause of Z
                                1.1'.1.1b3   Y is a possible cause of Z

It may be a true historian's task to put an argument or justification (1.1) to the historical account, as his purpose may be "to justify a particular representation of the past against other possible representations" (Megill, 1989, p. 647). In argumentative discourse, the writer not only shows his ability to record the past by explaining and narrating events, but also includes negotiation or debate, abstracting from and reasoning about historical events in order to persuade and influence his readers of his choice (cf. Coffin, 2006, p. 77). Like in scientific communication, in historiographic discourse it is not the explanandum but the explanans that is initially doubted and need further support. After all, if the explanans contains a (set of) fact(s), this does not mean that the occurrence of the explanandum (fact F) is the direct (necessary) result of the occurrence of the fact(s) mentioned in the explanans (Wagemans, 2015, p. 7). As a third fact may be relevant here, it has to be made explicit which fact is the cause of the explanandum. As Wagemans describes, in pragma-dialectical terms, this can be translated as the need to add an argument of the form `Y causes Z' (1.1'1). Within a *factorial explanation* such an argument may for instance express that without the occurrence of the reason, a particular historical outcome does not occur either (necessary cause), or that there are no other reasons needed for that historical fact to occur (sufficient cause). Within a *consequential explanation* such an argument may express that without the occurrence of the cause, the effect does not occur either (necessary cause), or that there are no other factors needed for the effect to occur (sufficient cause). In the latter case, with application of the distinction by Stone (2002), the relation between the reason and the outcome or the cause and the effect may be described in different gradations of sufficiency. In other words, in 1.1'.1.1b1-3 (table 1) Y is a sufficient cause of Z but in different degrees.

     In historiography, causal explanation is often represented as (the result of) a process of choosing from different explanations that are considered and assessed. The process of weighing different possibilities in order to select the best explanation may be supported by argumentation why a specific decision has been taken. As there may be special (implicit) reasons regarding the criteria used for the selection of a sufficient cause from a number of possible explanations as the best or most suitable one, I have added 1.1'.1.1b1-3 in table 1 as gradual differences in probability. Among them 1.1'.1.1b1 is known as `abductive reasoning' or `inference to the best explanation', one of the most common forms of inductive argument (cf. Fogelin & Sinnot-

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[2] The scheme is partly based on the basic argumentative patterns for justifying scientific explanations by Wagemans, 2015, p. 6.

Armstrong, 2005, p. 254; Froeyman, 2009; Wagemans, 2013). In abductive reasoning there is an implicit or explicit appeal to explanatory considerations (Douven, 2011). It "involves the consecutive process of selecting the 'best candidate' from the hypotheses that have been generated" (Wagemans 2013, p. 3; Campos 2011; Wagemans, 2013), with a conclusion that is plausibly true. The sub-standpoint motivating the choice is of an evaluative nature and can be formulated as "Of candidate explanations E_1-E_n, E_i is the best explanation of F" (cf. Wagemans 2015). This sub-standpoint may be explicitly supported by arguments in favour of E_i, or in disfavour of alternative explanations. If we consider *probability* in terms of "closeness to the truth concerning the relation between a historical fact and a possible explanation of that fact", the following scheme may be obtained (cf. Douven, 2011):

Table 2. Extension concerning the choice of the best explanation

1. It is observed that F is the case
    1.1 It is observed that candidate explanations E_1,...E_n are the case
        1.1'.1 Of candidate explanations E_1...E_n E_i is the best explanation of F
            1.1'.1.1 E_1...E_n meet criteria C_1-C_n with value $V_{1,1}$-$V_{n,n}$
                1.1'.1.1' If E_1...E_n meet criteria C_1-C_2 with value $V_{1,1}$-$V_{n,n}$,
                    then of possible explanations E_1...E_n E_i is the best
                    explanation of F
                    1.1'.1.1'.1 Decision rule R applies

In other words, given historical fact F and the available candidate explanations E_1,...E_n of F, if on the basis of value V E_i explains F better than any of the other explanations, infer that, after application of a decision rule R, E_i is closer to the truth than any of the other explanations.

Decision-making always implies criteria on the basis of which it is decided which explanation is the most preferable. These criteria may differ from one discipline to the other, and from person to person. In the field of scientific communication simplicity, generality, accuracy, consistency, and fruitfulness are just some of the criteria for deciding what the best explanation is (cf. Kuhn, 1998; Douven, 2011, Wagemans, 2015). For Early Modern historiography it seems reasonable to add criteria like reliability and expertise. If the choice of the decision-maker has been effected without a clear indication on the basis of which criterion the `best' explanation has been chosen, it seems quite difficult to get grip on this criterion (cf. Kuhn, 1998, pp. 103-104; Wagemans, 2015), in particular when different criteria at the same time are involved.

3. HISTORIOGRAPHY ANALYSED: PIETER HOOFT'S *DUTCH HISTORY*

In this section the usefulness of the analytical patterns from section 2 with respect to seventeenth-century historiographic discourse is demonstrated. As an introduction to the analysis, in 3.1 I will give some general background information of the historiography involved: Pieter Hooft's *Dutch History*. My analysis in 3.2 is based on a small corpus of justifications of historical explanation in the *Dutch History*, both factorial and consequential explanation. This corpus will give a representative picture of humanist historiography in this period. The selection offers a fair indication of the diversity of causal patterning in this historiography, though no claim can be made to be exhaustive concerning the different concepts of causation in history.

3.1 Background of the Dutch History

As a *historian* Hooft describes the first period (1555-1587) of the Dutch Revolt against Spain (cf. Parker, 2002) in lengthy prose, consisting of more than twelve hundred folio pages. The content of the DH (*Dutch History*) is rather patriotic, albeit with a clear-sighted understanding of the enemy's motives and qualities. Hooft's sympathies were unequivocally on the Dutch side, as he regarded the Revolt as a legitimate fight against Spanish tyranny. The narrative of the DH is chronological and divided into books, which tell the history of events year by year.[3]

From the argumentative standpoint to give advice to his governing fellow-countrymen explanation and interpretation play an important role. Causal links are essential in all parts of his work. Though the DH appears to be a chronicle-like account of established facts at first sight, causation is not merely limited to explaining events as they unfolded over time. Hooft's history is an example of a humanistic approach, in accordance with classical conventions, and history is no longer regarded as a process of linear development (Haitsma Mulier, 2002, p. 67). Humanist historiography aims at a convincing and lively presentation of what happened, or could have happened, and of the considerations thereof, the motives and utterances of the most important figures, rather than an exact reproduction of what was found in the sources, passed down through the ages.

Factorial explanation seems to prevail. Apart from an individual style Hooft has specific ideas about what to mention of (supposed) reasons leading to a particular historical outcome and what to avoid in telling his story. Moreover, he must have had a clear picture of which aspect(s) of the examples were the most valuable for his readers. Likewise, he felt it to be of little interest for them to have any knowledge of the historical (long-term) consequences. These served `rather as filling than as food' in his opinion, because the reasons behind the actions, thus the causes, would have been more important and useful than what it brought about or could have been brought about. Hooft described, for example, the planning of an attack (1581) on the city of Flushing in full detail, although this attack was never launched. He explains the background of the reasons that would have led to this attack (Hooft, 1972, p. 777):

> However, as knowledge of the bare consequences of historical events functions rather as filling than as food to the reader's reason - after all in the matter of usefulness they cannot weigh up against reviewing the ways by which the causes are brought about - it won't grieve us to tell these actions [in the margin: `Attack on Flushings (that did not take place)'], planned with as much bravery as craftiness, one by one.

After all, from Hooft's point of view the historiographer had to explain people's motives that were often hidden (*arcana imperii*), fact *and* judgment, as Tacitus had done, laying open a truth that transcended mere factual truth and offered insight into the real and deeper causes of events (Jansen, 1995, pp. 184-185). As Waszink (2008, p. 97) has stated with regard to Grotius - and the same goes for Hooft -, the usefulness of the ways by which the causes are brought about, was `revealing the real causes and motives in history' and in actual politics. It enabled the historiographer to directly steer and correct the present. By way of consequential and factorial explanations Hooft uses causal argumentation as a means to order and make history into a

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3. Hooft's DH shows all the characteristics of a chronicle, in the sense that it recalls events as arranged in a rather strict chronological order; the mutual connection between the events may be under discussion, but evidently Hooft did not venture a lot of digressions across the time boundary of each year, in accordance with his most important source of inspiration, Tacitus, who mentioned any deviation of time sequence. Hooft apologizes for interrupting chronology as well (Haitsma Mulier, 1985, p. 65; cf. Breen, 1894, pp. 236-237).

reliable and comprehensible account, creating an impression of a considered and `well-documented' argument.

3.2 Analysis

The *Dutch History* is a historical account, in which linear causation is most common. Causation, as such, may be characterized as a judgment made that A causes B, as a process between A and B in which a necessity, force or causal power is transmitted (Ahn & Kalish, 2000). A linear causal narrative has the following structure:

event A →[causes] event B → [causes] event C, etc.

The facts are described in a coherent way, with a certain direction and meaning (Froeyman, 2009, pp. 13ff). Causal connectives that indicate this structure are for example `as a result of', `led to', and `resulted in' (cf. Coffin, 2004, pp. 263-264). The following case will illustrate this.

In 1587 the eastern provinces of the Netherlands remained the theatre of war, a fight between the Spanish troops of Parma and those of the United Provinces, in collaboration with English troops. One day the leader of the Dutch (and English) soldiers, Maarten Schenk, sees an opportunity to open the gates of Nijmegen, in order to take the city. That is why he makes his way to Elten, with his troops, most of them English ones, and from there to the other side of the Rhine. His journey starts at night with the aim to arrive in Elten at the crack of dawn. But when he has almost arrived there, he is forced to rest his English troops, who are at the forefront. He is unable to quickly mobilize them again.

(1) That's why [consequence] he [Schenk] started to drive the Dutch troupes forward, fearing [cause] that the daybreak would betray him. But the English troops, not willing to allow them the way through [cause], opposed them [consequence and cause] in such a way, with spears put forward, that [consequence] the plan [to arrive in the village of Elten] was a total disaster. (Hooft, 1972, p. 1096)

This description is an example of (mostly) consequential explanation in which the focus is on the effects of a specific event (the plan being a disaster as a result of the opposing English troops, the English troops opposing as a result of the Dutch troops being driven forward, the Dutch being driven forward as a result of the fearing by Schenk that the daybreak would betray him). All the causes mentioned are sufficient causes, to be valued as *probable* causes.

Factorial explanation may have a multi-layered character, as seen in example (2) with arguments from different places, however, without a clear internal evaluation of them by the writer:

(2) After Charles the Fifth (either due to his health, to which he himself put it down, or because his normal luck gave out), tired with reigning and not standing up to his problems, has drummed knowledge of governance [...] into his son, and appointed him as head of the Golden Fleece, he turned up [...] in the assembly of the States General. (Hooft, 1972, p. 3)

The argumentation structure runs as follows:

1 Charles drummed knowledge of governance into his son, and appointed his son as head of the Golden Fleece.

        1.1 he could not stand up to his problems

> 1.1.2 he was tired with reigning
>> 1.1.2.1 his normal luck let him down [reason given by Hooft]
>> 1.1.2.2 his health let him down [reason given by Charles]

The text does not make completely clear how the different causes have to be arranged and which premise belongs to which voice. Only 1.1.2.2 is explicitly linked by the writer with the judgment of Charles himself. All causes seem to be probable causes except for the reason given by Hooft himself (1.1.2.1) that Charles' normal luck let him down, which is a possible cause of 1.1.2. The gradual difference between these causes is based on an `initial condition'. Charles declared himself that health was the reason for his fatigue, and the reason given by Hooft (1.1.2.1) is another, possible, reason from someone judging the relation between 1.1.2.1 and 1.1.2. The cause is a *possible* one, as more than just `real-world'-knowledge is involved. After all, according to Sweetser (1990), the relation of sentences with causal connectives can be based on three types of causation: 1. real-world causation, 2. epistemic causation, and 3. speech-act causation. In this example there is a `real-world' or factual relation between the two discourse segments. Both the standpoint 1 and argument 1.1 contain a factual proposition. It is characteristically for an emperor (Charles V) to appoint someone else (his son) to be his successor if he cannot stand up to his problems, due to tiredness with reigning, as it is real-world-knowledge that being tired with reigning may be caused by insufficient health (1.1.2.2). Argumentation based on this kind of factual relationship leads to coherent utterances, and furthers that the reader can understand the relation between both. But the coherence concerning the other reason given here (1.1.2.1) asks for more than `real-world'-knowledge. That `it is considered a sign of luck if someone keeps his health' may be obvious, but an analysis of the context is needed to test the acceptability of the opinion that `Charles was normally lucky'.

The analytical form of causation, in which cause-and-effect chains are dominated by abstract, non-linear and non-human forces, is rare in the DH. This may be partly explained by the fact that in general seventeenth-century historiography has a more narrative, chronicle-like character. It focuses on historical facts and individual human acts rather than on abstract, long-term or coordinating forces and trends. Moreover, the DH has a dramatized literary style, which goes hand in hand with episodical narrative. An example though of analytical causation may be the passage in which Hooft evaluates the view of `several chroniclers' about the causes of a shortage of grain in the Southern Netherlands in 1587. The `non-human force' is the stagnation of agriculture. Indeed, the harbors and rivers in the Southern Netherlands were blockaded by the provinces of Holland and Zeeland, and the farmers lived on the verge of disaster, due to the burden of soldiers passing through, as Hooft describes. According to him, one historiographer explained the high cost of grain by stating that greedy traders only delivered grain when the prices of it have soared. The passage takes the form of a refutation with a conclusion on the basis of probability:

(3)   One writer from this period claims that the high cost did not arise from the grain shortage, but from the greed of the traders [...]. When the market was sluggish, these traders swore, in his opinion, that they had nothing in stock, but when demand for these goods increased, they could provide enough from their lofts, which were packed with grain. But, except that this has only been mentioned by one person, it can be easily refuted. For surely, the magistrate or the population would in all likelihood have heard about this despicable misuse and would have settled it by way of an order or revolt. Moreover, several chroniclers unanimously testify about this year [1587] that the earlier mentioned blockade of the waterways and the stagnation of agriculture cause the shortage [of grain]. For the achievement of this effect [the shortage] these factors [the blockade and the stagnation] were certainly sufficient. That's why I think it is more plausible that by proclaiming it this man

[the aforementioned writer], perhaps incited by the Spanish governors, may have tried to dissuade the people from the idea that it was in the power of the United Provinces [i.e. Holland and Zeeland] to take the other provinces [in the South] by the throat. (Hooft, 1972, p. 1160)

Hooft's own conclusion, after mentioning the insights of the different chroniclers, is based on a kind of abductive reasoning that "involves the consecutive process of selecting the 'best candidate' from the hypotheses that have been generated" (Wagemans, 2013, p. 3; Campos, 2011), with a conclusion that is plausibly true.

1 It is observed that the shortage is the case
    1.1 It is observed that greed by traders, blockade of the waterways, and stagnation of agriculture are the case
        1.1'.1 Of all possible explanations the blockade and stagnation is the best explanation of the shortage

The standpoint is supported by causal argumentation

        1.1'.1.1 The shortage can be explained by the blockade/stagnation
            1.1'.1.1.1 Several chroniclers unanimously testify this
            1.1'.1.1.2 The blockade/stagnation are a sufficient explanation

The refutation of an alternative explanation (the greed of the traders) is also supported:

1 The high cost is not likely to be explained by the greed of the traders
    1.1 This explanation is mentioned by only one writer
    1.2 The population would in all likelihood have heard about the misuse and would have settled it by way of an order or revolt [which didn't happen]

Decision-making always implies criteria on the basis of which it is decided which explanation is the most preferable one. Which ones are involved here? Due to a scarcity of factual evidence, Hooft selected the most probable possibility by logical reasoning and common sense. The decision is valued by words that on the one hand indicate determination like `easily refuted', `surely', `certainly', and on the other probability: `in all likelihood', `more plausible', `perhaps'. Moreover, his choice is supported by explaining why one of the explanations is less probable. It was in his opinion "intended to dissuade the people from the idea that is was in the power of the United Provinces to take the other provinces by the throat". This claim has been substantiated by reference to the Spanish governors, who `perhaps' incited this.

    Although reasons or consequences are selected and sometimes evaluated, they are mostly presented as categorical, objective facts, rather than as a set of propositions that have to be argued for (Coffin, 2006, p. 71). Solidarity between writer and reader may therefore been assumed. The same goes for the evaluation of the decision-making process. For the smooth functioning of this kind of historical narrative, common feeling and shared values seem to be essential conditions. The argumentation takes place in the context of a process of joint dispute resolution, aimed at persuading the readers of the way in which the reasoning has been made, elucidating the collaborative way in which the protagonist and the antagonist respond to each other's (i.e. assumed) doubts and objections. As in example (3), Hooft often delivers argumentation for the choice he made between different explanations. By using lexical choices

like `surely', `easily', `certainly', `main' and `important', he seems to construe a degree of causal impact in the DH but mostly refrains from further explanation of why it is classified in this or that way, implicitly referring to shared values.

4. CONCLUSION

In this paper, I have given a description of the prototypical causal patterns that arise when historiographers provide a justification for their explanation of a memorized fact or a set of facts, and when underpinning their choice for the selection of arguments. Causal argumentation has been described, in which a specific (historical) fact is supported by a (set of) particular fact(s). This argumentative pattern has been extended in a version that is focused on the quality of the explanation. It sets a necessary cause apart from a sufficient cause, and divides the latter into three different gradations: `the most likely', `probable' and `possible' cause.

The first one of these three has been identified as `abduction' and described as an extension concerning the choice of the best explanation. The extended version of causal argumentation concerning the choice of the best explanation (table 2) has made clear that on the basis of a valuation from the available candidate explanations one explanation is to be selected as the best one to explain a specific historical fact F, after application of a decision rule. For DH abductive reasoning seems to be highly relevant, as in several cases Hooft tries to reconstruct the historical process on the basis of available (and in some way conflicting) sources.

The analysis of causation in Hooft's DH sought to provide further insight into the application of the argumentative tool. The author often delivers argumentation for the choice made between different explanations. By using lexical choices like `surely', `easily', `certainly', `main' and `important', he seems to construe a degree of causal impact, though mostly refraining from further explanation of the decision made. Decision-making always implies criteria on the basis of which it is decided which explanation is the most preferable. Example (3) shows some of the motives for selection: one of them is the opinion of only one writer against the explanation unanimously made by several chroniclers. The criterion involved will have been `reliability'. Another criterion for selection of the best explanation is here that the proposed explanation is a sufficient explanation, while an alternative would have caused an effect (order or revolt) that did not happen. The criterion is here supposed to be `simplicity' or `sufficiency'.

In Early Modern historiography not only historical facts as (sub)standpoints need (sub)argumentation, but also the decision which of the available explanations is the best to be supported by (sub)argumentation. On the basis of the latter it can be decided not only which are the criteria for good explanations but also on the basis of which criterion a decision has been made.

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Dispute mediators' *reframing* as an argumentation competence

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ABSTRACT: Our contribution focuses on the phenomenon of *reframing* in dispute mediation, as a technique by which mediators help parties frame convergence, which is correlated to conflict resolution. We claim that reframing is an *argumentative* competence that is to be understood as part of a mediator's *strategic maneuvering* (van Eemeren, 2010). We provide an argumentative analysis of instances of reframing involving "shifts in levels of abstraction" (Putnam, 2004), taken from transcripts of mediation sessions.

KEYWORDS: argumentative competence, conflict resolution, frames, mediation, reframing, shifts in levels of abstraction, strategic maneuvering

1. INTRODUCTION

This paper intends to investigate the argumentative nature of *reframing*, which is understood as a key communication competence of dispute mediators, enabling them to help parties in the resolution of their conflict. Our research complements previous studies on argumentation in the context of dispute mediation, focusing on a specific discursive technique that, to our knowledge, has not received attention so far.

The concept of *reframing* has been defined in a variety of ways, both in the literature on conflict resolution and in other fields. This lack of a single coherent definition is consequent to a lack of a single definition of the related concepts of *frames* and *framing*, which have received different and not always compatible characterizations in different disciplines (see Dewulf, 2009 for an overview).

For our research purposes, we adopt the follow definition reported by the *Dictionary of Conflict Resolution*: "[a] technique of relabeling or redefining a particular concept or reality so as to give it a slightly different and more constructive perspective" (Saposnek, 1983, p. 42). The same dictionary also adds that when the term is used referring to the practice of mediation, it may specifically indicate "a mediation technique that the mediator uses to recast conflictual issues in neutral terms" (Van Slyck, Newland, and Stern, 1992, p. 196). In the literature on conflict resolution, the fundamental role of reframing has been clearly recognized: it is inserted among mediators' key "communicative competence[s]" (Donohue, Allen & Burrell, 1988; Moore, 2014) allowing the parties to "achieve a common basis for the parties' discussion" (Ury, 1993, p. 78; Putnam & Holmer, 1992, p. 129). It has also been established that there is a correlation between *frame convergence* – which can be obtained through reframing – and conflict resolution (Drake & Donhoue, 1996).

However, there is still no complete understanding on how *reframing* really works at the discursive level. With this paper, we would like to further exploring its functioning. We

will start from the hypothesis that reframing, at least in some cases, includes an argumentative dimension (Greco, 2016), because it requires parties to make an inference in order to accept the new *frame* suggested by the mediator. Reframing is sometimes accompanied by implicit or explicit argumentation (ibid.). By giving an argumentative interpretation of reframing, we hope to contribute to explain how it work at a discursive level and why it might be effective for conflict resolution.

2. REFRAMING IN DISPUTE MEDIATION

2.1 Putnam's working definition of reframing as a communication competence

Arguably, the most complete approach to framing and reframing as communicative processes in conflict resolution to date has been presented in the works by Linda Putnam and her colleagues (see Putnam, 2004; Putnam & Holmer, 1992). Putnam gives a definition of reframing as a communicative process in negotiation and dispute resolution, including mediation; she also proposes some categories of reframing that we will assume as a basis for our identification of this phenomenon in the empirical corpus of data. Notably, Putnam's approach, which is centred on communication, does not talk about an argumentative dimension of reframing; yet, in her view, reframing involves a process of *shift in levels of abstraction* that, in our interpretation, might be related to argumentation. To our knowledge, there have been no other specific approaches to reframing as an argumentative process in conflict resolution. Therefore, in order to start an analysis of reframing, it is worth starting from Putnam's communicative interpretation that allows us to identify cases of reframing in our empirical corpus.

In some of her works, Putnam has discussed reframing in connection to the phenomenon of *transformation* in conflict resolution:[1]

> Transformation refers to moment in the conflict process in which parties reach new understandings of their situation, ones that redefine the nature of the conflict, the relationship among the parties or the problems they face. New understandings are marked by different meanings or interpretations of events. The parties involved have a fundamentally different view of what is happening than they did when they entered the negotiation. (Putnam, 2004, p. 276)

Those "new understandings" correspond to that "more constructive perspective" mentioned by Saposnek in his definition of reframing (Saposnek, 1983, p. 42). In our view, reframing only partially overlaps with the phenomenon of *transformation* as defined by Putnam (2004). In fact, *transformations* in conflict are often beneficial but they not need to be so (Putnam 2004): a new understanding of a conflictual situation may as well be detrimental to conflict resolution, whereas with *reframing* we only label changes that have a positive value in relation to the objectives of mediation. Moreover, Putnam stresses the fact that *transformations* radically alter the view parties have of a conflict: in contrast, *reframing* can simply change the way parties view a small, specific sub-issue in their conflict. This should by no means diminish the importance of *reframing*: in fact, starting to agree on a specific

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[1] The fact that her work is not specifically on mediation is not relevant for our purpose, as we are interested in understanding how reframing works, and it is a phenomenon that can be encountered also in other activity types.

point may steer the conversation in a positive direction, and, besides, *reframing* regarding different sub-issues constituting a dispute can eventually lead to resolution.

This said, a correlation between the concept of transformation and *reframing* is suggested by Putnam herself, by arguing that the latter can "parallel transformation" (Putnam, 2004, p. 290) "when [it] is aligned with "revaluation" or altering the bargainers' frames of references" (Putnam and Holmer, 1992). According to Putnam, *transformations* are enacted by *shifts in levels of abstraction* (Putnam, 2004), namely changes in "the way words are categorized or exist in relationship to other concepts" (Putnam, 2004, p. 278). For example, in a mediation case in our corpus, the mediator shifts the discussion from a problem concerning a single child, *Rudolph*, to the broader category of problems occurring to children in general, by using the term *a young boy*.

She also describes the relationship between shifts in levels of abstraction and *reframing* at first she views *reframing* as "a process similar to shifting levels of abstraction" (Putnam, 2004, p. 290); then she acknowledges that "shifts in levels of abstraction could be viewed as a type of reframing, one that is conductive to altering the very nature of the conflict" (Putnam, 2004, p. 291). Again, in our view reframing does not necessarily have to alter completely the nature of the conflict: it may just work on a single sub-issue within a broader conflict.

Reviewing the conflict literature, Putnam explains that at least five types of shifts can be found (Putnam, 2004, p. 278): shift from specific to general level, from concrete to abstract, from part to whole, from individual to system and from literal to symbolic. She states that "shifts in levels of abstraction could be viewed as a type of reframing, one that promotes discovery and learning that is conductive to altering the very nature of the conflict" (Putnam, 2004, p. 291). As Putnam notes, shifts can also work together (i.e. a transformation or *reframing* may involve both a shift from specific to general *and* from literal to symbolic) and they can go in both directions (Putnam, 2004, p. 278). In our analysis, we will start from this categorization to identify types of reframing and then analyse them in argumentative terms (see section 2.3).

2.2 Argumentative tools

We adopt the extended model of a critical discussion (pragma-dialectical approach, van Eemeren and Grootendorst, 1984; 2004; van Eemeren, 2010) as a theoretical framework. The choice of pragma-dialectics as an analytical model is suited for our purpose, because we wish to understand the role and function of reframing within the process of mediation as a resolution of the parties' initial difference of opinion.

The model of critical discussion proposes four stages that are present (although not necessarily in chronological order) in an ideal argumentative discussion: the *confrontation stage*, the *opening stage*, the *argumentation stage* and the *concluding stage.* The *confrontation stage* refers to the moments in which "the parties establish that they have a difference of opinion" (van Eemeren et al., 2002, p. 25); in the *opening stage* they "decide to try to resolve the difference of opinion" (van Eemeren et al., 2002, p. 25); in the *argumentation stage* "the protagonist defends his or her standpoint against the sometimes persistent criticism of the antagonist by putting forward arguments" (van Eemeren et al., 2002, p. 25); in the *concluding stage* they "assess the extent to which difference of opinion has been resolved and in whose favor" (van Eemeren et al., 2002, p. 25). We will view transcripts of mediation sessions as critical discussions to see in which stages *reframing* occurs.

We understand *reframing* as part of a mediator's *strategic maneuvering* (van Eemeren, 2010), which refers to "the continual efforts made in all moves that are carried out in

argumentative discourse to keep the balance between reasonableness and effectiveness" (van Eemeren, 2010, p.40) in all stages of a critical discussion. Strategic maneuvering involves three interrelated aspects: selection from the available *topical potential*, *adaptation to audience demand* and *presentational devices* (van Eemeren 2010: 93-94)*.* How these aspects are realized depends on the stage of a critical discussion in which strategic maneuvering is present and on the institutional context. In section 4, we will discuss how strategic maneuvering is achieved through reframing in the data we analysed.

3. DATA COLLECTION AND ANALYSIS

Our corpus is composed of ten transcripts of best-practice (mostly role-played) mediation sessions (approximate nr. of words = 86'000) in English, mediated by US and UK mediators that are available as video recordings[2].

Since mediation is a confidential process, it would be almost impossible to have access to real data; therefore, several authors have relied on role-play sessions (mediated by professional mediators) to approach this kind of communication practice.

The role-plays that we have selected are either used in the training of professional mediators or proposed as best-practice cases to showcase what mediation is to potentially interesting parties; therefore, the findings deriving from our analysis may be considered as typical examples of dispute mediation. The corpus is composed of interpersonal conflict cases in various domains, in which the relationship between the parties may or may not continue after the mediation process. Moreover, we tried to include as many different fields of application of mediation as possible, in order to guarantee the generalizability of our findings.

The video recordings of these cases have been transcribed according to standards of Conversation Analysis adapted to the needs of argumentation, in conformity with the standard described in Greco Morasso (2011).

For our analysis in this paper, we have proceeded as follows. At first, we identified cases of reframing in terms of shifts of levels of abstraction within the communication process, starting from Putnam's definition (section 2.1). Then we categorized these shifts according to the categories proposed by Putnam (section 2.1). When we found a shift in level of abstraction that did not fit into these categories, we created a new category, as we will detail below. Finally, we have interpreted the shifts that we found in argumentative terms, based on the extended pragma-dialectical theory, which we have discussed in section 2.2.

4. FINDINGS AND DISCUSSION

Our analysis will consist of two parts. We will first give an overview of the types of shifts that we observed and then detail the analysis of two representative examples.

4.1 General overview of our findings

Generally speaking, we found examples of some of the categories of reframing illustrated by Putnam in our corpus of empirical data. Notably, we found 5 cases of shifts from specific to general, 3 cases of shift from literal to symbolic, 3 cases of shift from individual to system and one case of shift from whole to part. We did not have any example of shift from concrete to abstract.

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[2] Six cases are taken from the corpus analyzed in Greco Morasso (2011). The other four cases have been collected and transcribed by C. Jermini-Martinez Soria. This is a sub-corpus within the Refra.Me project.

Looking at our data, we also found two other types of shift that did not fit Putnam's categories. We will call them, respectively, from negative to positive and from individual to species. We use the label *from negative to positive* to indicate *reframing* in which mediators take a meta-perspective on the ongoing dialogue between the parties and redefine it in positive terms. We found a case of this shift in our corpus.

In the second category (from individual to species), we include all *reframing* in which there is a shift from the single *individual* to the *species* it belongs to, using Aristotelian concepts. In this type of shift, the mediator may state something that characterizes a group of people in general instead of a single individual (i.e. a party in the mediation). For example, through mediators' *reframing*, *a* discussion about whether and when a specific child is (or is not) to be told that he is adopted, turns into a discussion concerning child-development in general, or a quarrel about the nature of a specific job is transformed into an exchange about the link between job descriptions and actual assigned tasks in general. We found seven instances of this type of reframing in our corpus; this is the most frequent category that we have identified.

Having done this preliminary communication analysis of types of shift and reframing, we then moved on to an argumentative analysis according to the extended pragma-dialectical theory. At a first level, we found that reframing might concern either the confrontation stage or the argumentation stage of a critical discussion.

That reframing might affect the confrontation stage is not surprising: van Eemeren (2010, p. 126) has already observed that framing processes normally concern issues, and the definition of issues primarily concerns the confrontation stage (Schär, 2018). As we will show below, sometimes the *reframing* of the confrontation stage concerns the main discussion in which the parties are involved to find a solution to their conflict; in other cases, mediators use reframing to open up a meta-argumentative discussion. As it has been argued in Greco Morasso (2011), a typical session of mediation is a macro-text of argumentative discussions, with mediators opening discussions at a meta-level to help parties manage their issues. *Reframing* might include a shift from the core discussion to one of these meta-discussions.

We also found that reframing sometimes involves the argumentation stage, when the mediator's reframing tends to condensate a largely implicit standpoint and argument(s).

At the level of strategic maneuvering, as van Eemeren (2010) has noted, framing involves all three aspects – and so does reframing. In some cases, we found that one aspect is more prominent: for example, in the case in which reframing is a shift from literal to symbolic, presentational devices (for example, the use of a metaphor) are notable. When reframing involves the argumentation stage, we always have the choice of a particular inference (based on a *locus*, according to Rigotti and Greco Morasso, 2010), which means that the choice at the topical potential is particularly prominent. In all cases, anyway, we recurrently found an important role played by the adaptation to audience demand. For mediators, adapting to audience demand is crucial, because of their ideally neutral role in the resolution of the dispute and, as a consequence, in the parties' discussion. Because it is the parties who will need to make a decision on the conflict, the mediator's reframing must be approved by them. Audience demand – expressed, for example, with a reformulation of what the parties have said– also signals that the mediator is listening to the parties. Listening is, again, related to the mediator's neutral function – what he or she says must reflect the parties' concerns as ultimately they will need to make a decision.

4.2 Examples of argumentative analyses

We will now analyse in detail two examples from our corpus, which illustrate how reframing might involve either the confrontation stage or the argumentation stage of a discussion (or both). While concentrating on an argumentative analysis, we show how this might be crossed with the typology of reframing tentatively sketched by Putnam and integrated by us.

Example 1 is taken from a mediation session[3] between an NGO's director and a major benefactor, who are working together on a development project in Ethiopia. They are having issues coordinating and handling the project because they have different ideas concerning the project priorities (what should be done first in order to help the local population in an efficient way). The NGO's director feels that the benefactor wants to impose his point of view, in spite of not having experience on the field. At turn 302, after having listened to the parties' point of views and personal histories, the mediator intervenes by stating (turn 302):

> (1) Just in a lot of ways the two of you are quite similar with your your drive and you're ability to get things going and to be in charge and (.) *sometimes people who like to be in charge aren't as comfortable when they're working with somebody else who wants to be in charge* (.) you can't both be in charge of all aspects of this project it looks to me like if you try to be you're not gonna work to altogether does that make sense↑ (our emphasis)

In this excerpt, the mediator suggests a plausible reason why the parties are not able to cooperate in an efficient and positive way. This may be important for conflict resolution, because each party blames the other for the malfunctioning of their collaboration. The mediator tries to make them understand that the problems they are having are not caused by the other person; but they are due to the fact that *people* (in general) *who like to be in charge aren't as comfortable when they're working with somebody else who wants to be in charge.* And both parties can be counted among these people.

In this example, considering shifts in level of abstraction, we encounter a shift *from individual to species.* The parties do not need to feel guilty for "not being comfortable" in the present situation, because this is typical of the category "people who like to be in charge". This shift removes the blame from the individuals, and it serves an important function of mediation, which consists in reassuring the parties that it is normal to find themselves in that situation[4].

We now turn to an argumentative analysis of this example. With his intervention at turn 302, the mediator gives an argument to support an implicit standpoint, thus intervening mainly at the argumentation stage of the parties' discussion. The mediator's argument refutes a standpoint that the parties have expressed before, i.e. that their problems are due to the other person[5]. We might analytically reconstruct this move as follows:

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[4] Putnam notes that "the shift in the level in which to enact the conflict […] mitigates the rightness or wrongness debate" (Putnam, 2004, p. 282).

[5] This emerges from a careful reading of the whole transcription. Cf. for example turn 74 (Jember): "Well I think the difficulties lie in ehm him not having enough confidence in our abilities […]" and turn 124 (Alec): "[…] I mentioned several times to Jember that (.) eh the (.) fact that we have not built a single home yet *well that may not eh be particularly troubling to her but is very troubling to me*" (our emphasis).

(1 The fact that you are not working well together is not the other person's fault.)
1.1 Because people who like to be in charge aren't as comfortable when they are working with somebody else who wants to be in charge.

It is interesting to analyze this argument from a viewpoint of strategic maneuvering, which involves all three aspects. First, at the level of audience demand, we reconstruct an implicit standpoint ("The fact that you're not working well together is not the other person's fault") that serves the purpose of removing blame from the parties. As said, removing blame is important in the context of dispute mediation (Welton et al., 1998), it permits to shift the issue from an attribution of fault to the solution of the conflict. We interpret this as a move at the level of audience demand, because, by doing this, the mediator is trying to appeal to the deepest parties' interests and concerns, leaving their positions aside (according to the famous principle "focus on interests, not positions" [Fisher, Ury and Patton, 1991]).

The mediator realizes this adaptation to audience demand through a choice at the level of topical potential: instead of referring to the one conflict he is dealing with, the mediator generalizes to other conflicts in similar situations, moving from the individual to the species. Here the mediator – in selecting an issue among the topical potential – chooses the *locus from ontological implications*, one of the definitional loci according to Rigotti and Greco (forth): it is a defining trait of the category "people who like to be in charge" that makes them feel uncomfortable and inevitably causes the conflict between them. This maneuvering with the topical potential is accompanied by the choice of words such as "people" and "sometimes", as well as the use of the plural – these being presentational devices that anchor the reframing at a linguistic level.

Example 2 is taken from a mediation session between a primary school teacher and the mother of one of his pupils; this mediation session has been discussed originally in Greco Morasso (2011) but from a different viewpoint. The parties entered mediation following the school principal's suggestion, after Lisa (the mother) complained to him about Claire (the teacher). Lisa is convinced that Claire treats his son in an extremely unfair way by unjustly punishing him and giving him more work to do than to the other kids, whereas Claire blames the parents for not having educated properly their son, since he disturbs the other kids in class and never puts efforts in his work. While the two parties are arguing about homework, at turn 46 the mediator intervenes (turn 46):

(2) Mmh (.) so here's another thing *(.) we are getting some clarity* and I have a SENSE that what we're going to do this afternoon (.) is get more and MORE CLARITY (.) ah:: so that (.) you can each *do what's (.) best for (.) Kevin* 'cause I think it's clear (.) that you both want what' s the best for him (.) in the context of what's: needed for all of the other kids in the class as: [as well (our emphasis)

In this turn two cases of *reframing* occur: the former involves what we call a shift *from negative to positive* and latter a shift *from specific to general.* By drawing the parties' attention to the fact that the discussion they are having is in fact a way of "getting some clarity", the mediator redefines what for them is a dead-end quarrel in positive terms. For the parties, the discussion is perceived as useless because each one of them is not able to convince the other party that they are right and the other is wrong, and with this *reframing* the mediator shows them that the conversation – if viewed as an opportunity to get more clarity – can bring positive results. We observe here a case of shift from positive to negative as a reframing that happens at a meta-discursive level: the mediator here is reinterpreting the usefulness of the whole discussion between the parties, and ascribing a positive effect to it. In terms of an argumentative analysis, this reframing concerns the *confrontation stage*, because the parties

are asked to accept a new meta-discussion concerning the usefulness of their discussion. They, thus, are brought to engage in a sort of meta-argumentation. In this sense, this reframing opens up a new confrontation stage for a meta-discussion, including a sort of meta-reflection on how the main discussion is going. As it has been argued by Greco Morasso (2011), meta-argumentation is typical of mediators' interventions in the parties' discussion.

The mediator then links this need for clarity to a common goal of the parties, which is the child's wellbeing, thus shifting from specific to general (i.e. to a common, shared goal). This second *reframing* might be reconstructed as follow:

1 We need to get more clarity
1.1 Because so you can each do what's best for Kevin
1.1.1 Because this is what you both want

The second reframing is similar to example 1 discussed above, in the sense that the mediator is proposing to the parties an implicit argument that they will have to approve; it therefore involves the argumentation stage. What is more notable in this example from a viewpoint of strategic maneuvering is that the mediator makes a premise left implicit by the parties explicit (i.e. the fact that both parties want the child's wellbeing). In the previous discussion, both parties declared to be interested in the child's wellbeing but none of them recognized that the other party had the same interest. Arguably, by means of this choice at the level of topical potential, the mediator adapts to the more profound expectations of the audience's demand. At the level of presentational devices, the mediator presents argument 1.1.1 as if it were emerging clearly from the previous discussion: "'cause I think it's clear" (turn 46). In this sense, he is taking the risk to state that the parties have a shared interest without going against his neutral role.

5. CONCLUSION

This paper presented a first analysis within a broader research project that explores the argumentative nature of *reframing* in dispute mediation. We focused on cases of reframing that have to do with shifts in levels of abstraction within the parties' discussion and analysed them in terms of strategic maneuvering to understand their role within mediators' interventions in the parties' discussion. In line with van Eemeren (2010), we observed that (re)framing involves all aspects of strategic maneuvering. In addition, we showed that reframing might concern either the confrontation stage or in the argumentation stage of the parties'   discussion.

The occurrence of reframing in the argumentation stage is a first notable result of this investigation. In fact, it shows that reframing does not only modify the propositions at issue (as suggested in van Eemeren 2010 in relation to framing processes), but it can also condensate a partly implicit argument that is offered to the parties to reinterpret their situation and make a step forward towards the resolution of their conflict.

At the level of mediators' strategic maneuvering, perhaps the most notable aspect that we found so far concerns the mediator's interpretation of the *audience demand*, which clearly emerged in the two examples discussed above. When reframing concerns the argumentation stage, the mediator proposes an argument that is supposed to help the parties in making their profound interests emerge – e.g. removing blame, resolving the conflict, doing the best for a child that they love. These interests are something that has not been clearly said by the parties, but that the mediator reconstructs on the basis of the preceding discussion. In other words, adaptation to audience demand for mediators does not mean to pay lip service to the parties'

expressed interests and positions; but to dig deeper into their (more often than not unexpressed) interest. This interpretation of the audience demand might be typical of a mediator's role and contribute to explain why *reframing* contributes to conflict resolution: by touching upon profound interests, mediators may steer the discussion on what is really interesting for the involved parties and find a solution that is more likely to meet their agreement.

These findings are the result of a pilot study conducted on a preliminary set of data. We are currently extending the empirical basis on which our research is based and collecting other instances of reframing, which will enable us to examine whether there are different categories of reframing and what kind of argumentative interpretation they can be given. On the long run, the aim of our project is to provide an argumentative analysis of reframing in dispute mediation, in order to explain how this works and how it contributes to the resolution of the parties' discussion (Jermini – Martinez Soria, in preparation).

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The identification mechanism as an argument. Its verbal and non-verbal implementation on the modern political scene

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ABSTRACT: The mechanism of identification is a phenomenon which makes work the "ordinary people" approach. This approach aims to show that one person belongs to the group he/she tries to influence. The mechanism of identification is a commonly used tool in modern political life. The aim of this study is to demonstrate how this mechanism is implemented not only at verbal, but also at non-verbal level.

KEYWORDS: Donald Trump, identification mechanism, non-verbal communication, Vladimir Putin

1. INTRODUCTION

One of the most significant events of modern times is the invention of Charles Darwin's theory of evolution. The theory presented in "Origin of the Species" (1859) made a turning point in the concepts of living nature.

Darwin proves that all organisms in the world are constantly changing and developing, with other words evolving. At the core of the evolutionary process, Darwin places the variability of the living creatures.

Heredity and variability are essential properties of all organisms. Together with the natural selection, they can be considered as base of the evolutionary process.

The progress of organisms of any kind is accomplished through natural selection and the ability to adapt to the surrounding natural or/and social environment.

Yes, change is the basic law of nature. But the changes wrought by the passage of time affects individuals and institutions in different ways. According to Darwin's Origin of Species, it is not the most intellectual of the species that survives; it is not the strongest that survives; but the species that survives is the one that is able best to adapt and adjust to the changing environment in which it finds itself.[1]

Applying this theoretical concept to us as individuals, we can state that the civilization that is able to survive is the one that is able to adapt to the changing physical, social, political, moral, and spiritual environment in which it finds itself.

Living beings have developed a great number of behavioural patterns and strategies for adapting to their surrounding environment within millions of years of their evolution. One of them is the so-called "Chameleon effect".

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[1] The earliest relevant evidence for this statement known to us appeared in a speech delivered in 1963 by a Louisiana State University business professor named Leon C. Megginson at the convention of the Southwestern Social Science Association

2. CHAMELEON EFFECT

There are many species in nature that have changed genetically to such an extent that they have begun to resemble other species in order to be perceived as one of their kind by potential hostiles.

The situational resemblance is very common. One living organism resembles another, more threatening, in order to expel the potential hostile. A good example can be a Costa Rican caterpillar that takes the form of a snake if it senses an approaching danger.

Of course, the most famous creature capable of such tricks is the chameleon. Chameleons have specialized cells under their transparent skin called chromatophors. They contain respectively yellow and red pigments. The cells below them are called iridophores. They contain a colourless substance that can reflect the blue spectrum of the visible light. By combining these three colours, the others are obtained. For example, to turn green, the yellow pigment is mixed with the blue light.

This allows the chameleon to change the colour of its skin depending on the circumstances of its surroundings. Changing colour can be also an expression of physical condition, a way of communication, and serve as a protection against predators. So, this animal species has developed a very interesting and yet very successful survival method of adaptation.

3. IDENTIFICATION MECHANISM

The psychological phenomenon "Identification" is mentioned for the first time in the scientific work of Sigmund Freud and his daughter Anna Freud, where it is described as a self defence mechanism of the ego. (Freud, 1937)

Thanks to it, it is possible for a person to take a model of behaving, motives, attitudes and values from another person or persons who, for one reason or another, are considered as authority by the recipient. In other words, it is a reincarnation of one person into another that has some attractive features, activities and interests. A person who possesses certain individual and / or social values.

The mechanism of identification can be observed not only in the animal world but also in human society. Tanya Chartrand and John Berg found this phenomenon for the first time:

We often mimic the gestures, manners, facial expressions, and other behaviours of our partner or our interlocutor. And that's what makes them sympathetic. (Chartrand & Bargh, 1999, pp. 893-910)

Copying elements of a partner's behaviour is very typical in a family environment and especially in older couples. Quite often facial expressions, poses, mimics and other elements of non-verbal behaviour leads to some great external similarities between the two partners. This is supposed to provide more mutual understanding and therefore more productive life together.

The human is a social animal, dependent on trust. And trust comes from a sense of common values and beliefs.

When we meet others for the first time, we need to assess quickly whether they are positive or negative towards us, just as most other animals do for survival reasons. We do this by scanning the other person's body to see if they will move or gesture the same way we do in what is known as "mirroring". We mirror each other's body language as a way of bonding, being accepted and creating rapport, but we are usually oblivious to the fact that we are doing it. In ancient times, mirroring was also a social device which helped our ancestors fit in successfully with larger groups; it is also a left-over from a primitive method of learning which involved imitation. (Pease & Pease, 2005, p. 250)

Non-verbally, mirroring says: "Look at me. I am the same as you. I feel the same way and share the same attitudes." (Pease & Pease, 2005, p. 251)

4. INFORMATIVE AND COMMUNICATIVE FUNCTION OF NON-VERBAL COMMUNICATION

There are two types of non-verbal communication. One of them is conscious. In this case both communicating sides exchange some information with the intention of communicating. On the other hand, information can be broadcasted very often independently, and even against the will of one or all communicating subjects. (Руменчев, 2006, p. 24)

Michael Argyle talks about "signs" (messages with intention of communicating) and "signals" (where intention of communicating is missing). (Argyle, 1970, p. 5)

Starting from the idea of the ambivalent nature of non-verbal communication, we come to the main part of this presentation, which is to observe how this knowledge can be used to manipulate the other communicant (a single individual or a collective subject, i.e. an audience).

Before we proceed to explain this process and to bring the necessary examples, we need to clarify the relationship of what has already been said and rhetorical science.

More than two millennia ago, Aristotle argues that rhetoric is an attempt to change thinking and action by giving knowledge, forming opinions, and provoking action. It is necessary for the listeners to be convinced in the veracity of one or another situation through arguments arranged in order and influenced by the logical and ethical characteristics of the audience. And yet, as the ancient Greek philosopher says rhetoric always aims to find the necessary means in every situation to convince.

Rhetoric deals with persuasive communication from its appearance to the present day. In Gorgias dialogue, Plato conveys Gorgias view that rhetoric is a creator of conviction, and that all its activity and essence lies in it. (Руменчев, 2012, p. 68)

In the Phaedrus, he speaks of the speaker's purpose of convincing the soul with its eloquence. (Руменчев, 2012, p. 98-99)

In general, rhetoric is oriented primarily on the study of arguments, mistakes, style, language, etc., and these are entirely verbal phenomenons. In this particular study, it is important to say that we will pay attention not only to the verbal, but also to the non-verbal instruments, used to achieve the orator's goal to convince.

We will use the following working definition:

All logical and non-logical, verbal and non-verbal non-violent means of influence used to pronounce an oral speech aimed at overcoming the resistance of the audience. An audience's resistance will be understood as every conscious or hidden response of the audience to the speaker and the verbal and / or non-verbal message that comes out of him. (Руменчев, 2006, p. 122)

5. THE MECHANISM OF IDENTIFICATION. VERBAL AND NON-VERBAL IMPLEMENTATIONS ON THE POLITICAL SCENE

The political scene of human society is complex and immense. An extensive and deep analysis would take a tremendous amount of time and probably could not be handled by a single researcher. However, taking into consideration all the risks of this endeavour, and considering the need to comply with the technical requirements of such texts, we are committed to try to show how the identification mechanism manifests itself.

We chose two applicable examples we think would be interesting to the audience.

The first one demonstrates the possibility to influence on the verbal level through the instruments of the language.

As an example of how the means of expression could lead to radically different assessments regarding the speaker, we could briefly look at the idiolect of one of the most discussed candidates for the US presidency in 2016 Donald Trump.

The term "idiolect" is primarily intended to be intuitively understandable. An encyclopaedic reference would indicate that the definitions of the idiolect are mainly oriented to the speaking habits of the speaker and their manifestation in the form of preference to certain linguistic means as well as paralinguistic components. The idiolect is also perceived as a result of individual selection and combination of units of different linguistic levels over a given time period. (Байчев & Виденов, 1988)

Donald Trump's idiolect is probably one of the reasons he has reached the top position in the presidential chair race. On the one hand, people have a negative impression: "It sounds meaningless", "His speeches are insignificant". On the other hand, Trump gathered many supporters, drawn precisely from his message. These people formulate their impressions of him in a completely different way: He is "authentic" and "consistent".

The image that Donald Trump offers during his election campaign in 2016 is directed primarily at the average American citizen. The presence of phrases and elements of non-verbal behaviour of the candidate, specific for informal daily communication, opens the door to convince the potential voters and create prerequisites for identifying their priorities and values with his. The argumentation of the image is further fuelled by the emphasis placed on the idea of an American dream. Trump points out as a wealthy and successful businessman who has turned his company into a business empire through his ingenuity and talent.

We can't say for sure whether this kind of public image influences the election result, but a quick glance at the distribution of voters and the voters' profile leads us to a positive response.

Trump wins the vote of most white citizens in the country, middle-class representatives, and for Clinton vote mostly Afro-Americans, Asian and Hispanic speakers. A curious fact is that people with higher education have given equal preference to both candidates. Most of Americans living in more urbanized areas along the two coasts of the country voted for Clinton, and the residents of the central and southern parts of the country preferred Donald Trump.

The public image thus constructed is not a rare occurrence. Similarly, though not so aggressively, the image of Russian President Vladimir Putin was created, especially at the beginning of his political career.

Our second example aims to demonstrate how the Mechanism of Identification works at a non-verbal level and, in particular, through the clothing of the communicating subject.

In order to see how this impact is taking place, we have analysed a video of the Russian State TV 1st Channel from a meeting in June 2009 with the leadership of the concrete factory in the town of Pikalyovo, which at that time belongs to the Russian oligarch Oleg Deripaska.

The meeting is attended by officials from the regional administration, the Ministry of energy, the Ministry of Finance, the oligarch Oleg Deripaska himself, as well as representatives of the factory's employees.

The strict formal suit is neglected and replaced by casual wear (jeans, shirt without a tie and lightweight sport jacket). This choice of clothing is not accidental. Common characteristic of Putin, and especially when he serves as Prime Minister, is to adapt his appearance to a particular audience and to the specific communicative situation.

Apart from a strict official suit, the Russian president can be spotted with work clothes, sportswear, even with a sweater, and so on.

The appearance may trigger the identification mechanism. It is also known as the "ordinary people" technique, which aims to show the person's belonging to the group, which he is trying to influence. This greatly reduces the criticism of the audience and opens the "gateway of trust" for the verbal messages.

At the meeting in Pikalyovo, Putin doesn't wear a tie, which supports the claim that his clothing aims to equate the status of the influential politician with that of the ordinary workers who attend the meeting. Vladimir Putin is making efforts to implement the identification mechanism. The message he sends by his clothes is clear: *I am one of you.*

Putin also carries his wedding ring, which is perceived as a symbol of conservative patriarchal values, and also provoke trust in part of the current audience. The aim of giving less formality to the event can also be seen in the language Putin uses during his speech. Such as the question: *And why, when you realized I am coming, you scattered like cockroaches?*

The effect that Putin achieved in the time of his visit to the town of Pikalyovo can be described with the final remarks of the 1st Channel TV host: *While the residents of Pikalyovo still discuss the meeting held, the news agencies have spread the news that the necessary funds have already been received in the bank accounts of the factory.*

6. CONCLUSION

In conclusion we can say that the Identification Mechanism is an instrument by which the active communicator deliberately imitates one or more elements of the verbal and/or non-verbal behaviour of their communicating partner in order to gain confidence, to persuade, to change opinion and/or incitement to a particular action.

Metaphorically It can be described by the comparison with the so-called Identification system Friend or Foe (IFF) which is operating by military aviation worldwide. Where the airplane is recognized as friendly based on its shape, heat signature etc.

Same way the recipient of the message recognizes the other subject of communication act as friend or foe depends on his verbal and non-verbal behavior.

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Contemporary challenges to democratic engagement: Social media, fake news, and public argument in digital argument ecologies

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ABSTRACT: The transition to an increasingly digital public sphere reconfigures the terms on which public arguments are made, contested, and accepted. The increased use of social media, promulgation of fake news, online sorting algorithms, and online advertising shifts how ethos, pathos, and logos function as warrant-providing proofs in contemporary argument cultures. This paper considers constraints, challenges, and possibilities for democratic engagement in digital argument ecologies. The 2016 US presidential election is considered as a case study.

KEYWORDS: argument ecology, fake news, public sphere, rhetoric, social media

1. INTRODUCTION

Changing media conditions demand a change in how we think about argument in 21st century digital public spheres. Goodnight (2012b) suggests that technology like the internet "resets the horizons of inquiry" (p. 264) and invites a critical intervention to consider how technological changes implicate democratic participation. Such changes matter because "what is put at stake by contention and disagreement are the communicative practices invoked to articulate and enact a public sphere" (p. 261). The 2016 United States general election gives a glimpse into these challenges. Research demonstrates the substantial consumption of news online broadly, and on social media specifically. In 2016, 62% of American adults got at least some of their news from social media, a number that increased to 67% (Shearer & Gottfried, 2017). Almost one fifth, 18%, of Americans said they got news from social media often (Gottfried & Shearer, 2016; Shearer & Gottfried, 2017), with 35% of users under 30 saying it was the most helpful to learn about the presidential election (Gottfried, Barthel, Shearer, & Mitchell, 2016). During the election, two-thirds of Facebook users (66%) got news on the site, and 59% of Twitter users looked to Twitter for their news (Gottfried & Shearer, 2016). Today, 70% of Americans use social media ("Social Media Fact Sheet," 2018).

Argument in these spaces alters the terms of democratic engagement both on and offline. In 2010 and 2012, social media giant Facebook estimates that they increased turnout in elections by 340,000 people (O'Neil, pp. 180-181), enough votes to change the 2016 presidential electoral outcomes in 30 US states ("2016 election results," n.d.). Only 80,000 votes decided the election and 340,000 votes would have been enough to change the electoral outcome in Wisconsin, Michigan, Florida, *and* Pennsylvania, creating a landslide victory for Secretary Hillary Clinton. The election saw an unprecedented spike in the use of online advertising, and the emergence of "fake news", "news articles that are intentionally and verifiably false, and could mislead readers" (Allcott and Gentzkow, 2016, p. 213). The increased use of social media, promulgation of fake news, role of online sorting algorithms, and utilization of online advertising reflect a new digital landscape. As recently as 2013, it was estimated that 25% of time spent online globally is spent on social media, that each

month people spent 600,000 years on Facebook, and that one out of every seven minutes was spent online (Standage, 2013). Given the worldwide reach of social media, this is a global concern.

This paper considers the constraints, challenges, and possibilities for argument in digital environments. A digital landscape of social media, search engine optimization, and "fake news" impacts how argument functions and shapes deliberative argument in the US within those environments. This landscape operates on values of proliferation, immediacy, and confirmation, values that change how we make, evaluate, and refute arguments in a digital argument ecology and how those arguments are put to use to influence democratic engagement. This paper will consider this digital landscape as a distinct argument ecology, the ways that ethos, pathos, and logos function as warrant providing proofs in this ecology, and evaluate that ecology in the 2016 US Presidential Election.

2. DIGITAL ARGUMENT ECOLOGIES

James Klumpp's (2009) conception of argument ecology helps us consider how interactions between technology and media shape argument in digital spheres. Treating argument with the ecological metaphor studies the context of argument as a focus for evaluation, and uses it as a mode of critique. In studying democratic argument, attention should be paid to the "evolving patterns of reason giving and coordination that structure human understanding and action" (p. 184). Considering how we reason together towards common purpose invites us to think of argument as "a characteristic of the community because it is through argument that the contingent becomes coordinated action" (p. 187). This involves engaging the ways that arguments are made, taken up, circulated, responded to and rejected as folks try to make sense of democratic practice; to consider individual arguments and the ways they find a home.

Digital landscapes create an argument ecology that produces constraints on the process of deliberative reasoning. This includes social media such as Facebook and Twitter, internet-based news sources, search engines, and online discussion forums. In this ecology, arguments don't only take place online, but move between on and offline argument spheres as participants in public argument draw from digital spheres for argumentative resources, use online spaces to make arguments, and those arguments are taken up by other actors. While individual arguers may be pushing arguments in public, technical, or individual contexts (Goodnight, 2012a), the ecology through which they do so shares values that are particular to the means by which the information is circulated. Digital landscapes order and distribute the raw materials that become the building blocks of argument, and the interaction of arguers with that system make use of those materials in their creation and consumption of argument. To say that technology changes argument is not a novel claim. Theorists since Plato's *Phaedrus* have lamented the effects of new technology on our ability to reason. However, there are new technological features that argument scholars should attend to in considering contemporary argument.

The ways we reason are influenced by the technology through which those arguments are made. Considering the impact of internet on communication is critical because "a medium's content matters less than the medium itself in influencing how we think and act" (Carr, 2010, p. 3). This happens on a procedural level – how the arguments are created – and a neurological level – how the arguments are processed. Mediums of communication function as "intellectual technology", influencing our ability "to find and classify information, to formulate and articulate ideas" (p. 44). The internet reshapes the "circuitry in our heads", altering how we receive and process information on a structural level in the brain (p. 49). Nicholas Paliewicz and Guy McHendry (2017) argue we need to consider how argument

shifts from traditional dialectic models because "a networked society…has transformed the possibilities of argument" (p. 288). It is not only that digital arguments are hyperpublic, made rapidly, and networked with less access barriers, but also all that data is tracked, stored, and used to further sort and distribute information. We can see an argument ecology as a home for argument, one where processes of interaction work to site and produce a "community of…reasoned action" (Klumpp, 2008, p. 184). We need to consider how people enter into those networks to form communities and make sense of arguments.

3. (RE)CONSIDERING ARGUMENT IN DIGITAL ECOLOGIES

The interaction of digital landscape and democratic practice hasn't eliminated argument in traditional media, but has begun to reconfigure public deliberation. Arguments are shaped by a combination of technology and social values that shapes the availability of claims, the range of acceptable grounds, and the function of proof in argument. Considering how argument structures function in digital ecologies gives a sense of the possibility for argument in digital spheres, and establishes standards to evaluate and critique them. Robert Rowland (1987) suggests that Stephen Toulmin's argument model has descriptive utility because it identifies the form of an argument as a claim supported by reason and evidence, and as an evaluative tool to test the strength of that connection. Further, consideration of the warrant – the argumentative resource that authorizes the move from grounds to claim (Brockriede & Ehninger, 1960) – provides audiences and critics a means of evaluating the strength of arguments presented to them. We can translate these observations into evaluations of public deliberation. The model helps us see the distinction between "the known (data) and authorized procedures (warrant)" and "places his system into a social framework" (Klumpp, 2008, p. 186).

      Wayne Brockriede and Douglas Ehninger (1960) highlight how Toulmin suggests "a system for classifying artistic proofs which employ argument as a central and unifying construct" (p. 44). Viewing the connection among claim, data, and warrants this way – treating warrants as artistic proofs - establishes relationships among parts of an argument that make data and claims meaningful in their use. Warrants establish relationships among ideas and work towards moving us deliberatively. Because an "argumentative ecology teems with interaction" Klumpp (2009) argues, "argument within an ecology is rhetorical: it is addressed…" To synthesize the qualities of a given ecology, we should consider not only "refutation, conflict, controversy, but also advancement, refinement, and even resolution" (p. 187). Establishing the relationship among claim, ground, and warrant evaluates the conditions of possibility for argument in – and the healthy functioning of - a digital argument ecology.

      We need to examine not only the structure of an argument, but how relationships among parts of an argument are advanced. Jon Bruschke (2012) notes that while there is a difficulty in identifying the central structure to an actual occurring argument, structural inquiry is useful as "arguments unfold the same way a discordant jazz piece with shifting time signatures might; never separate from structure, but equally undisciplined by it" (p. 61). The increasing use of social media and online news as only a repository of information from which arguers draw and the arena in which their ideas are contested points to these digital forms as a place to consider how the relationship among claims, grounds, and warrants functions rhetorically. The ways the digital landscape encourages us to encounter information shapes our evaluation of that information (Carr, 2010). If we process info differently in digital argument ecologies, then we should also expect argument to works differently.

      Digital argument ecologies shape the deployment of the classic rhetorical concepts of ethos, pathos, and logos in contemporary argument cultures by shaping the relationship

between claims, grounds and warrants offered in public controversies, relationships that affect our evaluation of logical, emotional, and ethical assertions. Appeals to credibility, motivating fear or anger in an audience, or uses of the enthymeme still exist in digital arguments; what is read as ethical, pathetic, or logical, is distinct. Digital argument ecologies alter the terms for what counts as logical, ethical, or pathetic argument in contemporary democratic exchange: the consideration of ethos, pathos, and logos is influenced by corresponding values. Ethos is animated by a value of immediacy, pathos by a value of confirmation, and logos by a value of proliferation.

3.1 Ethos

Ethos acts an authoritative warrant, one that "affirms the reliability of the source" from which evidence is derived from "on or more factual reports or statements of opinion" (Brockriede & Ehninger, 1960, p. 51). The authority of that source is sustained with backing. In digital argument ecologies, immediacy makes a source authoritative. Immediacy is both chronological i – how recently was an argument made, creating a feeling of it being immediately present – and a relational one – the nature of social media creates relationships between arguers and audiences that feel personal regardless of offline interaction. The degree to which the argument is made immediate to the audience establishes persuasive character. In this sense, immediacy functions to blur backing and warrant – the existence of an immediate argument functions as the credentials that certify the source.

This happens as both a structural effect of the technology of the Web as well as a psychological effect of the ways we interact with media. Perelman and Olbrechts-Tyteca (1958/1969) argued that presence was a key factor in argumentation, and Klumpp (2009) suggests the "visibility of arguments is a key dimension in an ecology and argumentative style is key to that" (p. 191). Presence is reflected as immediacy in digital landscapes. Neurologically, the interactivity of social media and the Web privileges a cognitive cycle where frequency of updates equates with importance, and a processing style that craves rapid delivery (Carr, 2010, p 118). The valuing of recency is also a structural effect of the technology. The stream of information on the internet encourages a demand for constant updates in consumers of political news. Dan Pfeifer (2018) described campaigning in the digital era as a shift from a news cycle to a "content monster" (loc. 1689) where consumers demand updates continuously. Online publishing means that revision can become present immediately (Carr, 2010, p. 217). Sources appear credible – more trustworthy – as they appear more immediate to us.

The existence of a source in a newsfeed or web search acts as a determinant of its credibility. Google, which processes millions of searches every day, is driven by a circular logic of traffic. Websites are returned in its search algorithm in part by a factor called page rank – which includes how often a site is updated. The recency of an article plays into how highly a page is placed in search results (Wilson, 2017), impacting how soon you see it in a search result. Readers searching for information are more likely to click the first few searches they see, and less likely to search through several pages of results. The movement to online databases has led to scholars citing fewer articles, and "as old issues of printed journals were digitized…. scholars cited more recent articles with increasing frequency" (Evans, as cited in Carr, 2010, p. 217). Online search engines "serve as amplifiers of popularity…establishing and then… reinforcing a consensus about what information is important" (ibid). The more immediate something is – how high up it appears in a search result – makes it more authoritative.

Establishing character treats the presence of information as the same as a depth of information when backing is collapsed into the warrant. The provision of information makes

it more credible for neurological and structural reasons. This also makes certain types of arguments less credible as claims of historical inconsistency are less effective because they are harder to substantiate, and we have shorter digital memories to draw from in countering arguments with the next wall of immediate content. If a common argumentative tactic to challenge a warrant is to indict the connection between the source and the evidence, this ability is made more difficult in digital argument ecologies.

3.2 Pathos

Pathos acts as a motivational warrant, providing "a motive for accepting the claim by associating it with some inner drive, value, desire, emotion or aspiration" (Brockriede and Ehninger, 1960, p. 51). A person or policy or action is accepted or rejected because of whether it is judged as desirable based on such an association. In digital argument ecologies, confirmation motivates acceptance of evidence. Confirmation is the recognition or desire for sameness. Aristotle (1378a) says that one must know the audience's state of mind and then put them in a state of mind which is conducive to the judgment the speaker seeks. In digital argument, this functions to validate a drive as legitimate and/or certify that a person or policy or action is valued the same way as an arguer. What establishes the persuasive character of the evidence is that similarity of motivation confirms its validity to an audience. It functions to collapse the claim into the warrant – the making of a claim is seen as a reason for its acceptability.

As we reason, our brains develop preferred neural pathways, such that particular values get more locked in the more we appeal to those values (Lakoff, 2008). When we engage in political reasoning, we reward ourselves for making judgments that are consistent (Westen, 2008). We literally feel more pleasure and less pain when we reason in ways consistent with already held beliefs. The internet intensifies this process, making it harder to reason in ways that challenge those beliefs. The fragmenting of content presents a system that neurologically delivers rewards from continual engagement with the medium, encouraging repetitive, self reinforcing behavior that lessens motivation and drive to consider new and divergent sources of evidence (Carr, 2010, p. 116-117). When reasoning in digital political environments, we are less adept and interested in considering the emotional situations of others (Carr), which is a key feature of pathos. Instead, we are focused on our own pain or reward for reasoning in ways we already agree with, and sharing content that does the same.

Searching and sorting algorithms compound this effect. Cathy O'Neil (2016) argues search programs are models of information seeking, "opinions embedded in mathematics" (p. 21), importing the biases of their designers. Facebook has conducted research manipulating emotional expression in their algorithms, demonstrating that they can transfer emotional states based on which posts are displayed (p. 182-184). Online sorting creates "filter bubbles" (Pariser, 2011), where you tend to see information that is in line with what you or your friends already believe because of the data algorithms use to display results. This effect isn't uniform (Tucker et al, 2018), but investigations have repeatedly demonstrated that the organization of data on the Web can limit access to diverse viewpoints (Benkler, Faris, Roberts, & Zuckerman, 2017; O'Neil, 2016).

When collapsing the claim into the warrant, certifying motivation treats the confirmation of existing values as proof that the claim is backed up by the evidence. In seeing information that one already believes, the evidence is confirmed as relevant. This affects production and consumption of argument as arguers seek the approval and validation from an audience by establishing sameness. People on social media don't share things unless they expect their network to "like" it. Even putting something up for the purpose of argument, it is likely to be seen by a group of like-minded people who will already agree. If as arguers we

challenge the relevance of evidence, but have less access to diverse information, we don't know why folks believe what they do and we are discouraged from finding out.

3.3 Logos

Logos acts as a substantive warrant, one that "reflects an assumption concerning the way in which things are related in the world about us" (Brockriede and Ehninger, 1960, p. 48). This could be because of a demonstration of the existence of parallel cases, of cause and effect, or other similarity among phenomena. In digital argument ecologies, proliferation substantiates the presence of evidence. Proliferation is the acceleration of claims or data regarding a proposition. For Aristotle (1357a), an argument is persuasive when the chain of reasoning can be shown to be easily drawn from accepted premises. In digital argument, the frequency with which the claim is made shows the reasonableness of a claim. What establishes the persuasive character of the evidence is that it replicates. It collapses the claim into evidence - the repeated making of the claim or citation of data is evidence to support that same claim.

Proliferation problematizes the nature of evidence both because of how we process information on the Web, and the ways that arguments circulate in digital spaces. Another factor in page rank is the number of times a page is linked to, not merely the recency of those pages (Carr, 2010). Search engines and social media sites monetize their platforms through ad revenue, and the more "clicks" they get, the more money they make. When something is retweeted on Twitter or shared on Facebook, it ends up higher in search queries, such that the more a story is shared, the more it appears (O, 2017). This privileging of proliferation is pronounced for fake news sites driven entirely by ad revenue, creating a market incentive to publish the most outlandish claims to encourage virality. With no need to maintain credibility, fake news sites can push bad stories and update them frequently to boost their performance in search algorithms (Allcott & Gentzkow, 2017). Lower credibility sites can "update" their articles to improve their frequency while legacy media has to update slower to do things like fact-checking. Automated social media profiles (or bots) retweet the stories. Algorithms driven by retweets reinforce viral content, making some stories appear both more often than others, structurally privileging information that is viral regardless of content. Once a story is circulated enough it may be covered by legacy media, leading to more searches and more links. Searching for information on a topic, one will be treated to dozens of versions of the same story at the top of search results, amplifying the appearance of reasonableness because of a claim's prevalence.

Processing of arguments online also has a psychological effect on arguers' capacities to evaluate the reasonableness of claims. The constant movement across hyperlinks on the web creates engagement with online content based in interruption (Carr, 2010, p. 91). This makes it harder to engage the chain of reasoning in an argument because it interrupts the mental processes needed for deliberation (p. 119). Moving across digital argument fragments redirects mental resources in a way that can "impede comprehension and retention" (p. 122). As the brain adapts to considering content online, mental skills needed to "traverse thought" are lost, as are brain cells we use in considering "a lengthy narrative or an involved argument, the ones we draw on when we…contemplate an outward phenomenon" (p. 142).

The substantive reasons to accept a claim are demonstrated by proliferating reasons to boost the appearance of logical argument. The web diverts our attention through a proliferation of arguments, amplifying some at the expense of others, and challenging our capacity to assess the relationship among phenomena and draw conclusions. If arguers draw inferences from common values to establish reasoned arguments, but are less able to compare phenomena because of an overwhelming amount of data, it means that arguments hold more validity than they would under careful consideration.

4. ARGUMENT ECOLOGY IN THE 2016 US PRESIDENTIAL ELECTION

The 2016 US presidential election provides a case study to evaluate how immediacy, confirmation, and proliferation shape the argumentative capacity of reasoned decision makers engaged in democratic practice. Klumpp (2009) describes the pragmatic risk of argument ecologies whereby "beliefs, principles, and values help to shape a community's response" when "placed into the service of argumentative exchange" (p. 188). We can examine the ecology in which those arguments take place to see how communities are able to navigate that risk in the service of democratic practice.

Online news and social media had a significant effect on the 2016 election. There was a 15% jump in the percentage of people that used the internet to learn about campaigns, up to 28% (Gottfried et al., 2016) and 42% of 18-35 year olds learned about campaigns from the internet more than any other source. In one survey, 14% said social media was most important source of news in 2016 (Alcott and Gentzkow, 2016 p. 224). The election saw a dramatic uptick in online spending. The 2008 and 2012 campaigns saw all candidates combined spend $98 million on digital advertising (Leffel, 2016). During the 2016 election, Trump spent $150 million on Facebook and Instagram in the last month alone, and was spending $70 million a month on digital operations (Green & Issenberg, 2016). In terms of reader engagement, fake news outperformed real news on Facebook (Silverman, 2016). While cable news still led ad spending (Leffel), it often covered viral stories generated by social media – or covered social media such as Twitter directly. Breitbart and other right-wing media sources were able to significantly drive both social media conversation and broader news coverage of the election (Silverman, 2016). The combination of extensive use of big data and digital advertising, and the influence of online news and social media on mainstream news coverage, created an argument ecology that was substantively influenced by immediacy, confirmation, and proliferation.

4.1 Immediacy

The Trump campaign weaponized social media, using immediacy to create authority. The use of direct appeal through Twitter allowed Trump to avoid media chokepoints initially, make his own news cycle, and force coverage of his campaign, creating constant immediate content. The campaign used dark posts – nonpublic, paid posts shown only to users that a campaign choses (Winston, 2016) - and mountains of data from Cambridge Analytica and internal collection to target advertisements to specific demographics in hopes of suppressing the vote (Green & Issenberg, 2016). Voters experienced immediate ads targeted with surgical precision to them – and only them – based on a detailed social media profiling that indicated they were unquietly susceptible to such appeals. Turnout was down among key Clinton demographics actively targeted by the Trump campaign. The Trump campaign also used this data to determine rally locations by identifying relatively small clusters of voters that were deemed persuadable (Grassegger & Krogerus, 2017), creating immediacy offline as well.

Fake news was circulated by bots using "mirror profiles" to further muddy the argumentative waters. These are fake accounts that mirror typical swing voters – such as Midwestern Republicans – to then retweet or post fake news to amplify it (O'Connor, 2017). Former FBI agent Clint Watts testified that this was an effective strategy to engineer an authoritative warrant because if you're trying to "convince them that the information is true, it's much more simple because you see somebody and they look exactly like you, even down to the pictures" (O'Connor). Fake news encourages arguers to rely on immediacy to determine accuracy because there is a cost to inferring accuracy with the constant updating of information. There are social costs to "infer the true state of the world—for example, by

making it more difficult for voters to infer which…candidate they prefer" (Alcott and Gentzkow, 2017 p. 212). The digital argument ecology in 2016 created immediacy for Trump's appeal, and Clinton's lack of appeal.

4.2 Confirmation

Social media, fake news, and the circulation of stories worked to confirm the relevance and acceptability of evidence for claims about the 2016 election. Social media was ripe for such confirmation. Research consistently confirms that social media and online news engagement is often ideologically segregated when it comes to politics (Allcott & Gentzkow, 2017; Tucker et al., 2018) and highly political users curate their social media feeds, and comment more often (Duggan & Smith, 2016), sustaining an ideological echo chamber by generating more content that can be seen to confirm arguments circulating in the argument ecology. Mirror profiles and dark ads also serve as confirmation when they reaffirm fake news stories or other highly partisan news items. Seeing someone who is like you reinforces the affective reward for sharing content from someone who sees the world the way that you do. Retweeting, sharing, and accessing similar content on the web then provides advocacy groups the data they need to deliver "ideological bombs" based on targeted interests like immigration (O'Neil, 2016, p. 193). Arguers become more motivated to accept claims because they resonate with what they see, and what they see has been shaped by targeted data that emphasizes what they already value, and how they feel about that content.

The media environment from which arguers could draw was saturated with stories driven by emotion and image rather than substance. The need to generate buzz and speak the idiom of social media saw dueling social media burns as the Clinton and Jeb Bush campaigns worked to get people to "like" their posts (Sanders, 2016). Policy barely showed up on Twitter. According to Brandwatch (as cited in Sanders), aside from the debates there were only two policy driven conversations in the top 10 most tweeted days; both had to do with Trump. None of Clinton's biggest days on Twitter focused on policy, her electoral strength. Audience members across the spectrum where likely to share and consume news that confirmed the values they already held, authorizing the claims that came along with them.

4.3 Proliferation

This argument ecology also contributed to the proliferation of some claims over others, boosting their substantive appeal. Echo chambers limited diversity in social media, proliferating a limited set of arguments to drive broader agendas. Between the second and third presidential debates, nearly 33% of pro-Trump tweets and 20% of pro-Clinton tweets were automated accounts (Guilbeault & Woodley, 2016), which are targeted towards profiles deemed similar and persuadable. Hoax and conspiracy theory websites also dominated this media ecology of Trump supporters; while Clinton supporters linked more mainstream outlets, they still were on balance largely exposed to ideologically aligned news sources (Blake, 2017). Many of the most shared stories in conservative media were disinformation stories, and stories in that media sphere draw almost exclusively from like-minded sites. This created not only two distinct media universes producing ideologically aligned data, but the media sphere on the right drove conversation on the left, crowding out more neutral sources (Benkler et al., 2017).

The massive retweeting by automated accounts worked to boost their appearance in search results, proliferating the effect. The asymmetry in pro-Trump fake accounts vs pro-Clinton fake accounts was reflected in the nature of fake stories circulated as well. Alcott and Gentzkow's (2017) created a database that found "115 pro-Trump fake stories that were

shared on Facebook a total of 30 million times"; by comparison, there were only "41 pro-Clinton fake stories shared a total of 7.6 million times" (p. 212). Not only does belief correlate with political ideology (people are 15% more likely to believe partisan headlines), and fake news outperformed engagement of real news on Facebook overall (Silverman, 2016), but a Buzzfeed poll found that fake headlines fooled American adults "about 75% the time" (Silverman & Singer-Vine, 2016). Targeted ads, fake news sites, and automatic retweets caused a self-perpetuating loop where the same types of stories were amplified, made more accessible, and were harder to evaluate – thus appearing to be a part of the common values from which reasonable arguments could be drawn.

5. CONCLUSION

Through the concept of argument ecology, this paper has argued that the function of argumentative moves and rhetorical proofs shift in digital argument ecologies, privileging values of immediacy, confirmation, and proliferation. This is not to suggest that our old concepts are no longer relevant, but that we have to consider the ways that arguments operate differently in digital environments. The digital landscape encourages a superficial engagement with argument, which encourages both a particular type of consumption and a particular type of production in digital argument ecologies. Dan Pfeiffer (2018) argues the next election will be fought on Facebook and suggest we "abandon normal political spin to ensure that our statements, positions…are factually bulletproof" (loc. 2101). I disagree. Facts aren't enough. We need argument. But as argument scholars, we can confront this new task, figure out how to argue within it – and teach our students to do so with us.

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Globalizing reasonableness: "The Law of Nations" and the creation of foreign policy in the early U.S. Congress

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ABSTRACT: This paper critically evaluates the capacity of reasonableness to bend history toward peace. It compares the work of reasonableness in John Rawls' (2005) ideal theory of the "law of peoples" to the norm's appearance in the actual discourses of the "law of nations" in the early U.S. Congress. From that comparison, the paper draws out the rhetorical dimensions of reasonableness and its limits as an argumentative norm meant to guard against the legitimation of violence.

KEYWORDS: congressional discourse, feminist argumentation, foreign policy, justice, law of nations, Law of Peoples, Rawls, reasonableness, war rhetoric

1. INTRODUCTION

Argumentation theory, as Hicks, Margesson, and Warrenburg (2005) suggest, generally frames reasonableness in epistemic terms. In a parallel career, the concept works as an action-guiding device, a principle which helps distinguish between more and less justifiable judgments in a social milieu. Reasonableness is deployed as the less-ideal and more-real counterpart to rationality, but it nonetheless beacons towards ethical standards. John Rawls (2002), for example, sees reasonableness as an ingredient of a "realistic utopia" that operates within a political, in his case liberal, conception of justice. And as Darrin Hicks (2003) has argued, "the reasonable…is better thought of in purely political, that is non-epistemic, terms as the standard of justification concerned with the legitimacy of the social application of power" (p. 471).

The aspect of reasonableness that concerns this paper is precisely the concept's middle ground position between what can be deemed as ideal and real, normative and grounded argumentation theory. I concur with Hicks, Margesson, and Warrenburg's (2005) concern about the commonly observed discrepancies between reasonableness as a normative ideal and the concept's appearance in actual political discourse. Their point echoes those of political theorists who too worry that "the gap between liberal egalitarian ideal theories and our non-ideal circumstances might be unbridgeable" (Valentini, 2009, p. 333). Yet, to the extent that we can accept that as argumentation scholars we are always on the lookout for ways and means for orienting the world toward a more just and humane reality, we can hardly give up the aspirational energy of normative theory but still remain vigilantly fact-sensitive to actual discourse. What we need, in other words, is a useful and reasonable way out of the "paradox of ideal theory."

Political philosopher Laura Valentini (2009) offers such a pathway. She suggests that "there is nothing wrong with ideal theory *per se*, but rather…there can be good and bad forms of ideal theorizing" (p. 333). Specifically, she argues that "an ideal theory of justice," of

which I would emphasize a notion of reasonableness is an integral part, fails to provide meaningful guidance "if it *entails* an idealized account of the subject to which it is meant to *apply,* and not merely by virtue of it being constructed under idealized assumptions" (pp. 333-334). To put it simply, the idea is that we need not reject normative ideal theory simply for its distance from real-world circumstances, as *some* ideal theories can still be action-guiding. The question, instead, is how we can distinguish between better and worse ideal theories (Valentini, p. 355). Valentini, for one, advocates for a particular kind of "fact-sensitive approach" which pays most attention to "those facts that are *relevant* to the question we are attempting to answer" (p. 355).

For this project exploring how reasonableness organized foreign policy discourse in the early U.S. Congress, Valentini's approach is useful because it negotiates the empirical and evaluative aspects of the question that animates this work, namely whether reasonableness is an appropriately robust argumentative norm to promote justice in an ever globalizing world. In pursuit of this question, I highlight the work that reasonableness does within John Rawls' ideal theory of justice in international relations as expressed in his book *The Law of Peoples.* I then test his model against a historical proxy, the law of nations, a discourse that claimed to pursue ends similar to those of Rawls' project. From that comparison, I filter out and critically evaluate the points of accord and discord between the discursive features of reasonableness and its prescribed role in the normative ideal of global justice. I conclude by discussing why I find that reasonableness cannot live up to its promise unless it accounts for the gendered affective grammar of state conduct.

2. REASONABLENESS IN *THE LAW OF PEOPLES*

In most general terms, Rawls (2005) describes reasonableness as "a virtue of persons engaged in social cooperation among equals" (p. 48). It enables citizens in a liberal democracy to seek justice. Thus reasonableness for Rawls is both a "device of representation" and a "moral power" that captures a desire to cooperate with others in terms that are fair and reciprocal (pp. 48-50). Rawls (2005) posits that reasonableness is "part of a political ideal of democratic citizenship," which describes "what free and equal citizens as reasonable can require of each other with respect to their reasonable comprehensive views" (p. 62). The question that Rawls takes on in *The Law of Peoples* is whether reasonableness can guide the actions of peoples as well as people, given how in international relations the ability of actors to require reciprocity is limited. Rawls (2002) insist on an affirmative answer. He argues that we can reasonably anticipate that the Law of Peoples can indeed bring stability for "the right reasons" (p. 57) and even suggests that the historical record supports the model's plausibility.

For Rawls, a reasonably just Society of Peoples can be modeled after a domestic form of liberal democracy. He argues that such a model is *realistic* to the extent that the parties who are involved can be "understood to be the representatives of peoples" and they are involved in "ongoing cooperative political arrangements and relations between peoples" (p. 17). Rawls (2002) acknowledges that a reasonably just Law of Peoples is *utopian*, because as in the domestic case, it specifies moral and just political arrangements and distinguishes between the reasonable and the rational, the former being characterized as altruistic and the latter egoistic. Furthermore, all the essential elements of justice are conceived within the category of the political and these elements require the rhetorical work of institutions to maintain allegiance to the model. Next, like domestic liberal democratic politics, a reasonably just Society of Peoples does not require religious unity but promotes toleration (p. 17). In sum, "a (reasonable) Law of Peoples must be acceptable to reasonable peoples who are thus

diverse; and it must be fair between them and effective in shaping the larger schemes of their cooperation" (Rawls, 2002, pp. 11-12).

Importantly, extending the liberal position to the Law of Peoples also entails a distinction between the rational and the reasonable with the caution that Rawls models rational representation in the Society of Peoples with some particular conditions. Specifically, 1) people's representatives are reasonably and fairly situated as free and equal; 2) peoples are modeled as rational; 3) representatives are deliberating about the correct subject, in this case the content of the Law of Peoples; 4) deliberation proceeds in terms of the right reasons, as restricted by a veil of ignorance; and 5) selection of principles is based on a people's fundamental interests, in this case by a liberal conception of justice which entails a people's proper self-respect and historical self-awareness of themselves as a people as well as their insistence on receiving proper reciprocal respect and recognition from other peoples (Rawls, 2002, p. 32-35).

The analogy between a domestic liberal constitutional order and a Society of Peoples is not complete, however. For Rawls (2002), peoples may not have a *comprehensive* doctrine of the good, whereas citizens do (the idea of primary good). Second, while citizens conceive and pursue the good through their moral powers, a people's fundamental interests are specified by a political (rhetorical) conception of justice and the principles by which they agree to adhere to the Law of Peoples. Importantly, public reason in a Society of Peoples is to emerge from the ideals and principles of the foreign policy of a reasonably just liberal people (p. 55). A distinction needs to be made, however, between the public reasons of liberal peoples debating their own government and the public reason of the Society of Peoples where free and equal liberal peoples debate their mutual relations as peoples (p. 55). As Rawls (2002) puts it, "public reason is invoked by members of the Society of Peoples and its principles are addressed to peoples as peoples, not in terms of comprehensive doctrines of truth or of right but in terms that can be shared by different peoples" (p. 55).

Such reciprocal recognition is a major feature of reasonableness and it holds both between citizens as citizens and peoples as peoples, but not states. In fact, Rawls (2002) insists that peoples alone bear moral character through their commitment to "the reasonably just, or decent, nature of their regimes" (p. 27). Their prudent pursuits are to be distinguished from the rational interests of so-called reasons of state. The distinction is important because for Rawls peoples serve as a check on state power: "liberal peoples limit a state's right to engage in war to wars of self-defense (thus allowing collective security), and their concern for human rights leads them to limit a state's right of internal sovereignty" (p. 42).   Thus, Rawls speaks to argumentation theory in the way he promotes the Law of Peoples as tying together "political convictions and political (moral) judgments at all levels of generality" (p. 58).

Rawls' proposition, however, has not been met with full embrace. Some theorists, like Fernando R. Tesón (1995) and Allen Buchanan (2000) find his model too forgiving of serious forms of oppression in the name of liberal tolerance. Similarly, Thomas W. Pogge (1994) finds the Law of Peoples insufficiently egalitarian. William Connolly (1999) faults Rawls for developing a seemingly static model in which peoples are necessarily already formed (pp. 10-11). More significant, from my perspective, is Nancy S. Love's contrastive interpretation which finds Rawls engaging in an "increasingly international politics of becoming" (p. 132) which nonetheless presumes some level of orchestration. Her point echoes Buchanan's argument that peoples' representation requires acknowledgment of the historical presence of a "global basic structure" which shapes profoundly the prospects of both individuals and groups (p. 701). That basic structure, I believe, is political language itself.

Hence, as a next step I trace the degree to which the ingredients for Rawls' ideal form of reasonableness operate in actual foreign policy discourse. The Law of Peoples, as a

theoretical and ethical impetus, is certainly not to be found in its ideal form in actual discourse, but the "law of nations" appears to be a good enough proxy as it was a somewhat ubiquitous and aspirational concept which organized political decision making in the U.S. founding period. I turn specifically to exploring how the law of nations appears in the early years of debate in the U.S. Congress for two reasons. First, this was a moment when both the American people and the American state were under construction, so to speak. Thus these discourses capture an emergent process of defining and aligning relations among people as peoples. Second, examining this period is fruitful because it captures also a moment when the idea of representation itself was being reshaped and materialized. Thus these discourses provide ample grounds for assessing the role of reasonableness in drawing Rawls' distinction between the representation of people and peoples and, subsequently, its potential value for advancing a sound theory of justice.

3. REASONABLENESS IN U.S. CONGRESSIONAL DISCOURSE ON THE "LAW OF NATIONS"

In most simple terms, "the law of nations" was an informal regime of international relations that was a precursor to the rise of international law in the twentieth century. The law of nations escapes a simple definition, in part, because it was primarily a trope of political discourse and less so an act of written jurisprudence. Legal theorists commonly trace it to two seventeenth-century works, Suarez's *Tractatus de legibus ac deo legislatore* (1612) and Grotius' *De jure belli et pacis* (1625) and a century later to Emmerich de Vattel's *The Law of Nations* (1758). The law of nations is a migrant concept, the simultaneously visceral and material progeny of an expansive, vernacular, and transnational discourse of justice. As such, it is by no means a pure tradition of jurisprudence nor a formally institutionalized norm of conduct. Instead it would often be invoked as a god term for the sake of legitimizing political actions. For example, in the early 17th century, common law had to be aligned with civil law and the law of nations to make England's claims to territory in North America internationally intelligible and, therefore, legitimate (MacMillan, 2003).

All the while non-binding in a formal sense, the law of nations was persistently cited as a guiding principle in justifying foreign policy decisions. Writing for the *American Political Science Review*, in 1918 E. D. Dickinson pointed to this surreal quality of the law of nations when he argued that

> the unreality of modern law of nations is more a matter of theory than of substance. While jurists of all countries have shown an increasing disposition to derive substantive rules from positive sources, they have never ceased trying to reconcile substantive rules with a theory which, in most of its essential ideas, still rests upon the leading principles of the naturalists of the seventeenth and eighteenth centuries" (pp. 104-305).

In the 18th and early 19th century, in a context of globalizing trade and intensifying nationalisms, the law of nations was often invoked in response to matters of commerce (Sylvester, 1999/2000) and such basic problems of international diplomacy as "the just causes and conduct of war, treatment of prisoners, acquisition of sovereignty and booty through conquest, neutrality and intervention, maritime law, treaties, etc." (Stanlis, 1953, p. 397). In this period, as commercial and political interactions increased, the law of nations gained presence as a political imaginary guided by principles of reasonableness, such as consent, fairness, and reciprocity.

As a globalizing political discourse, the law of nations also guided conceptions of people's representation and their political incorporation. From the start, Article 1, Section 8,

Clause 10 of the U.S. Constitution invoked the law of nations in an assertion of the newly founded state's presence in a globalized terrain of interaction. By giving Congress the duty "To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations," the Constitution did not simply allocate the law of nations to the in-between spaces of political cartography. Rather, it established the consensual duty of the United States to uphold the law of nations as a universal system of reasonable interaction. Arguably, as written, the clause guided the way individuals, as symbolic outposts of national bodies, encountered each other on neutral territory. This interpretation of the clause has been applied to interactions between U.S. citizens and foreign nationals, as well as, arguably, to federal law (Currie, 1997, pp. 47-52). Yet, the power to define the behavior of such individuals and the power to own or disown their actions was also a way for the state to manage the body politic as well as to extend its presence, both materially and morally, beyond its borders (Mills, 2014). As J. Andrew Kent (2007) argues, this constitutional clause gave Congress the power not only to civilly or criminally regulate individuals when their conduct was found to be in violation of customary international law; it also gave Congress the "power to punish states, both foreign and U.S. states, for violations of international law" (p. 844). For Kent, this dual meaning of the clause as a method for regulating both individual and state action was due to the persistent analogy between individuals and states that guided eighteenth-century legal and political theory.

The persistent troping of international relations as interpersonal conduct in the early U.S. congressional debates on foreign policy, I would argue, poses a series of theoretical and practical challenges to the role that Rawls's ascribes to reasonableness in constructing a liberal order. To begin with, it challenges the notion that states and peoples can be analytically separated or held to different standards of reasonableness. For example, in 1794, the House of Representatives posited the protection of citizens and property from "the violence of nations, as well as individuals" (*Annals of Congress*, House, May 15, 1794, p. 162) as a primary rationale for the existence of civil government. In this framing, reasonable conduct was one which protected both the physical and moral integrity of the parties. In Congress's account, "many of the citizens of the United States have suffered great losses, by spoilation made on their commerce, under the authority of Great Britain, in violation of the law of nations, and the rights of neutrality" (*Annals of Congress*, House, May 15, 1794, p. 162). To restore the balance of reasonable relations and fairness, Congress resolved to guarantee an indemnification to all citizens of the United States whose property might have been captured and confiscated by Great Britain. This act of government to compensate its citizens at its own economic detriment and in response to what was perceived as a breach in norms of inter-state conduct sought to assert the law of nations as a moral code, a code in which the state's reproduction of principles of civility asserted the state's right to exist as well as the presence of dignified national character. It invoked reasonableness as reciprocity, the willingness to sacrifice self-interest in the name of social cooperation in a way that applied to states as much as to peoples.

Framed through a logic of interpersonal conduct, notions of reasonable cooperation under the law of nations would be expressed through practices of decorum and gestures of recognition that granted to states, and not only to people(s), the status of rights bearing entities. For instance, on May 16, 1797, President John Adams addressed both houses of Congress to update them on a diplomatic standoff with France, whereas the U.S. ambassador in Paris was forced to leave the French territory. While narrating the circumstances straining the relationship between the two governments, Adams pointed out that "the right of embassy is well known and established by the law and usage of nations," so disrespect toward an official representative of a government amounted to a demonstrative disavowal of a nation's integrity. Referencing back to the law of nations, Adams argued that "[t]he refusal on the part

of France to receive our minister, is then a denial of a right; but the refusal to receive him until we have acceded to their demands, without discussion, and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign State" (*Annals of Congress*, House, May 16, 1797, p. 7).

Refusing to perform recognizable and reciprocal gestures of hospitality, such as the reception of "hospitality cards," was unreasonable, according to Addams, because it breached the law of nations as a code of reciprocal, gentlemanly, chivalrous conduct. Thus, the conflict of interest between the two states was translated into a moral, and potentially existential, conflict that could only be resolved in dramatic, ethical terms. According to Adams, the incident had "passed on the great theater of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten: they have inflicted a wound in the American breast;" they had injured "the rights, duties, interests, and honor of the nation" (*Annals of Congress*, House, May 16, 1797, p. 8). Referring to states as entities with interests, rights, duties and honor, invoked the law of nations as a code of chivalry in which states acted like men. And like men's, their conduct and motives would be expressed in affective, embodied terms.

Framing the actions of the French government as an "injury" to the United States further merged the body of the state with that of the people in a way that poses a burden on notions of reasonableness to take into account not only the affective discourses motivating state action but also the way affect fuels the very notion of political representation. If, as Adams insisted, what held the nation together were the "laws flowing from reason, and resting on the only solid foundation, the affectations of the People" (*Annals of Congress*, House, May 16, 1797, p. 6), then the conduct of the French government was unreasonable and, therefore, existentially threatening, because it evinced "a disposition to separate the People of the United States from the Government; to persuade them that they have different affections, principles, and interests, from those of their fellow citizens, whom they themselves have chosen to manage their common concerns' and thus to produce divisions fatal to our peace" (*Annals of Congress*, House, May 16, 1797, p. 7). The breach of reasonableness in this occasion was attributed to France's failure to recognize the dual flow of representation between the people and the government of the United States. France's attempt to disassociate the American people from the American state was deemed unreasonable, in other words, for the precise reason Rawls insists that states and peoples need not be conflated.

Rawls' idea that a reasonable people can stand as a check on the reasons of state, especially in matters of war and peace, quickly evaporates in the face of the affective discursive co-construction of people and government. Adams's denouncement of such a proposition was swift: "Such attempts ought to be repelled with a decision which shall convince France, and the world, that we are not a degraded People, humiliated under a colonial spirit and sense of inferiority, fitted to be the miserable instruments of foreign influence; and regardless of national honor, character, and interest" (*Annals of Congress*, House, May 16, 1797, p. 8). He advised Congress to "prescribe such regulations, as will enable our sea-faring citizens to defend themselves against violations of the law of nations" (*Annals of Congress*, House, May 16, 1797, p. 8). Thus, the "ethos of sovereignty," namely, the mandate on states to act "in a dignified manner" so as to ensure their membership in the "family of nations" (Minkkinen, 2007, p. 33), was built on a notion of reasonableness that indeed invoked reciprocity, but in a specific and more narrow sense. It confirmed an obligation to not interfere with the political comportment of other states, but also did little to distinguish between war and diplomacy as forms of expressive state conduct.

Most significantly, then, when a discourse of honor and dignity envelopes conceptions of the right of self-defense, violence appears more reasonable and achieving statehood quickly becomes an existential prerogative for peoples. For example, the document with which the

U.S. Congress declared war on Great Britain on June 1, 1812 framed the issue of sovereignty as a moral issue, at the same time as it equivocated the search for peace with the means of war. It called for

> resistance by force; in which the Americans of the present day will prove to the enemy and to the world, that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it. Relying on the patriotism of the nations, and confidently trusting that the Lord of Hosts will go with us to battle in a righteous cause, and crown our efforts with success, your committee recommend an immediate appeal to arms (U.S. House, June 25, 1812, p. 397).

Congress asserted that military actions would impress upon the "impartial world" that the U.S. had no choice but to "avenge the wrongs and vindicate the rights and honor of the nation" (*Annals of Congress,* House, June 25, 1812, p. 391). Republican discourses of virtue and national honor, echoing social norms for manly behavior, constituted the state's sovereignty and were legitimated through references to the law of nations. Thus, in the context of U.S. foreign policy, as Douglas J. Sylvester (1999/2000) has also demonstrated, the law of nations was not invoked only as a shield, as a way to compensate for the relative weakness and vulnerability of the U.S. military after the Revolutionary War (pp. 4-7). Rather, it was used "just as often as a sword to achieve specific policy goals for the young country" (p. 7). Appeals to reason and honor worked in tandem to assert U.S. sovereignty through a willingness to engage other states directly. Notably, the hallmarks of reasonableness, namely the principles of consent, fairness, and reciprocity, appeared to only fuel the development of affective and structural conditions for aggressive state action instead of guard against it.

4. CONCLUSION

This brief sketch of actual foreign policy discourse certainly confirms Darrin Hicks's (2003) observation that the concept of reasonableness is inherently oriented to the question of how power can be exercised legitimately (p. 471). To the degree that the law of nations can be used as a historical proxy to the Law of Peoples, however, some further qualifications can be advanced. One is that the weight of history bears down on the notion that states and peoples can be sufficiently disarticulated to open a viable opportunity for constructing an alternative moral order. Rawls might be appropriately cautious in asserting that norms of reasonableness can only be developed through sufficient buy-into the common political order. To go back to Valentini's point, however, his model becomes less plausible as long as it remains inattentive to the discursive constitution of states as well as peoples. Rawls (2002) appears to believe that states fail to maintain peace because they are guided by rationality, by what he calls "their prudent or rational pursuit of interests, the so-called reasons of state" (p. 27). In contrast, peoples would be willing "to limit their basic interests by the reasonable" (p. 29). A triumph of reasonableness over rationality then is offered as a solution for preserving peace. For Rawls, "[i]f *rationality* excludes the *reasonable* (that is, if a state is moved by the aims it has and ignores the criterion of reciprocity in dealing with other societies)—then the difference between states and peoples is enormous" (p. 28). State interests, I would point out, however, are hardly pre-discursive and thus they too can be guided by principles of reasonableness.

In the end, what prevents reasonableness from operating as a normative check on the excessive deployment of state power appears to be its very grounding in social discourse. Unfortunately, even a brief sampling of this rhetoric reveals a basic structure dominated by the grammar of patriarchy, a migrant political language that spills over and pushes across state borders. The persistent anthropomorphism and androcentrism of foreign policy discourse is well described in many feminist critiques of international relations (Hooper, 2001; Blanchard,

2003). Yet I don't believe that it needs to be taken for granted. As Rawls (2002) himself suggests, "we can to a greater or lesser extent change political and social institutions and much else" (p. 12). For reasonableness to be a part of such transformation, however, I would argue that argumentation studies needs to better account for the affective impeti of social behavior and the way gendered affect embeds itself in political notions of reasonableness. We need to do so with particular sensitivity to the way the relational, affective economies and intensities of gender allow reasonableness to traverse the scales of political behavior. Last but not least, feminist argumentation studies would be wise to re-examine and nuance our own investment in the principles of consent, fairness and reciprocity or else we too will fail to chart a plausible path toward justice and peace.

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Comparative analysis of arguing in Ukraine and the USA

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ABSTRACT: The purpose of this paper is to examine Ukrainian predispositions and understandings regarding interpersonal arguing. To our knowledge, no prior investigations have dealt with these matters in a standardized way in this part of the world. We compare Ukrainian and US views and report the Ukrainian data in such a way that other comparisons can easily be made to the many other investigations in this recent line of work.

KEYWORDS: argument frames, argumentativeness, culture, interpersonal arguing, taking conflict personally, Ukraine, verbal aggressiveness

1. INTRODUCTION

1.1 General orientation

The purpose of this paper is to examine Ukrainian predispositions and understandings regarding interpersonal arguing. To our knowledge, no prior investigations have dealt with these matters in a standardized way in this part of the world. We will compare Ukrainian and US views and will report the Ukrainian data in such a way that other comparisons can easily be made to the many other investigations in this recent line of work. The Ukraine is a nation of special interest for several reasons: its relatively recent re-emergence after nearly a century of censorship and speech restrictions implicit in Soviet rule; its independent importance in regional and global economics, politics, and cultural affairs; and its status here as the first investigation of any of the former Soviet nations' views on interpersonal arguing.

1.2 History, government, and importance of Ukraine

Ukraine is a country in Eastern Europe. It is the largest country among the European countries and the 46th largest country in the world. Its area is 603,623 km². Ukraine has a very large and multicultural society. In 2017 its population was about 42.5 million according to the official government statistics. 77.8% are Ukrainians "by ethnicity", and 17.3% are Russians. Also, the country is home to people from other nations.

Ukraine is a unitary republic under a semi-presidential system with separate powers: legislative, executive and judicial branches. According to the constitution, its state language is Ukrainian. Most native Ukrainian speakers are bilingual. The second language depends on the region (Russian, Hungarian, Romanian, Polish, Bulgarian, Crimean Tatar, Gagauz, and others).

The religious life of the country is quite diversified. Now, 70% of people living in Ukraine call themselves religious. The dominant religion is Christianity. Orthodox Christianity is the most popular religion among Ukrainians – 76% of believers keep to this confession.

In 2017, Ukraine had a nominal GDP of $107 billion, ranking 62nd in the world. It imports most of its energy supplies. Its most important trade partner is the European Union.

In 1991 Ukraine gained its independence from the USSR. However, the imperial and Soviet past is still alive. Today Russia continues to impose imperial views on Ukraine, using different instruments for this purpose. The main intention is to include Ukraine in a common Russia-led Orthodox East Slavic world and to falsify historical facts that witness to Ukraine's closeness to Europe. In order to get rid of the imperial and Soviet heritage and become a genuinely independent country, there were two revolutions in the modern history of Ukraine: the Orange Revolution (2004) and the Revolution of Dignity (2013-2014).

In the current context, the Ukrainian identity issue is crucial for the future development of Ukraine as an independent country. In this regard, any research intended to address this issue is highly important. Among them is the present project. Its results may have a significant impact on the understanding of key features of the Ukrainian identity.

1.3 Generational Considerations

According to the generational theory (Howe & Strauss, 2000), each generation has its own values. This theory labels and classifies various generations that participated in our survey. The earliest was the Baby Boomers Generation, Ukrainians, who were born mostly following World War II (from the early-to-mid 1940s and ending from 1960 to 1964). These were followed chronologically by Generation X - respondents, whose birth years were from the early-to-mid 1960s to the early 1980s. The third was Generation Y (Millennials): Ukrainians born in late 80's until the early 90's. Finally, was Generation Z, born between the early 90s and mid-2000s.

While these generation categories are quite typical for the Western world, they acquire additional meanings for the Ukrainian respondents, who took part in the survey.

For example, Ukrainian Generation X involves people who were born in the Soviet Union. When Ukraine became an independent state in early 90's they were about 30 years old. Generations Y and Z represent people of the same age as Ukrainian independence and those who are a decade younger- those who participated or witnessed two revolutions in the modern history of Ukraine (the Orange Revolution and the Revolution of Dignity) and those who were children during both events.

Our sample's average age was about 24 years. To sum up the age of the survey's respondents it should be stressed that despite the fact that it mainly focuses on young people aged 17 to 25 (Generation Z), it also provides a snapshot for several generations.

Hence the most respondents belonged to Generations Z and Generation Y. Joining them we got 78% of respondents.

This fact witnesses that Ukrainian youth took part most actively in the survey. 69% of respondents represented Ukrainian generation Z. In this regard, it should be noted that in this age range, as of January 1st, 2017, there were almost 8 million people, which makes up virtually a fifth of the entire population of Ukraine.

1.4 Vocabulary for argument

We experienced some challenges in translating the US instruments into Ukrainian and Russian. We paid particular attention to the key terms of argumentation theory: *argue argument*, *debate*, *discussion*, *conflict*, *disagreement*, *arguing*, and others. These terms often do not have a precise unambiguous meaning in English, where all the survey instruments originated. In this respect, we had difficulties in translating English terms into Ukrainian. In addition, some of the key survey terms are not commonly used in everyday Ukrainian. They usually occur in scientific discourse.

First, the term *argumentation* (аргументація/Ukr, аргументация/Ru) posed some problems. Other terms are more often used in Ukraine, namely *justification* (*обґрунтування*/Ukr, *обоснование*/Ru), and *reasoning* (*міркування*/Ukr, *рассуждение*/Ru). In this sense, *argumentation* is not a form of interaction, in which arguers resolve a conflict of opinions using real arguments. In Ukraine, we often encounter the definition of *argumentation* as reasoning, aimed at justification of arguer's point of view.

Second, let's consider the term *argument*. There is some genuine ambiguity about what *argument* means in English. It can mean both an exchange of reasons and a nasty verbal fight. Ukrainians often understand this term as a premise, or reason (*аргумент*/Ukr/Ru). Sometimes it can be translated from English as *резон*/Ukr/Ru.

Here the *argument* (*premise*) is a component of argumentation (*reasoning*). Thus, the argument for Ukrainians is a product, but not a process.

Furthermore, the translation of the phrase *real argument* from English into Ukrainian and Russian was a great issue. In order to provide an adequate translation, we used the Ukrainian expression *аргументативне міркування* (*аргументативное рассуждение*/Ru) (Хоменко, 2016).

Thirdly, the term *arguing* can have positive and negative connotations in Ukrainian and Russian. Here it should be stressed that the negative understanding is slightly more prevalent among Ukrainians. They interpret *arguing* in a face-to-face situation as speaking angrily to someone, having a heated discussion with somebody. The person not telling somebody that he disagrees with something. He expresses his anger in a loud voice. In this sense, the terms *arguing* (*суперечка*/ Ukr; *спор*/Ru) and quarrel (*сварка*/Ukr; *ссора, перепалка*/Ru) can be used as synonymous. For example, such expression as *базарна сварка/ базарная перепалка* are idioms in Ukrainian and Russian. They mean marketplace quarrel.

In this context, Ukrainians prefer to use soft power. They usually use instead of *arguing* such terms as *conversation* (*бесіда, розмова*/Ukr; *беседа, разговор*/Ru), *discussion* (*дискусія*/Ukr; *дискуссия*/Ru), *debate* (*дебати*/Ukr; *дебаты*/Ru), and *dispute* (*диспут*/Ukr/Ru). For example, these expressions are widely used in Ukraine: *політичні дебати/*Ukr; *политические дебаты*/Ru (*political debate*), and *наукова дискусія*/Ukr; *научная дискуссия/*Ru (*scientific discussion*).

Also, the term *face-to-face* can be translated as the Ukrainian idiom *віч-на-віч* (*eyes-to-eyes*) and the Russian one *тет-а-тет* (*twosome*).

Another interesting fact is if you would like to translate *arguing* into Ukrainian you should choose between two words – *суперечка* or *спор*. The first can be used for *face-to-face arguing*, and the second usually describes the legal sense of this term. This difference does not occur in Russian, where one uses the word *спор*.

In general, Ukrainians try to avoid expressions with negative, aggressive connotation in face-to-face arguing. They prefer friendly vocabulary aimed at cooperation and mutual understanding and not at the verbal fight. This can be explained by the peaceful and open-minded character of Ukrainian people.

1.5 Language choice

The language issue has never been easy in Ukraine, and it became even sharper after the country gained independence. Ukraine is a multilingual state where various languages are spoken. In 2003, Ukraine ratified the European Charter for Regional or Minority Languages and thus committed itself to protecting regional languages in the country. However, the most wide-spread languages are Ukrainian and Russian.

Keeping in mind the above, we offered our respondents a choice of language in which to participate. We prepared versions of the instrumentation in Ukrainian and Russian. We felt that respondents' choice might point to their preferred national identity, and allow us an indirect way to see if these identities were connected to understandings of interpersonal argumentation.

2. RESEARCH OBJECTIVES

This project is the first comprehensive attempt to understand and assess the sentiments of Ukrainians towards "face-to-face" arguing. Its main objective was to collect and analyze data summarizing fundamental orientations to arguing among Ukrainians.

It should be stressed that besides elucidating the argumentation predispositions in Ukraine this study advances the general project of comparing argumentation in various countries across the globe. This Ukrainian survey was a part of the survey series conducted in the United States and other countries (Chile, Mexico, Portugal, France, Netherlands, Turkey, United Arab Emirates, India, Malaysia, China, and South Korea). This allows us to compare and generalize the data collected in different countries and regions.

Due to the lack of prior data about Ukrainian views of arguing, we choose to pose research questions. Several of these compare Ukraine to the US. This is because the theories and instrumentation originated in the US, and we need to get some general indication of the degree to which the better developed US theories of interpersonal arguing are relevant to Ukraine. Other research questions are internal to Ukraine. Here are our explicit research questions:

RQ1: How do Ukrainian and US respondents compare in their average responses concerning arguing motivations, understandings, and reactions?

RQ2: Do Ukrainian men and women differ in their arguing motivations, understandings, and reactions?

RQ3: Do Ukrainian respondents who chose the Ukrainian language version of the survey differ in their arguing motivations, understandings, and reactions, compared to those who chose the Russian language version?

RQ4: What are the internal associations among arguing motivations, understandings, and reactions for the Ukrainian sample?

3. METHOD

3.1 Ukrainian sample

The empirical part of the project included a nationwide survey, which was conducted between September 2017 and April 2018.

The sample's average age was 23.9 years (SD = 11.1). Most (75%) were female. A similar proportion (77%) was enrolled in university at the time they completed the survey.

Presented a choice of language for the survey, 75% ($n = 325$) chose Ukrainian and 25% ($n = 108$) chose Russian.

Ukraine has the following regional composition: West, East, Centre, North, and South regions. The survey was conducted in all regions and the city of Kyiv, the capital of Ukraine. We excluded the population of the Autonomous Republic of Crimea and uncontrolled territories of Donetsk and Luhansk regions.

The poll was carried out via an online survey that was hosted on Survey-Monkey.com. Most respondents who participated in the survey were undergraduates from different Ukrainian universities. In addition, the members of their families, friends, and neighborhood were also poll respondents.

Because the average age of the resulting sample was about 24 years old, we chose a sample of US undergraduates for comparison purposes. These data have already been presented in Hample and Irions (2015), and details about that sample are available in the original report.

3.2 Languages

Due to the bilingualism of the majority of the Ukrainian population, two versions of the survey (Ukrainian and Russian) were composed. The participants had a free choice as to which to complete. Although this was done for the convenience of respondents, we felt that their choice of language might indicate something about their feelings of national identity. 75% chose the Ukrainian version and only 25 % preferred the Russian one. This indicates that Ukrainian was the preferred language for the majority of people, who participated in the survey.

3.3 Instruments

The survey was based on the methodology survey used in the overall global project summarized in Hample (2018). The English language versions of the main instruments can be found either Hample (2018), Infante and Rancer (1982), or Infante and Wigley (1986). Table 1 reports descriptive statistics on all the measurements. It indicates that all the measures achieved good internal reliabilities, as measured with Cronbach's alpha.

The first set of questions in the survey was devoted to ordinary demographics. Responses represented the respondents by gender, age, a region of residence, and student/employment status.

The second set of questions dealt with argument motivations and concerned argumentativeness (Infante & Rancer, 1982) and verbal aggressiveness (Infante & Wigley, 1986).

The third set of questions assessed the degree to which people take conflicts personally (TCP; the scales are in Hample, 2018).

The fourth set of questions was devoted to argument frames, a battery of instrument intended to capture people's understandings of the project of arguing face-to-face (current items are in Hample, 2018).

4. RESULTS

Our first research question was: How do Ukrainian and US respondents compare their average responses to items concerning arguing motivations, understandings, and reactions? Table 1 displays the pertinent comparisons.

Table 1: Mean Differences Between Ukrainian and US Respondents

	Ukrainian Data					US Undergraduates			
	# Items	N	alpha	mean	*SD*	mean	*SD*	t	r^2
Arg Avoid	10	433	.84	5.35	1.77	5.77	1.40	3.92[3]	.02
Arg Approach	10	433	.86	6.09	1.78	5.76	1.34	-3.10[2]	.01
VA AntiSoc	10	405	.78	4.37	1.56	4.56	1.53	1.92	
VA ProSoc	10	405	.79	6.74	1.58	6.36	1.23	-3.90[3]	.02
Utility	8	376	.78	5.17	1.64	5.32	1.26	1.43	
Identity	8	376	.76	6.26	1.51	6.57	1.40	3.05[2]	.01
Dominance	4	376	.79	4.68	2.00	4.44	1.86	-1.82	
Play	4	376	.71	4.73	2.10	4.44	2.16	-1.96[1]	.00
Blurting	10	376	.80	5.17	1.58	5.11	1.58	-0.60	
Cooperate	8	376	.78	7.28	1.57	6.83	1.50	-4.21[3]	.02
Civility	6	376	.77	3.83	1.90	6.26	1.16	21.73[3]	.38
ProfContrast	7	367	.88	5.56	2.25	6.29	1.86	4.99[3]	.03
Direct	7	337	.75	5.86	1.75	5.82	1.70	-0.39	
Persecution	6	337	.74	4.76	1.76	4.59	1.58	-1.40	
Stress	5	337	.55	5.26	1.66	5.70	1.61	3.79[3]	.02
Pos Relatnl	7	337	.78	5.13	1.70	6.02	1.45	7.75[3]	.07
Neg Relatnl	5	337	.79	6.75	1.86	6.06	1.40	-5.69[3]	.04
Pos Valence	7	337	.80	3.91	1.82	4.12	1.76	1.61	

Note. All items used a 1-10 scale. For the civility measure, all the negatively worded items were omitted to attain reasonable reliability. The US undergraduate data is from Hample & Irions (2015). *t*-tests were adjusted for unequal group variance when necessary.

[1] $p < .05$ [2] $p < .01$ [3] $p < .001$

Of the 18 possible comparisons, statistically significant differences between the Ukrainian and US samples appeared for 11 of them. Several of these had small effects sizes, as indexed by the r^2 values. One difference, civility, had an enormous effect size, and several others were noticeable.

Results indicated that Ukrainians were more inclined than Americans to engage in constructive arguing, with significant differences for both avoidance and approach. Ukrainians were also more prosocial than US respondents, but no significant difference appeared for antisocial inclinations. All these effect sizes were small, but they constitute a pattern in which Ukrainians were more inclined to argue politely and constructively.

The argument frames results showed that Ukrainians were less inclined to argue in order to display identity, marginally more likely to argue playfully, were more cooperative but far less civil, and less inclined to understand arguments as professionals do. The civility effect was especially large. It is consistent with the Ukrainians' low score on professional contrast, but inconsistent with the motivation results reported earlier.

The final section of Table 1 concerns Taking Conflict Personally. There, we see that Ukrainians were less stressed than US respondents, had lower estimates that conflict could improve relationships, and were more committed to the idea that disagreements could damage personal or workplace relationships. These last two findings are consistent with the earlier notice that Ukrainians found arguing to be far less civil than US undergraduates did.

Our answer to the first research question is that Ukrainians and US respondents did, in fact, differ in their mean responses to the instruments used here. The standout result was that Ukrainians felt that arguing was a far less civil activity than was the case in the US. This civility finding was paralleled by Ukrainians' beliefs that conflict tends to damage relationships.

Our second research question was: Do Ukrainian men and women differ in their arguing motivations, understandings, and reactions? These results are in Table 2.

Table 2: Mean Differences Between Ukrainian Men and Women and Between Ukrainian and Russian Language Choosers

	M	F	t	r^2	Ukr	Rus	t	r^2
Argument Avoid	4.78	5.54	-3.86[3]	.03	5.42	5.13	1.51	
Argument Approach	6.69	5.87	4.17[3]	.04	6.12	6.00	0.56	
VA Antisocial	4.84	4.23	3.43[3]	.03	4.34	4.48	-0.75	
VA Prosocial	6.44	6.84	-2.16[1]	.01	6.75	6.72	0.17	
Utility	5.54	5.07	2.40[1]	.02	5.16	5.24	-0.42	
Identity	6.64	6.14	2.74[2]	.02	6.25	6.27	-0.10	
Dominance	4.98	4.59	1.59		4.57	5.08	-2.28[1]	.01
Play	5.61	4.45	4.64[3]	.05	4.68	4.90	-0.82	
Blurting	4.76	5.30	-3.15[2]	.02	5.26	4.83	1.92	

Cooperation	7.01	7.36	-1.86		7.27	7.31	-0.22	
Civility	3.73	3.86	-0.54		3.78	3.99	-0.86	
Professional Contrast	5.99	5.44	2.23[1]	.01	5.53	5.68	-0.50	
Direct Personalization	5.11	6.10	-5.12[3]	.06	5.80	6.10	-1.25	
Persecution	4.59	4.80	-1.02		4.69	5.02	-1.42	
Stress	4.48	5.49	-5.51[3]	.07	5.16	5.61	-2.02[1] .01	
Pos Relational Effects	5.64	4.97	3.14[2]	.03	5.07	5.38	-1.34	
Neg Relational Effects	6.25	6.91	-2.79[2]	.02	6.76	6.68	0.33	
Pos Valence	4.75	3.65	4.88[3]	.07	3.89	3.98	-0.36	

Note. t-tests were corrected for unequal group variance when necessary.

[1] $p < .05$ [2] $p < .01$ [3] $p < .001$

The first four columns of statistics show that Ukrainian men and women were consistently different on our measures. Of the 18 comparisons, 14 were significant. This is a high degree of sex-typing (Hample, 2018), comparable only to the US and Chile, and far higher than found in Portugal, India, Malaysia, the United Arab Emirates, and France, where male-female differences were far rarer.

The pattern of male-female differences in Ukraine generally corresponded to the usual pattern in which men are more aggressive and women are more passive, nurturant, and sensitive. In particular, women were more avoidant and prosocial but blurted more readily. Women were higher in direct personalization, stress reactions, and pessimism about negative relational effects. Men, on the other hand, were more inclined to approach constructive arguing and engage in *ad hominem* attacks, saw more opportunity to use arguing for utility, identity display, and play had higher professional contrast scores, had more optimism about positive relational consequences, and had more positive valence for conflict.

Our answer to the second research question is that Ukrainian men and women were quite distinct in their orientations to the interpersonal argument. Generally, men were more aggressive and women more passive and easily hurt. However, two results – blurting and professional contrast – do not quite conform to the general pattern.

The third research question was, Do Ukrainian respondents who chose the Ukrainian language version of the survey differ in their arguing motivations, understandings, and reactions, compared to those who chose the Russian language version? These results are also in Table 2, in the final four columns.

The results are easily summarized: language choice made essentially no difference at all in people's orientation to arguing. Only two measures displayed significant differences, and both of those effect sizes were minor. Our conclusion on this point is that the surveys' language made no difference. To the degree that language preference implies something about national identity, we found no evidence that national identity carried any special predispositions about face-to-face arguing.

The final research question was: what are the internal associations among arguing motivations, understandings, and reactions for the Ukrainian sample? Pertinent results are in Tables 3, 4, and 5. These report correlations among the motivation items, among the argument frames, and among the TCP scales. Cross-instrument correlations are available from the authors.

Table 3 reports how the motivation measures correlated with one another. Of special interest are the correlations between argument approach and avoid, and between antisocial and prosocial motivations. These two correlations were clearly negative (-.48 and -.32, respectively). This matches US theory and results. Other nations – notably the United Arab Emirates, India, and Malaysia – do not return negative correlations for these measures (Hample, 2018). In addition, the two aggressive measures (approach and antisocial) had a positive correlation, as did the two avoidant measures (avoid and prosocial). These results also conform to US findings and theory.

Table 3: Correlations among Argument Motivation Measures (Ukraine)

	Arg Avoid	Arg Approach	VA Prosocial
Arg Approach	-.48***		
VA Prosocial	.29***	.04	
VA Antisocial	-.01	.26***	-.32***

*** $p < .001$

Table 4 indicates the correlations among the argument frames measures. The first five (utility, identity, dominance, play, and blurting) represent self-centered impulses and tend to correlate positively in the US. They did so in Ukraine as well. The more advanced measures (cooperation, civility, and professional contrast) also tend to correlate positively in the US, and they generally also did in Ukraine.

Table 4: Correlations among Argument Frames Measures (Ukraine)

	Utility	Ident	Domain	Play	Blurt	Coop	Civility
Identity	.52***						
Dominance	.42***	.35***					
Play	.41***	.50***	.38***				
Blurting	.21***	.17***	.22***	.12*			
Cooperation	-.01	.18***	-.26***	-.06	.00		
Civility	-.16**	-.25***	-.25***	-.07	-.25***	-.20***	
Prof Contrast	.18***	.26***	-.03	.23***	.00	.23***	.05

* $p < .05$ ** $p < .01$ *** $p < .001$

Finally, Table 5 displays the associations among the TCP measures. As in the US and elsewhere in the world, the scales indicating personalization (direct personalization, persecution, stress, and negative relational effects) correlated positively with one another. The two scales indicating an absence of personalization (positive relational effects and positive valence) correlated positively, as they generally do. In addition, the personalization measures tended to correlate negatively with the positive scales, as is common.

Table 5: Correlations among Taking Conflict Personally Measures (Ukraine)

	Direct	Persec	Stress	PosRel	NegRel
Persecution	.53***				
Stress	.57***	.47***			
Pos Relatnl	-.14**	-.06	-.21***		
Neg Relatnl	.42***	.46***	.36***	-.22***	
Pos Valence	-.41***	-.21***	-.38***	.38***	-.50***

*p < .05   ** p < .01   *** p < .001

So our answer to the fourth question is that the Ukrainian results were generally quite conformable to US results. Motivations had US patterns, as did the argument frames and the TCP measures.

5. DISCUSSION

It is difficult to understand the results of the project without a consideration of the Ukrainian mentality (values, traditions, stereotypes etc). Certainly, it is impossible to give a precise answer to the question: What is the Ukrainian argumentation mentality? However, we can figure out some key features of Ukrainian lifestyle.

Firstly, individualism appears as one of the key traits of Ukrainians, perfectly described by the famous Ukrainian proverb "*Моя хата с краю, нічого не знаю*" ("*My house is located at the end of the village, so I do not know anything*"). The Ukrainian protects himself and his individual world and tries to live within that word. Sometimes the view occurs that Ukrainians are indifferent to other people's problems, except their own.

Secondly, the family plays a great role in the personal world of Ukrainians. Ukrainian word equivalent to *family* is *родина* (*rodyna*). It means belonging to the genus (*рід*/Ukr). Family memory is an uniquely Ukrainian phenomenon. Typically family members are familiar with their genealogy up to the fifth or even seventh generation. Ukrainian children are brought up to respect their ancestors and their genus.

Other important traits of Ukrainians are emotionality and sensitivity. Ukrainians focus on the inner emotional-sensual world, where the Heart, as a rule, dominates over the Head. This feature is called in Ukrainian *кордоцентрізм* (*cordocentrism*).

Thus, the crucial features of Ukrainian mentality are individualism, the great importance of family, and the emotional perspective on life. Taken together they can explain

the orientation of Ukrainians to creative activity in everyday life to strengthen their own well-being. "*I would like to improve my well-being. I wish that my family is happy and my children and parents live comfortably. I try to have good relations with the environment. I respect others. However, I do not interfere in other people's lives and I wish that the others do not disturb me and my family.*" This is the usual standpoint of the ordinary Ukrainian. Hence, on the one hand, there is intolerance to any aggression, violence and destructive activity. On the other hand, that Ukrainians are ready to defend their main values but only in the case of huge personal and national hazard.

Taking into account the ideas mentioned above, it becomes possible to explain some results of our project.

(RQ1). Ukrainians do not like to be involved in face-to-face arguing, because it is considered to be a hostile incursion into their personal world or a conflict and aggressive activity that tends to destroy their life and aggravate the interpersonal relations. If they are obliged to participate in such form of communication they mainly will not behave aggressively, offend people, incite hatred and provoke violence. The majority of Ukrainians are predominantly tolerant, peaceful, friendly, and open to others. In most cases, they try to be polite, to express respect for others and to argue constructively.

On another side, understanding of face-to-face arguing solely as a destructive conflict tending to damage relationships may be considered as the reason why Ukrainians are less inclined to understand arguments as professionals do.

(RQ2). Another interesting result of our project is the difference between Ukrainian men and women in their arguing motivations, understandings, and reactions

Despite the fact that women always play a great role in a family and in society there is still no gender equality in Ukraine. We can see the manifestations of inequality, largely caused by the impact of old social stereotypes and patriarchal norms that establish different public expectations with regard to gender-based social roles, and behavior patterns accepted by the society.

The family is the main origin of the understanding of these matters for Ukrainians. The traditional gender roles are still strictly defined in modern Ukrainian society. Men hold a role of the family breadwinner and women's role is mostly connected with caregiving and responsibilities related to household work.

Besides, the problem of the gender-based violence is quite large in Ukraine. Unfortunately, Ukrainian men are quite tolerant to aggression and domestic violence. "Almost one-third of men recognized that they used to perpetrate emotional violence in their partnerships over the life course, one in seven men used economic violence, while 13% of men had experience of physical violence against their partners. A few percents of the respondents reported that they forced their partners or other women to have sex with them despite the women's unwillingness. The prevalent manifestations of men's controlling behaviors are also closely linked to their wish to dominate in partnerships." (Masculinity today: men's attitudes to gender stereotypes and violence against women, 2018, p. 7).

Thus, gender inequality, fixed in social stereotypes of Ukrainian society, appears as the reason for different men-women behavioral patterns in face-to-face arguing (men are more aggressive and women are more passive, nurturant, and sensitive).

(RQ3). One more interesting result of the research concerns the language issue. It should be pointed out that in the Soviet times the Ukrainian language was the local language of the Ukrainian Soviet Socialist Republic. But actually, it was banned. The Russian language dominated in education and social communication. Only after the USSR collapse in 1991had the Ukrainian language received the status of the official language of independent Ukraine.

It is interesting fact that a lot of Ukrainians used *суржик* (*surzhyk*) in the Soviet times. It was a mix of Russian and Ukrainian. In modern Ukraine, *surzhyk* is also widely spread.

Taking into account that the majority of Ukrainians are bilingual and they can speak Ukrainian and Russian fluently, we found no evidence that survey language choice had a significant impact on respondents' answers.

6. CONCLUSION

This paper presents the results of a cross-cultural research project that is focused on argumentation.

Its empirical part included surveys conducted in Ukraine and the USA. We collected data summarizing understandings of argumentation and fundamental orientations to arguing in these countries and then compared them, using such research questions:

RQ1: How do Ukrainian and US respondents compare in their average responses concerning arguing motivations, understandings, and reactions?

RQ2: Do Ukrainian men and women differ in their arguing motivations, understandings, and reactions?

RQ3: Do Ukrainian respondents who chose the Ukrainian language version of the survey differ in their arguing motivations, understandings, and reactions, compared to those who chose the Russian language version?

RQ4: What are the internal associations among arguing motivations, understandings, and reactions for the Ukrainian sample?

To sum up, we conclude that with few exceptions the Ukrainian results were generally quite conformable to US results.

Also, our research concerning Ukrainian respondent's views on arguing sheds light on issues of national identity, which play a crucial role for modern Ukraine.

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Auditory arguments – importance of sound in an argumentative discourse

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ABSTRACT: Recent research in the field of multimodal argumentation argue that there are more than just verbal modes which can support conclusion in argumentative discourse. Following the work on multimodal argumentation this paper aims to explore the methods for analyzing and assessing auditory arguments in correlation to traditional argumentation schemes and set of critical questions which accompany them. It will provide examples for arguments from sign, causal arguments which will then be reconstructed into the premise conclusion form.

KEYWORDS: auditory argument, argumentation scheme, argument from sign, argument from consequences, prosodic features, sound

1. INTRODUCTION

Recent research in the field of multimodal argumentation presented many examples which show that sometimes sound can be of the great importance in an argumentative discourse.

Sound i.e. auditory mode is only one of various nonverbal modes such as visuals, tastes, movement (gesture and facial expression) which can be included in a multimodal argumentative discourse and which may have an essential role providing support for the conclusion.

So, what is auditory argument and what does it mean? Groarke (2018, p. 1) defines it "as an attempt to provide rational evidence for a conclusion using non-verbal sounds instead of or (more frequently) in addition to words." It seems that the most obvious "sound" which appears in argumentative discourse is the sound of human voice i.e. prosodic features which include voice quality, tempo, intonation, pitch and pitch range, volume etc. Several research in recent years tried to determine the role of prosody in argumentation (Kišiček, 2014; Kišiček, 2016; Groarke & Kišiček, 2016; Van den Hoven & Kišiček, 2017).

Spoken language is the source of different prosodic features which have different meanings and have been frequently researched by nonverbal communication scientist. Prosodic features are the source for recognizing the speaker's emotions and personality traits. Recent reviews have shown that vocal expressions of specific emotions (e.g., anger, fear, happiness, sadness) are generally recognized with above-chance-accuracy, also cross-culturally, and to be associated with relatively distinct acoustic characteristics (Juslin & Laukka 2003; Laukka, 2008). Besides a correlation between prosody and emotions (Davitz, 1964; Scheerer, 1972; Vroomen, Collier & Mozziconacci, 1993; Neuman & Strack, 2000), prosodic features are connected to the perception of a speaker's personality, credibility, his *ethos* (Kramer, 1964; Kramer, 1978; Berry 1991, 1992; Kimble & Seidel, 1991; Zuckerman & Miyake, 1993; Hickson et al. 2004; Zuckerman & Sinicropi, 2011). Past research has particularly confirmed that, among other elements of nonverbal behavior, prosodic features are associated with the persuasiveness of the speaker and the audience's change of attitudes (Burgoon, Birk & Pfau, 1990; Knapp et al, 2013). All of these findings are frequently used in the public sphere e.g.

political discourse, promotion, radio or television commercials, judicial discourse, business discourse etc. with different communicative, rhetorical or argumentative role.

Kišiček (2014, 2016) analyses television commercials and the role of prosodic features in the persuasion process. Sometimes prosody contributes to the strength of an argument but in some cases prosody is essential. This means that altering or omitting the prosodic features changes the argument reconstruction. Van den Hoven and Kišiček (2017) analysed the role of prosody in judicial discourse on the example of the clemency video in which a death role prisoner argues that he should not be executed. Among many different modes of argument (verbal part being a dominant), prosody also contributed to the strength of his argument. Further on, Groarke and Kišiček (2016) analysed a debate broadcasted on Israeli television when commentators defended or criticized the Israel incursion. A key turning point in the debate was a phone call between a television reporter and a Palestinian doctor who lost his daughters during the Israeli attack. Analysis showed how prosody of the phone call influenced the success of an argument which then reached the audience and in the end contributed to the temporary cease-fire in the Israeli Palestinian conflict.

The overall conclusion of these findings is that prosodic features clearly have an importance for the assessment of a speaker's personality, persuasiveness and emotional state but can also, in some cases have an important role in argument reconstruction providing essential support for the conclusion. Therefor they should be taken into account in a serious argumentative analyses of a multi-modal discourse.

This paper is a step further in trying to understand their role, to identify cases when they are important and to provide tools for evaluating them. It should also be mentioned that specific account of the use of sounds in argument has been developed by Eckstein (2017a, 2017b), who has used the principles of strategic manoeuvring to explain the use of sounds in radio presentations. Also Pietarinen (2010) and Champagne (2015) developed a formal approach to sound determining their logical relations.

The most recent Groarke`s work (2018) aimed to analyse and understand ways of using and evaluating auditory arguments as a significant part of everyday argumentation. As Groarke (p. 18) explains:

> The proposed account of auditory argument can significantly expand the scope of informal logic and the range of arguments it is able to encompass. In dealing with complex arguments, it allows us to deal with the auditory components of multimodal arguments which support conclusions with many kinds of evidence: verbal, auditory, visual, and so on. The most important reason for including auditory arguments in the corpus we consider is because this is a way to subject them to critical assessment.

One of the most difficult problems we need to overcome in dealing with auditory arguments is to find an appropriate way of analysing and assessing them. This paper suggests one possible solution for auditory argument analysis and assessment and that is to borrow tools from verbal argumentation.

This paper will follow up Groarke`s findings and expand the research from prosodic features to various different (human and non-human) sounds which can occur in argumentation. The paper will propose one way of reconstructing auditory arguments, identifying their importance and propose tools for their critical assessment.

2. ARGUMENTATION SCHEMES

Traditional view of an argument is that argument (and argumentation) is verbal activity. It consists of conclusion and evidence that support that conclusion. Argument can be simple or it can be complex but it always has those key components: conclusion and evidence that supports it.

Argumentation theorists dealing with verbal arguments developed argumentation schemes which are defined as stereotypical patterns of reasoning (Walton, 1990) with a corresponding set of critical questions, namely defeasibility conditions. They represent patterns used in everyday conversational argumentation, and in other contexts such as legal and scientific argumentation. Groarke & Tindale (2013: 146) write:

> When a particular pattern can be isolated and then treated as a standard for judging and constructing arguments, we call the pattern an argument scheme. The argument scheme that characterizes a particular argument is identified by the kinds of premises and conclusions involved.

Van Eemeren et al. (2014: 19) explain argumentation schemes:

> An argument scheme is an abstract characterization of the way in which in a particular type of argumentation a premise used in support of a standpoint is related to that standpoint in order to bring about a transfer of acceptance from that premise to the standpoint. (…) The critical questions that are associated with an argument scheme capture the specific pragmatic rationale for bringing about the transition of acceptance from the premise to the standpoint. Thus the argument scheme that is used in a specific type of argumentation defines, as it were, how the "internal organization" of the argumentation is to be judged.

Macagno, Walton and Reed (2017) emphasize that schemes are becoming even more important in recent times for various practical reasons. First, argumentation schemes are instruments for analysing and recognizing natural arguments occurring in ordinary and specialized discourse. Second, schemes are instruments that can be used for the purpose of teaching critical thinking. Further on, according to authors, schemes can be used in education both for teaching students how to argue and for learning through argumentation. And in the end, schemes have now been recognized as important for argument mining, and it has also been recognized that there are too many schemes for handy use.

Walton & Macagno (2015, p. 9) present different criteria, categories and classification systems of argument schemes emphasizing:

> The primary use of the classification system is to increase the understanding of an argument analyst, let us say a student in a course on argumentation, to be able to situate an argument in relation to other arguments it is related to, so that the student can carry out the task of fitting the right scheme to a given text of discourse assumed to represent an argument.

I believe that argument schemes and their application to multimodal argumentation can help us in similar way: to identify different types of non-verbal (primarily auditory argument), to distinguish important and reasonable auditory argument from sound with purely esthetical or any other non-argumentative role, to reconstruct auditory argument (translate sound into words) and to assess its defeasibility by using a set of critical questions.

3. AUDITORY ARGUMENTS AND ARGUMENT SCHEMES

3.1 Argument from sign

Walton (2006, p. 122) explains argument from sign:

> In many cases of argumentation, data observed in a case are taken as a sing of something that fits a familiar pattern. This form of argumentation is a defeasible at the first stages and may lead only to a plausible conclusion in the form of tentative hypothesis.

To explain even further, Walton provides an example of a patient with yellow skin which is a sign or indicator of hepatitis. Groarke (2018) uses similar, patient-physician example but instead of visual sign (yellow skin) suggests auditory (heart malfunction discovered by listening with stethoscope).

Many sounds in everyday life and everyday argumentation can become an argument from sign and can support a conclusion. Let us examine several examples.

One example is a recording of a domestic dispute available on YouTube[1]. It represents a real life situation in which neighbours heard yelling and screaming coming from the house next door and recorded it. Recording was taken during the night so there was no visual proof of violence. However, based solely on sound it was recognized as a life threating situation in which neighbour suggested calling the police. This example can be recognized as argument from sign and reconstructed as follows:

SPECIFIC PREMISE: A (a finding) is true in this situation
GENERAL PREMISE: B is generally indicated as true when its sign, A is true.
CONCLUSION: B is true in this situation.

Based on this scheme pattern we can reconstruct an argument in domestic dispute:

SPECIFIC PREMISE: Crying, screaming and yelling is coming from the neighbour's house
GENERAL PREMISE: Sounds of crying, screaming and yelling generally indicate domestic dispute.
CONCLUSION: There is a domestic dispute in neighbour's house.

As Walton (2006, p. 113) writes: "It is easy to see why argument from the sign, in the scheme displayed above, is defeasible. The general premise is not an absolute universal generalization."

So, let us examine the general premise of the domestic abuse: do sounds of crying, screaming and yelling indicate domestic abuse? Is it possible that there are just passionate people having a heated discussion? Our question for this example corresponds with critical question suggested by Walton (p. 114): "Are there other events that would more reliably account for the sign?" We can answer that sounds of crying, screaming and yelling are more likely to be connected to the abuse than to any other event. This is the reason why neighbour even suggested calling the police because he immediately recognized the auditory sign of domestic abuse.

Another critical question raised in the context of argument from the sign is: What is the strength of the correlation of the sign with event signified? We can reply on the grounds of experience that there is a strong correlation between screaming and violence. We can then conclude that in this example auditory argument from sound supports a conclusion of domestic violence.

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[1] https://www.youtube.com/watch?v=0E_I2GPzVzI

However, let us consider the second example. Believers in extra-terrestrial life claim that there are other living forms in our galaxy. To prove it they used a recording capturing sounds from out of space, which allegedly NASA recorded for years and which cannot be explained scientifically[2]. It is also an argument from sign reconstructed in following way:

SPECIFIC PREMISE: Sounds are detected on the different planets in our solar system.
GENERAL PREMISE: Sound generally indicates existence of living forms. CONCLUSION: There are living forms on planets in our solar system.

In this example, compared to the first one, general premise is weaker which makes argument defeasible. There might be (and are) other ways (electronic, artificial) to produce sounds. Ways which do not include living forms. So the correlation between unidentified sounds and living forms is weak.

However, both of this examples are actually examples which demonstrate how sounds can be arguments and that auditory arguments do exist. They can be reconstructed using the tools from verbal argumentation and they can be critically assessed. In the end, they can be weaker or stronger just like verbal arguments can be. Auditory arguments from sign reconstructed above were assessed by the audience (neighbours, public sphere) and based on the critical assessment, results are following: neighbours in first example suggested police intervention while extra-terrestrial followers in the second example did not get much attention.

Walton (2006, p. 114) writes about argument from sign:

Quite often, argument from sign is a weak form of argument that cannot be relied on uncritically. Even so, it is a presumptive form of argument that can sometimes help point an investigation or chain of reasoning to a plausible conclusion.

Several following examples will demonstrate how auditory argument from sing can be a part of chain of reasoning that Walton writes about. For instance, the manner of speech (especially a certain type of accent) is a sign of speaker's background, social status, level of education. Numerus studies in sociolinguistics (Labov 1966; Lippi-Green, 1997; Kontra 2002; Pomeranz, 2002) in different languages conducted empirical research and provided us with proof that some accents are perceived as more "prestigious" than others, that some accents are connected with higher level of education, social status, occupation etc. It is commonly known that British English is especially "notorious" for judging people based on their accent. John Honey, British sociolinguist said that in Great Britain as soon as you open your mouth you are instantly positioned on the social scale. In argumentative discourse, manner of speech can function as a part of chain of reasoning together with the argument from authority for instance. Someone can "sound" as an authority, as a truthful, credible or trustworthy person which can be especially important in testimonial claims. As Govier (1993, p. 93) explains:

Testimonial claims are especially important for a variety of reasons. Human knowledge is utterly dependent upon our acceptance, much of the time, of what other people tell us. Only thus can we learn language and pass on knowledge from generation to generation; only thus have we access to times, places, and cultures we do not and cannot experience ourselves.

Although testimonial claims also feature in judicial or political discourse, advertising is probably the best example because it almost fully relies on testimonies of those who experience a certain product or are involved in its development.

SPECIFIC PREMISE: X is speaking with Y (RP in British English) accent.

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[2] https://www.youtube.com/watch?v=gFO5VFRU5TU

GENERAL PREMISE: Y accent is connected with higher level of education, social status and socioeconomic background.

CONCLUSION: X is well educated and belongs to higher social status.

The chain of reasoning than continues:

SPECIFIC PREMISE: X says that this book is worth reading.

GENERAL PREMISE: Well educated people know how to evaluate literature.

CONSLUSION: We need to read this book.

Based on manner of his speech, X was perceived as well educated person. And it is generally accepted that well educated people are well read and therefor competent in judging the quality of the book. We believe in what he says.

Similar chain of reasoning often occurs in a political discourse during the election campaigns when competence, trustworthiness of a politician is evaluated based on his "appearance", the perception of his qualities. The prosodic features (voice quality, tempo, pitch, intonation etc.) contribute to the perception his personality traits. For instance, one possible argument reconstruction is:

SPECIFIC PREMISE: Politician X has deep voice, speaks little bit louder, has no disfluencies.

GENERAL PREMISE: People who speak in specific style (deep voice, little louder, without disfluencies) are determined, self-confident, strong and trustworthy.

CONCLUSION: He is determined, self-confident, strong, and trustworthy.

Further on,

SPECIFIC PREMISE: Politician X is determined, self-confident, strong, and trustworthy.

GENERAL PREMISE: Highly ranked politicians (presidents, prime-ministers) have to be determined, self-confident, strong, and trustworthy.

CONCLUSION: Politician X has to be our next president.

The manner of speech, or speaking style is a sign of speaker's background, personality traits or emotional state. And those signs can be used to support a conclusion about someone's ability to perform a function or take over a position.

Let us look at one more example from the advertising industry. It is an example of Public Service advertisement which is primarily design to inform and educate people. However, this type of advertisement also needs to be creative to fulfil its purpose. Very good example (for both creativity and complex chain of reasoning which includes auditory arguments) is anti-abuse Amnesty International commercial.[3] The intent of the commercial is to raise awareness of possible perpetrators and the victims of domestic violence, particularly by countering the stereotypical view according to which perpetrators are generally of low social status, lack education, and come from rural areas and—similarly, that female victims are weak, poor, uneducated, and unintelligent. Its main message is: Everybody can be a perpetrator, and everybody can become a victim. Do not judge people based on their appearance alone. As mentioned earlier, many sociolinguistic research confirmed that accent is connected with the perception of speakers' status, occupation, intelligence, economic situation and prestige. And Amnesty International commercial makes uses of these insights, in order to launch an argument, as the commercial presents what in effect is an "audition for the best perpetrator." During the audition, however, the viewer cannot see the candidates, merely their fists. This body part then is a nonverbal metonymy. The audition is conducted by a female, who the audience can only hear speak, with all the qualities representing her as an educated, strong, intelligent woman with authority and dominance. She even chuckles the moment that the perpetrator displays his aggressiveness by growling. Not intimidated, however, she does not take the obviously aggressive "candidates" seriously. This changes, however, when she faces the third candidate who speaks in perfect RP English with an attractive voice quality. Initially, his tempo is

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[3] http://www.youtube.com/watch?v=FzOZey7ZGMk

reduced, showing him to be under control, calm but dominant; then his manner of speaking changes, and towards the end he is annoyed because the female speaker interrupted him. These prosodic features typically reveal aggressiveness: louder speech (yelling), modulation (staccato rhythm), determined, dominant, giving orders. Also the female speaker changes feature of her speech toward the end, as she begins to stutter, and speaks quietly, being on the verge of tears.

Prosodic features (both of male and female speakers) are the essential part of an argument which can be reconstructed as an argument from sign.

Arguments scheme can be constructed as following:

GENERAL PREMISE: Only low social status and men of low education level are abusers.

SPECIFIC PREMISE: X sounds like well-educated person and a member of high social status.

CONCLUSION: X cannot be abuser.

In this example, the general premise is the stereotype which is proven to be wrong (in the continuation of the commercial) so the main intent is to refute this general premise. And in the end to alter the conclusion using the argument by example.

Premise 1: Example 1 is an example that supports claim P.

Premise n: Example n is an example that supports claim P.

Conclusion: Claim P is true.

Or in our case of abuse:

Premise 1. X is well educated (and classically trained) but he is an abuser.

Conclusion: Well educated (and classically trained) people can be abusers.

It is, of course, well known that one example is not enough to make a generalisation (otherwise we make a fallacy of hasty generalisation) but it this specific example, the prosodic features represent a group of well educated, high social status men to make a statement that even this group of population may become domestic abuser. Schellens and de Jong (2004) explain argument from example which can be used in support of various sorts of claims.

> The propositions being supported are of a general nature: a case is made for the fact that something is always, often or sometimes the case. The proposition being supported may be descriptive or normative in nature: it may relate to something that is always, often or sometimes true, or something that is always, often or sometimes good, justified, beautiful or appropriate.

In Amnesty International commercial prosodic features function as a representation of a group supporting the claim that sometimes well-educated men can be abusers.

4.2 Argument from correlation to cause

Walton (2006, p. 100) writes: "Although scientists, particularly in practical fields such as engineering and medicine, sometimes make claims about causal relationship, there is no settled theory of causality." However, Walton explains when something can be considered to be an argument from correlation to cause:

> As a presumptive form of reasoning, argument from correlation to cause has the following form. CORRELATION PREMISE: There is a positive correlation between A and B. CONCLUSION: A causes B.

Many conclusions in medical field are based on argument from correlation to cause. A certain type of behaviour increases or decreases risk of certain illness. Examples of this specific argument scheme can also be found in the context of auditory argumentation. Consider a tutorial from car mechanic who gives possible causes of car malfunction[4]. Tutorial starts with a car

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[4] https://www.youtube.com/watch?v=0y0PqQHGUXQ

mechanic saying: We will talk about 4 most common car noises and the problems associated with them.

1. Engine noise commonly caused with belt
2. High pitch squealing while applying your brakes is associated with worn out brake pad which has to be replaced (the more metallic noise is the more brakes are damaged)
3. Clicking while turning noise correlated with worn out CV joints
4. Tire noise while driving correlated with low tire pressure

Argumentation scheme for one of the problems can be reconstructed in a following way:

CORRELATION PREMISE: There is a positive correlation between high pitch squealing while applying your brakes and worn out brakes

CONCLUSION: If you hear high pitch noise while applying your brakes, it means they are worn out.

FINAL CONCLUSION: You need to change car brakes.

Walton (2006, p. 103) suggests three critical questions that should be asked when argument from correlation to cause is put forward:

1. Is there really a correlation between A and B?
2. Is there any reason to think that correlation is any more that a coincidence?
3. Could there be some third factor, C, that is causing both A and B?

In the example of car tutorial, a noises which are symptomatic for a certain problem, are explained by an experienced car mechanic who makes a correlation based on his experience, knowledge. However, even in tutorial he leaves room for the C factor that can also cause problem. But the number of possible reasons is limited which makes argument from correlation to cause stronger.

4.3 Argument from consequences

Walton (2006, p. 105) writes about argument:

> One very common form of argumentation is used when one party in a dialogue says to another, "This action would not be good, because it could have bad consequences." And this form of argument, called argument from negative consequences, cites foreseeable negative consequences of a proposed action as the premise. The conclusion is a statement claiming that the action is not recommended. (…)

Argument from consequences can also be used in a positive way, where a policy or course of action is supported by citing the positive consequences of carrying it out. Argument from consequences is often used in economic and political deliberations where two parties (or groups) disagree on what is the best course of action to pursue."

Further on, Walton (1999, p. 252) writes about historical origins of argument from consequences:

> Argument from consequences is an important form of reasoning for informal logic. It is a type of argumentation that is very common in everyday argumentative discourse, and its structure underlies many of the best known informal fallacies – like the slippery slope argument, for example. (…) This type of argumentation may be broadly characterized as the argument for

accepting the truth (or falsity) of a proposition by citing the consequences of accepting that proposition (or of not accepting it).

Whenever we want to emphasize how good or how bad the certain action or a type of behaviour is, we demonstrate positive or negative consequences. Argument scheme for argument from negative consequence is as follows:

PREMISE: If A is brought about, bad consequences will plausibly appear
CONCLUSION: A should not be brought about.

We can recall many, so called educational campaigns promoting a certain type of behaviour: do not take drugs, do not smoke, do not sell alcohol to minors, do not text and drive, eat healthy, exercise etc. One of the most frequent campaigns is to raise awareness of danger while drinking and driving. One of this commercials which will be analysed is not directed to the consumer itself but to those drinking with him. The main message of the commercial is: do not let your drunk friend drive home because he might die.

The argument in the commercial can be reconstructed in the following way:

PREMISE: When friends don`t stop friends from drinking and driving (sound of an accident) will happen.
PREMISE: Accidents can result with death (Drinking and driving kills friendship)
CONCLUSION: Friends should stop friends from drinking and driving.

This is an example of an argument which advocates a certain type of behavior (don`t drink and drive). And it follows the simples form that Schellens & De Joong (2004: 302) write about:

In argumentation from consequences, an action or behavior is advocated or opposed on the basis of a single desirable consequence (a pro) or undesirable consequence (a con): Action A leads to B. B is desirable. Therefore, action A is desirable. Action A leads to B. B is undesirable. Therefore, action A is undesirable.

In the case of TV commercial, following this simple form, argument can be reconstructed as: Drinking and driving (action A) leads to death (B). Death is undesirable. Therefore, drinking and driving is undesirable.

What is especially interesting in this video is the fact that accident is not articulated verbally. The voice over says: When friends don`t stop friends from drinking and driving……will happen. Instead of saying the "accident" there is a soundtrack of a car accident (breaking glass, squealing wheels, and loud crash). The overall effect is much stronger and in more layers than the word itself. So, the sound in this example has more of a rhetorical than argumentative function.

Similar example with more obvious appeal to emotion is the projection of the world confronted with a World War III.[5] It represents a sort of warning for everyone thinking about the possibility of provoking conflicts which could result in war. It can also be seen as an argument from negative consequences.

This short film is broadcasted via YouTube with one sentence beneath: *Close your eyes, imagine that you are outside in night and begin to hear these sounds...*Unlike the previous commercial which is a combination of verbal, visual and auditory, this video relays solely on sound. The only visual representation is a symbol for nuclear danger throughout the video without any verbal message. Just different types of emergency sirens and alarms (civil defense sirens, air-raids). Sirens which are used to provide emergency population warning of approaching danger. This sounds are well known to people who ever experienced war or any

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[5] https://www.youtube.com/watch?v=E7_4m7rS1t8 World war 3

other disasters event. But to wider audience those sounds are usually connected with World War II when they were initially designed.

We can reconstruct the argument in this video as an argument from negative consequences.

PREMISE: Sirens are a warning of approaching danger in war.
PREMISE: War endangers people.
CONCLUSION: We should avoid possibility of war.

This auditory anti-war argument can be seen as combination of appeal to fear (from the possibility of war) and appeal to pity (to all the victims of war who witnessed those sounds) and that sort of combination is very common in media argumentation (according to Walton, 2007, p. 128).

5. CONCLUSION

Auditory mode in a multimodal argumentative discourse may sometimes be of the outmost importance for argument reconstruction. Everyday argumentation in a public discourse often consists of different modes which include not only verbal message but can also include visuals, sounds and nonverbal signs of a speaker. Serious argumentative analysis must therefore develop tools for analysis, reconstruction and assessment of different argument modes. Hopefully, this paper is one step toward finding the appropriate and most suitable way of dealing with auditory arguments (both human and non-human sounds). One approach, which is presented in this paper, is to borrow tools from verbal argumentation and to test whether it can be applied. Argument schemes from the realm of informal logic and critical questions accompanying them can be successfully applied for auditory arguments as well. Since, sounds (human sounds especially) are frequently difficult to separate from verbal part of an argument, complex chain of reasoning may be involved – argument from sign, argument from authority, and argument from example. For instance, specific accent of a speaker may be a sign of a well-educated person which can than support an argument from authority which depends on trust in competence of the source that is consulted.

Critical questions just as they are formulated for verbal arguments can also be used to assess the defeasibility of an auditory argument. However, the question that remains for further research of auditory arguments is to detect a specific differences in argument scheme patterns between verbal and auditory arguments and to develop a specific critical questions which can test possible weak parts of auditory argument in a multimodal discourse.

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The rhetoric of shame in the immigration debate

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ABSTRACT: In political debates on immigration, refugees, and asylum seekers, the rhetoric of shame is frequently used. This paper examines the use of such shaming-arguments during the 2015 refugee crisis. It especially examines the rhetorical use, function and public value of inflicting collective shame, and it analyses how members of the shamed collective respond to such arguments.

KEYWORDS: argumentation, collective, debate, Denmark, identity, immigration, newspapers, public, rhetoric, shame

1. INTRODUCTION

Expressions of shame has become more common in the public sphere. This is certainly true in the debate on immigration and refugees in Denmark, where an increased number of citizens express that they are ashamed about the way their nation treat immigrants and refugees and accuses others for shameful behaviour and attitudes.

Shame is a particularly relevant feeling in connection with rhetoric and immigration because it presupposes a community, which at the same time is the community that immigration seems to challenge. Like many other countries, the citizens of Denmark are divided in their views on immigration, and the way the nation welcomes refugees.

2. RESEARCH QUESTION AND METHOD

The aim of this paper is to determine *the rhetorical use, function, and public value of inflicting collective shame*. This is carried out through rhetorical criticism of selected Danish newspaper articles expressing or inflicting shame, as well as rhetorical criticism of articles responding to such accusation of shameful behaviour. The collection of articles was gathered from the database *Infomedia,* covering the period September 1 to September 30, 2015. This was a period when a large amount of immigrants arrived in Denmark during the refugee crisis that affected all of Europe. This period naturally gave rise to debate about how to treat immigrants and refugees, including questions of personal and national shame.

The search query was "shame" ("skam" in Danish), which gave 578 results in regional and local newspapers, and 307 in national newspapers. I manually examined these results in order to determine which articles and reader's letters actually dealt with shame in connection with the immigration debate, and sorted out occurrences that did not. In case of several occurrences of the same article or reader's letters in different papers, only one is included. Articles that deal with shame in connection with immigration or refugees outside Scandinavia are also excluded. In my search a handful of other articles dealing with shame appeared.

Three from previously in 2015, two from 2014, and three from October in 2015. These are also included.

After the manual sorting out the material was reduced to 59 articles, editorials, and reader's letters dealing explicitly dealing with shame in connection with immigration and refugees in Denmark. I then carried out careful readings of the texts, while looking for systematic differences and similarities. This led to the division of the material into two main directions of the use of shame in the debate: accusing (i.e. shaming oneself and/or others) and defending (repudiating the accusation). The material also formed four categories of the rhetoric based on felt versus inflicted shame and individual versus collective shame. I explain this in more detail below.

3. WHAT IS SHAME?

There are many definitions of shame (Shweder. 2003, pp. 1113-4). One says that shame is a particular form of embarrassment Based on the fear of the disdain, indignation, disapproval. The cultural anthropologist Shweder defines shame as: "the deeply felt and highly motivating experience of the fear of being judged defective" (Shweder, 2003, p. 1115). Shame, he explains, is a feeling of anxiety for real or expected loss of status, love, self-regard: "a feeling that comes with the realization that one is vulnerable to the disappointed gaze or evaluation of others" (Shweder, 2003, 115).

Aristotle defines shame as a social phenomena. It is: "a kind of pain or uneasiness in respect of misdeeds, past, present, or future, which seem to tend to bring dishonour" (*Rhetoric*, B.6.1). We do not feel shame towards everyone, he explains Shame is felt towards those we esteem and admire or want to be admired by In the same way we do not feel shame towards people We do not identify with or whose opinion we do not value.

Shame and guilt is closely connected (Tangney & Dearing, 2002). Most scholars agree that shame has a more socially condemning character. While guilt is especially related to the individual's evaluation of herself, shame is primarily connected to the condemning gaze of others. While guilt thus concerns a gap between our values and our behaviour, shame is more connected to a general assessment of our "acceptability as people" (Brown, 2008). Therefore, the feeling of shame are more fundamental than the feeling of guilt: it is easier to admit errors and change our behaviour than it is to change ourselves and admit that we do not adequate as human beings (Tangney & Dearing, 2002; Tangney et al., 2005).

So, while guilt concerns the relation between your behaviour and yourself shame concerns the relation between you and the others. Shame involves someone seeing you in ways you do not want to be seen. We become shameful if someone sees us naked, when we did not mean for it to happen and we become shameful if someone sees us fail, if someone notice that we have done something dishonest, unethical, selfish, or evil.

4. FOUR CATEGORIES OF SHAME

As suggested my analysis of the 59 texts dealing with shame and immigration uncovered four main categories of shame consisting of different rhetorical acts having four specific functions.

The first category is *feeling and admitting personal shame*. To say as an individual that one is ashamed (the act) entails an admission of a transgression of social norms and accept of possible sanctions. The *function* is to recognize that one has committed offense to social norms and seek for forgiveness. This category relates to how an individual feels about

his or her own behavior or attitudes. It is the most common and well-researched form of shame, however, it is limited to the individual and her personal feelings.

In my material on the public debate of immigration, I did not find examples of such personal shame. There was no appeal to forgiveness for individual transgressions. Instead, as we shall see, *expressions* of personal shame were used as rhetorical appeals to establish a collective national shame.

The second category found in my material is the *infliction of individual shame*. This form, as well, is well-researched. My material did contain examples of such individual infliction of shame. In the following example, a reader's letter criticises a leading member of the Danish People's Party:

(1) "Søren Espersen should be ashamed of his comments about the mentioned politicians, however, he probably isn't [.....] In my opinion, he is not a good Dane. He is the kind of politician one should distance oneself from, if one seeks to sustain benevolence and mercy"
(08.01.2015, p. 13 in *Frederiksborg Amts Avis*. Title "Espersen burde skamme sig")

As this example indicates, one inflicts shame to another individual (shaming him or her) by expressing that the person should be ashamed (the act). The function can be to sustain social norms and values to seek the individual's recognition these, or to seek community with people sharing these norms and values. The function of such shaming, however, can also be to promote oneself and dominate the individual who is shamed.

These two categories are individual forms of shame have been extensively explored in psychological research (cf. Tangney & Dearing 2002), however, these categories were not frequent in my material, which was instead dominated by expressions of shame on behalf of a shared collective and by infliction of collective shame to another group (i.e. shaming a group). The first of these, *feeling and admitting shame on behalf of a collective* is the third category in my material. This happens when an individual express shame on behalf of a group that the individual is affiliated with so closely, that he considers it part of his identity. This could be the person's family, friends, city or country.

My material contained twelve instances of this third category of shame felt on behalf of a collective. The rhetorical act is expressing to be ashamed of a collective one is part of. The rhetorical function is accepting that a collective one belongs to has violated social norms, in order to recognize and sustain these norms. In one reader's letter, a citizen expressed shame on behalf of a collective in this way:

(2) "I have begun being ashamed of being Danish. Where has the human compassion of the Danes gone? We are just busy being self-sufficient run by what I will call Danish Selfish People's Party"
(08.09.15, *Frederiksborg Amts Avis*. Title "Welcome in Frankfurt")

Another reader's letter expressed it this way, while transforming the surname of the Danish immigration minister into an insult ("Scrambler"):

(3) "With Inger Scrambler in the lead of the immigrant and refugee-policy of our country, I am ashamed of being Danish. With the lack of action from the city of Svendborg: Should I start being ashamed of being a Svenborgian as well?"
(04.10.15, *Fyns Amts Avis*. "Skal jeg skamme mig?", p. 3)

The examples demonstrate that just like we may feel national pride, we may also feel national shame. As in instances of personal felt shame, this also requires the condemning gaze of others. I may experience Danes that treat refugees in an inhuman or racist fashion, however, this is not sufficient to make me feel ashamed. It may make me sorry or furious, but if I am to feel ashamed, I must also have the experience that others are seeing this. If I in a discussion with a close family member experience that this person acts in a racist way, I will be not necessarily be ashamed, but rather sorry and angry. If I see a close family member – my sister, father, wife or my daughter, writing racist posts on Facebook, where my friends and colleagues can read them, then I will be ashamed, because I will be exposed to the condemning gaze of friends and colleagues.

The fourth category of shame in my material is the attempt to *inflict shame on a collective* (i.e. shaming a collective). The rhetorical act is to express that a collective should be ashamed (direct shaming) of itself; or expressing that one is ashamed on behalf of a collective (indirect shaming). As in shaming of individuals, the function can be to 1) sustain social norms and seek society's recognition of these norms, or to 2) promote oneself and dominate part of the collective. An example of direct shaming can be found in the reader's letter "Mirror of shame" in the regional newspaper *Skive Folkeblad* (17.09. 15, p. 31)

(4) "There are shameless and incoherent views. They are part of the democratic debate, of course, that is the condition of democracy. However, the ignorance, the shamelessness and the incoherent face of the ugly should be pointed out. Nice and decent, but clear and plainly", "I will strongly recommend EM and his like-minded to be ashamed and stay ashamed Even though that will probably not aid the validity of the arguments put forward."

The four categories of shame with their rhetorical acts and functions can be seen in figure 1 below.

	Felt shame (admission)	**Inflicted shame (outshaming)**

Personal shame	*1. Feeling and admitting personal shame*
	  Act: Saying that you are ashamed
	  Function: accepting that one has violated social norms and seeking forgiveness.
		2. Inflicting individual shame
		  Act: Saying that an individual ought to be ashamed
		  Function: 1) Sustain social norms and seek the individual's recognition these, 2) Promote oneself and dominate the individual

Collective shame	*3. Feeling and admitting shame on behalf of a collective*
	  Act: Saying that one is ashamed of a collective one is part of.
	  Function: accepting that a collective one belongs to has violated social norms, in order to recognize and sustain these norms.
		4. Inflicting shame on a collective
		  Act: Saying about a collective that it ought to be ashamed (directly) or saying that one is ashamed *on behalf of* a collective (indirectly)
		  Function: 1) Sustain social norms and seek society's recognition of this norms, 2) Promote oneself and dominate part of the collective

Table 1. Four Categories of Rhetorical Shame

These four categories of feeling and inflicting shame belong to the *direction of accusing*. It is noteworthy that the public debate in my material contains more occurrences belonging to the *direction of defending*: There are more instances of reactions to infliction of shame than there are of shaming or admission of collective shame. Admission of collective shame occurred 12 times, infliction of shame 10 times, while denial and refutation of shame occurred 31 times. The most common topos in the texts was variations of the expression "We have nothing to be ashamed about", which for instance occurred 10 times in the headlines. The material also has six occurrences of writers claiming that immigrant friendly citizens should be ashamed of their attempts to shame the immigrant sceptic citizens. I the next part I will describe in more detail the rhetoric of responding to shaming.

The occurrences of infliction of shame (shaming) are fewer; however, they demonstrate a language use expressing indignation and contempt. They define attitudes and actions as inappropriate and confront immigration sceptics with the privileges they have, in comparison to the vulnerable situation of the refugees.

The reader's letter "Both pride and Shame" (*Kristelig Dagblad*, 14.09.15, s. 8) also demonstrates a concern for how the nation is conceived of in other countries. This underscores the importance of "the gaze of the other" in relation to feelings of shame:

(5) "If one can be united in a feeling of national pride of the first Danish person sent into space; then one can also be united in feeling shame about the image that Denmark has received as xenophobic. One could have saved the quarter of a million Danish kroner on ads [telling about restrictions in the immigration policy], because it is sad, yes it is a disgrace for us that the refugees that are now coming to the Danish border, escapes further or in order *not* to be registered in Denmark […]. How does one explain … that we are not a xenophobic country?"

5. REACTIONS TO INFLICTION OF SHAME

As suggested, the primary rhetorical function of shaming is to confront humans with their behaviour and the consequences of this behaviour. The rhetorical aim of such confrontation is to expose the behaviour and attitudes of individuals or groups and thereby produce a feeling of shame, which may lead them to change their attitudes and behaviour. However, shaming often risks defeating its own end. This is clear in the wording itself: "You should be ashamed" which suggest what the addressed *should feel, but does not feel.*

To feel shame requires that we share the values, which we are accused of having offended against. Real shame can only be felt by those who consider themselves connected to the group who declare the shame – *and* thus support the values, norms, and practices of this group. This is the reason Aristotle says that we may feel shame towards people whom we admire, who admires us, or who we want to be admired by (*Rhetoric*, B.6.14-15). Rhetoric is about gaining adherence, however, shaming as we shall see, runs the risk of increasing resistance and conflict, of weakening empathy and awareness, and leading to more antisocial behaviour (cf. Every, 2013, p. 671).

Instead of leading to changes in behaviour, shaming generally leads to a strengthening of the community and resistance of those who are shamed uniting them rejection of the accusation of shameful attitudes or behaviour.

This has been argued, for instance by the social psychologist Danielle Every, who has examined shame as rhetorical strategy in an Australian immigration debate. Every (2013, p. 674) found that shaming was used in two ways: Firstly, as a form of language expressing disgust and contempt and defining attitudes and behaviour as inappropriate. Secondly, by

confronting the opponents with their privileges seen in relation to the disadvantages of the asylum seekers. Every also found three forms of response from the shamed: 1) The *denial* is a plain refusal (I am not racist), and a re-framing of identity or views; 2) The *avoidance* expresses viewpoints, however attempts to avoid be called for instance a racist; 3) The *counter-attack* answers with name-calling or insults, or accuses the accuser, often attempting to outshame the shamers.

In my material, I found similar responses to the shaming as Every. However, I also found examples of discourses that Every apparently did not encounter. My results differs in two ways: Firstly, more of the responses relate to the fact of the issue. Secondly, more of them are embedded in a populistic discourse about the elites suppressing the ordinary people (cf. Mudde & Kaltwasser, 2013, Fryklund 2013).

First, some examples of responses that were parallel to the ones Every found. One is denial and fighting back. An example of this is found in an article with the title "We have nothing to be ashamed about", written by the Culture- and church minister Bertel Haarder and printed in the newspaper *Berlingske* (17.09.15, p. 32)

> (6) "Denmark has nothing to be ashamed about. We take our part. Those, who should be ashamed, are those who spit in their own nest and slander Denmark. I remember this very well from my time as Minister of integration"

Denial and reframing also occurred in an editorial in *Berlingske* (09.09.15) with the title "No reason to be ashamed", chief editor Tom Jensen wrote:

> (7) "Maybe they are concerned for our nations' welfare, or for its possibility for survival in a globalized world, however, this concern is not due to hatred and contempt, but just that they care for a welfare system that may take care of the weakest. They would like this to continue to do so. We have nothing to be ashamed about. People are well of in Denmark. Also the newcomers. We can be proud of ourselves in this country. That is the big pictures. When other pictures are used to dominate, they are distorted. Remember that. Just occasionally."

The editor responds to the criticism of the effort towards the refugees by defining who the Danes are and stressing that they are generally decent people. He also mentions that Denmark makes an effort to take care of immigrants. While denial through re-framing of identity and viewpoint did occur, the responses in my material were dominated by statements of what Denmark has contributed with in the refugee crises. As we see in this reader's letter titled "We have nothing to be ashamed about" (25.11.2014, p. 11 in *Kristelig Dagblad*)

> (8) "Denmark has nothing to be ashamed about. We have already received a large amount of refugees, not least from Syria. They have been welcomed and placed across the country … ".

One of the most predominant topoi in the responses were attacks on those who argued that Danes should be ashamed, for being an *elite*. One example of the topos *the elite is shaming ordinary people* can be found under the headline "We have nothing to be ashamed about" (18.09.15, in the newspaper *Sjællandske*)

> (9) "The know-all chattering class around Zenia Stampe and Stine Bosse, should put their embarrassing attempts of shaming away. Denmark has nothing to be ashamed about.

On the contrary, many of the experts should figure out if not we could help more in the neighboring areas, instead of within the borders of Denmark."

As in many other articles, the author attacks the so-called elite *and* describes what Denmark actually does for the refugees. Another example of this is the reader' letter "Danes argue about refugees. The good, the bad and the smug" (08.10.15, p. 12 in *Kristelig Dagblad*):

(10) "To appoint oneself to be especially good, suggest a lack of humility, however appointing others to be especially evil, well that is evil.

7. SHAME AS A POLITICAL AND PUBLIC PHENOMENON AND PROBLEM

The material from the Danish newspapers points to two rhetorical points: *Firstly*, the responses seem to confirm that shaming in public have limited rhetorical efficiency in gaining adherence from those upon which you inflict shame. *Secondly*, the responses suggest that admitting or inflicting collective shame will have negative consequences for a good deliberative public debate.

That shaming has limited rhetorical effect is suggested by the fact that refutations and denials of shame (31+6) are almost three times more common that infliction of shame (10). Even if we add up the number of admissions of shame (12) with the inflictions, the amount of dismissals are still larger.

The rhetorical character of the refutations point to the same. As suggested, there were three dominant types of refuting:

1. Reference to factual circumstances:

(11) "It was an impressive amount of money raised to help the Syrian refugees. [...]. So, let us get rid of the caricature of us as a xenophobic, scared and selfish nation" (*Fyns Stiftstidende* 22.09.15, p. 24)

2. Counter attack on tone and debate style

(12) "I am deeply disappointed and appalled that a former director of culture can sink this deep, and use such poisonous inquisitorial and tendentious labeling on two elected politicians. Shame on you. You should be embarrassed"
(*Dagbladet Holstebro-Struer*: 15.09.15, p. 11)

3. Populist attack on the elite

(13) "However, the most disappointing and probably the most damaging in the long term is probably is the collapse of the debate culture of the elite. By elite I especially mean those people, who through education should have both the capability and will to remain sober and base their comments on knowledge and facts", "On the contrary the elite has contributed in the choir of empty emotional outburst, where the degree of demonization's of political opponents are similar to those of the spitting man in hatred, anger and arrogance"
(*Berlingske* 18.09.15, p. 31)

These examples show clearly the kind of resistance that the rhetoric of shame will evoke. The conclusion that shaming has limited rhetorical efficiency is also in accordance with theoretical assumptions about the character of shame. While feelings of guilt have a tendency to evoke apology and reparation, feelings of shame are more inclined to evoke denial and avoidance. Contrary to what one might expect shame also has a tendency to prevent empathy. Because shame is such a fundamental and painful feeling, it will sometimes be so self-centred that it prevents emphatic reactions towards others. The shameful person will be so occupied with his own pain and self-reproach that he will find it difficult to recognize the pain, which the shameful acts have created (Tangney & Dearing, 2002, p. 83).

This, of course, is most relevant in relation to felt shame. If a citizen is preoccupied with how shameful it is to be Danish; then she will not be equally concerned with the victims of the alleged heartless and merciless refugee policy. These theoretical assumptions also support the assumption of limited rhetorical effect in relation to infliction of shame. Such a rhetorical act will only be successful if the shamed feel the shame and react with admission, reparation or some other change in attitude or action. In this light shaming will not only have limited effect when the accused do not feel shame (and thus reject that there is anything to be ashamed of); shaming may still have limited effect even if the accused does feel ashamed, because avoidance may be the dominant form of response.

These circumstances are closely related to the problematic in the use of the rhetoric of shame in public deliberation. Different traditions of normative evaluation of rhetoric and deliberation provides a number of rules and criteria. Pragma-dialectics provide us with models and rules for critical discussions (Eemeren & Grootendorst (2004). Informal logic argues that arguments must be evaluated on the basis of acceptability, relevance, and sufficiency (Blair 2012). Rhetorical studies teach us about the characteristics of good and of dishonest rhetoric (Kock 2011, Jørgensen 2011). Within the tradition of Habermas, good deliberative argumentation and debate has been characterised by: 1) being open to participation, 2) justification of assertions, 3) considering the common good, 4) treating each other with respect, 5) arrive at rationally motivated consensus (Steenbergen et al., 2003). These types of qualities – concerning relations of equal exchange of viewpoints in a debate on the issues and focus on arguments instead of character – will lose ground within the framework of a rhetoric of shame.

This is partly due to the fact that infliction of shame is closely connected to moral transgressions and focus on negative traits in the accused. However, it is also due to the fact the infliction of shame is not primarily a deliberative, but an epideictic – and partly forensic – type of rhetoric. It is a rhetoric that is based on social norms that are so strong that they work more as force than as appeal.

Thus, shaming works more as a technique of domination than deliberative rhetoric in the Aristotelian sense. Accusations that someone should be "ashamed of themselves" has more in common with judgmental rhetoric such as name-calling and condemnation than it has with how we should act in the future. That is why public admission of shame or infliction of shame almost never lead to conversation or debate, but instead leads to *rhetorical polarization.*

As we see from the Danish examples, the use of shaming as rhetorical strategy tend to unite those who agree about the shaming against those who are shamed. Generally, then, shaming tends to works against its own end, at least when it is meant to make people change their attitude or behavior (cf. Every, 2013).The reason for this lies in the nature of the accusation of being ashamed: What are you supposed to do, when someone says that you should be ashamed? If you *do not want to subject* yourself to the accuser, the only possible answer is either "*No, I should not*" or "*No, I do not*".

Social scientists are generally critical to the use of shaming in public, because such rhetoric may threaten democratic participation and deliberation by bringing the shamed to silence and make them withdraw from the public conversation. Infliction of shame may isolate groups, because it put forward norms for the acceptable and prevents or hides deviating voices (Tarnopolsky, 2010). Through history victims of such stigmatizing shaming has been Jews, Gypsies, and homosexuals (Tarnopolsky, 2010).

Because shaming always happens from a position of moral superiority it can very easily be challenged by a populist framing claiming that *the elite deride and suppresses ordinary people* (cf. Mudde & Kaltwasser 2013, Fryklund 2013). As we have seen, both the reader's letters and the editor's responses on the infliction of shame expressed this populist argument. Paradoxically, one of the persons who expressed this arguments most succinctly is himself a part of the elite, the chief editor of the regional daily *Fyns Amts Avis* (26.02.2016) Troels Mylenberg. He wrote that to say that you are ashamed of someone, is to give judgment that *prevents further conversation*:

(14) "You are above those you are ashamed of, and by using the aggressive wording "I am ashamed", you put yourself at a higher ethical and moral place, and indirectly you say: "I am not like them" To be ashamed is not an argument, but a convenient way of putting distance. And you can use it when you do not have words to make arguments"

Does infliction of shame have rhetorical and deliberative value? Social scientist have argued that shame may teach individuals to develop personal initiative and responsibility and respect for shared values. It does so because it expresses society's collective disapproval of certain acts and point to the moral issues where a society cannot compromise (Tarnopolsky, 2010, 4). As I have described (and illustrated in table 1), it is a central rhetorical function to sustain social norms and seek approval of these, and shame is part of such rhetorical work in society.

8. CONCLUSION

In my material, it seems that the admission and accusations of shame mostly restrain and damage the public debate on refugees: Shame seems to derail the conversation. It increases the polarization between discussants and hinder good dialogue. It does not even seem to allow for the kind of "agonistic pluralism", advocated by Chantal Mouffe (2013). At the same time, it is important to remember that the effect and the deliberative quality of rhetorical utterances, should also be considered beyond their initial rhetorical situation. In spite of the polarization, the accusations and refutations of shameful behavior may work in the long term. If we, in this way, consider the infliction of shame and the reactions to this as an ongoing conversation, then it becomes possible to view the exchanges as a particular form of *rhetorical working through* (Kjeldsen, 2016) of the issue of immigration and refugees. The accusation, admission, or rejections of shame may then be seen not only as a way for citizens to explore the issues, but also the values and identities, which form the foundation for the political standpoints. If such a rhetorical working through can have positive consequences remains to be seen. That would require a study of the value of shame as a kind of rhetorical working through

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Analogical reasoning and the third layer of the Rule of Law

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ABSTRACT: Modern legal systems are characterized by a tension between the arguable character of law on the one hand and the ideal of the rule of law on the other. Analogical reasoning plays an important role in the reconciliation between these two characteristics. In order to understand this role, it is in the first place necessary to solve a key misunderstanding regarding the nature of analogical reasoning: the idea that analogical reasoning is to be reduced to deductive reasoning based on legal principles. In the second place, it is necessary to reconsider the ideal of the rule of law in relation to legal reasoning and the interpretation of legal norms. In this contribution, we will first try to solve this key misunderstanding about the nature of analogical reasoning. We will then show the relation between analogical reasoning and a reconsidered ideal of the rule of law: the 'third layer' of the rule of law.

KEYWORDS: legal argumentation, analogical reasoning in law, deductive reasoning in law, Rule of Law

1. INTRODUCTION

In *Rhetoric and the Rule of Law* (2005) Neil MacCormick argues that modern legal systems are characterized by a tension between two commonplaces: the arguable character of law on the one hand and the rule of law on the other. According to the first commonplace legal argumentation is not characterized by the certainty of demonstrative arguments with undisputed premises and deductive proof. The antithetical commonplace is the *rule of law* with legal certainty and predictability as central values. Where the rule of law is observed, people can have reasonable certainty in advance concerning the rules and standards by which their conduct will be judged.

The central thesis of *Rhetoric and the Rule of Law* is that a reconciliation is possible between the rule of law and the arguable character of legal argumentation. According to MacCormick, achieving such a reconciliation is the task of a theory about of rational argumentation, a theory of how we can draw non-deductive, yet rationally supported conclusions.[1] We agree with MacCormick's view on the important function of argumentation in the context of the rule of law. One of the main incentives for the growing interest in legal

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[1] As MacCormick points out in his *Legal Reasoning and Legal Theory* (1978), one of the central questions in these different approaches is the search for criteria of soundness of legal argumentation. According to MacCormick, legal reasoning is an activity conducted within more or less vague or clear, implicit or explicit, normative criteria. Any study of legal interpretation and argumentation – he argues – is an attempt to explicate and explain these criteria as to what constitutes an acceptable or an unacceptable type of argument in law.

argumentation is the result of the changing views on judicial tasks within the context of the rule of law. In modern legal systems, a judge not only applies legal rules but also resolves interpretation problems and justifies these in a reasoned decision. Analogical reasoning plays an important role in the justification. In order to understand this role of analogical reasoning, it is necessary to solve a key misunderstanding regarding the nature of analogical reasoning: the idea that analogical reasoning is to be reduced to deductive reasoning based on legal principles. It is furthermore necessary to reconsider the ideal of the rule of law in relation to legal reasoning and the interpretation of legal norms. In this contribution, we will first try to solve this key misunderstanding about the nature of analogical reasoning. We will then show the relation between analogical reasoning and a reconsidered ideal of the rule of law: the 'third layer' of the rule of law.

2. ANALOGICAL REASONING AND THE REDUCIBILITY THESIS

Analogical reasoning is used to defend a standpoint in cases where the law provides no, or no direct, answer to a legal question. In these cases, analogical reasoning results in an interpretation of existing rules laid down in statutes or precedents or (re)constructed rules in cases of gaps in the law. A much criticized example of this analogical reasoning is offered by Posner (2008, p. 186). A court was called upon to answer the legal question about the ownership of the natural gas and oil in the underground: the owner of the property, or the neighbour who pumped up the oil and gas at the boundary of both properties. The court ruled in favour of the neighbour, reasoning that natural oil and gas in the underground are similar to wild rabbits and hare: just like rabbits and hare, oil and gas in the underground are not fixed at one place, but move. And just as the owner of the property is not the owner of the rabbits that live on his terrain, but one becomes the owner only by catching the wild animals (which is called the rule of capture), the owner of the property is not the owner of the oil and gas, unless he has caught it.

Many theorists consider analogical reasoning characteristic for legal reasoning (Levi, Hart, Brewer, Weinreb). But despite the fact that it allegedly abounds in legal reasoning, it is also treated with suspicion by others (Schauer, Kaptein), whereas some theorists (Posner, Alexander) even deny that it is a reasoning method at all. Most critique boils down to the critique that, compared to deduction, analogy is a subjective form of reasoning, a method to arrive at a decision that is, to a greater of lesser degree, uncertain, and even an irrational form of reasoning.

We will use a very simple Dutch case to redress these concerns. A few years ago male postal workers desired to wear shorts during warm summer days. The employer forbade it. The response of the postal workers can be summarized in the following question: 'Why are female postal workers allowed to wear divided skirts, while we are not allowed to wear shorts?' Aristotle would analyse this question as an *enthymeme* - an incomplete argumentation with implicit assumptions that everyone immediately adds to the reasoning, so that a complete and valid reasoning results:

> 1 We may wear shorts.
>   because:
> 1.1   Women are allowed to wear divided skirts.
> 1.1a   Men and women, shorts and divided skirts
>   are relevantly similar.
> 1.1b   Equal cases should be treated equally.

Of course, one can criticize this argumentation in many ways, but according to the common-sense definition of logical validity, there is nothing wrong with this argumentation: accepting the premises implies that one cannot deny the conclusion.

Yet the 'logic' of analogical reasoning leads to endless discussions in legal philosophy. An extreme position in these discussions is that analogical reasoning 'does not exist' as a form of legitimation. There are many variants of this position. Well known is the variant in which the analogical reasoning is analysed as an abduction, inductive or deductive reasoning or a combination thereof. According to this perspective the analogical reasoning does have significance in the *heuristics* of argumentation, in the process of finding arguments, but never as an instrument for the justification of a legal decision. In the end the justificatory force of analogy argumentation is based on underlying legal principles. In fact there is no *argument* from analogy. A good example of this perspective is the analysis of Kaptein (2005, p. 501), based on a well-known example from US case law:

> 'Waking up in the morning, a man travelling on a river steamboat found money missing from his cabin. He sued the steamboat company for damages. Though there was no precedent, the court still ordered the company to pay, because innkeepers had such liability by precedent and because 'steamboat circumstances' were found to be sufficiently like 'inn circumstances', regarding the legal issue at hand. What matters here is the underlying principle, and nothing else. If there is a general duty or obligation of care on parties offering night accommodation, then both inn-keepers and steamboat companies are under such a duty or obligation. But of course there is no logical relationship at all between the original analogon (the inn precedent) and the general principle of care. Things are the other way round: if the general principle holds, than there are inn liability implications, and steamboat company implications as well.'

So, according to the analysis of Kaptein only reasoning from the general principle results in a rational logical, deductive argumentation. Other theorists defend more sophisticated versions of this analysis. Brozek (2008) for instance reduces analogy partially to the *balancing* of legal principles. He distinguishes the following steps in the reasoning:

1. One encounters a problematic case, i.e. a case for which there is no directly applicable legal rule.
2. One identifies cases *prima facie* similar (or similar$_1$) to the given one, for which there exist definite solutions, i.e. for which there are directly applicable legal rules.
3. One identifies principles standing behind (backing) the legal rules that govern the *prima facie* similar cases.
4. Through the balancing of principles, one decides which of the principles should govern the case at hand. (This also establishes which of the *prima facie* similar cases is relevantly similar – or similar$_2$ – to the case at hand.)
5. The course of action dictated by the prevailing principle(s) is the decision in the case at hand.

According to Brozek, analogical reasoning can be divided into two phases. The first phase consists in identifying cases which are *prima facie* similar to the unregulated case. The second – justifying – phase consists in balancing of the legal principles which govern the *prima facie* similar cases.

We will label Kaptein's and Brozek's position as the *Reducibility Thesis*: analogical reasoning is a surface structure phenomenon that should be reduced to argumentation based on underlying principles in order to have rational force. According to us, these reductionist analysis of analogical reasoning lead to strange and unacceptable consequences, as our postmen example will show. The postmen try to convince their employer with an accepted premise which follows from an existing case – the women wearing divided skirts – together with the adopted relevant comparability and the commitment to the normative principle of equality. But according to those theorists who argue that the analogy argumentation provides no justification, the argumentation does not end here: the next step concerns the argumentation for the relevant

comparability. And this argumentation always results in an underlying rule. Something like: all postmen and women may have partly bare legs during the summer. According to the critics, what remains is thus a simple deductive reasoning using this rule as an argument! This sounds reasonable, but the problem with this position is: why did the male postal workers not use this rule to convince their employer? The answer is: because this rule 'was not yet there'.

The presupposed need to explicate the underlying principles or rules in analogical reasoning is a corollary of the idea that rational reasoning should be deductive reasoning. Since analogical reasoning is not deductive it is not rational. Edward H. Levi (1949) famously argued that analogical reasoning is a basic pattern of legal reasoning but that it is 'imperfect' and logically not valid. One of the arguments for this view is that logically valid argumentation consists of propositions with a truth-value. Since analogical reasoning also contains normative statements (without truth value) it is unsuitable for a logic analysis. This analysis is remarkable for several reasons. First, this criticism also holds for deductive reasoning in law, since the reasoning in law is also partly based on normative ~~statements~~ premises (e.g. the general legal rules or principles). Second, logics are developed to analyse normative statements. Therefore, a logical analysis of analogy reasoning is possible.

Finally, the critique that attributes a lack of logical validity of analogical reasoning is often the result of confusing the logical form with the acceptability of the premises. In *The New Rhetoric* of Perelman, one can find nice examples of this misconception. An illuminating example is the *a fortiori* reasoning, a variant of analogical reasoning. *A fortiori* reasoning is based upon the premise that 'what applies to the lesser, holds for the greater even more'. For example, if the law forbids to cycle with a pair of two cyclists, it is of course not allowed to bike with three cyclists. Now according to Perelman (1976) you cannot formalize this reasoning as a form of logical valid reasoning. To demonstrate this claim, he discusses an example taken from the 'famous' Belgian law Vandervelde (1919). A provision of this law banned the sale of alcoholic drinks to the extent that it was a quantity of less than two litters. Reason: the worker had to be protected against alcohol abuse and since he couldn't afford to buy two litters or more with his weekly salary..... According to Perelman, this provision shows that *a fortiori* argument is not purely formal in nature. But that is not the claim of those who reconstruct this reasoning as a formal reasoning. No argumentation or reasoning is 'purely formal'. The logical analysis is always conditional: it is based upon the presupposed acceptability of the premises. *If* you accept that in this case the premise 'what applies to the lesser, holds for the greater even more' is applicable and if you accept that *a* is greater than *b,* then you have to accept that what applies for *b* also holds for *a*. In our view, Perelman's observation is based upon a misunderstanding. In his example, the reasoning *a fortiori* does not apply, since the premise 'what applies to the lesser, holds for the greater even more' is not accepted. The same is true for the 'simple' scheme of analogical reasoning: if one accepts that two things, situations, persons are comparable and one accepts the principle 'treat like cases alike' then one cannot deny the conclusion of the reasoning.

3. THE RULE OF LAW AS THE RULE OF REASONS

The critique on analogical reasoning and the wish to reconstruct this reasoning as deductive reasoning are in our view connected with a traditional, *thin* conception of the rule of law. According to the thin conception of the rule of law, government, officials and citizens are bound by and act consistent with the law. These requirements entail a set of minimal formal characteristics: law must be set forth in advance (be prospective), be made public, be general, be clear, be stable and certain, and be applied to everyone according to its terms. According to

a more *substantive* or *thick* ideal of the rule of law, these formal characteristics should be complemented with a set of fundamental rights, democratic principles , and criteria of substantive justice . According to both conceptions of the rule of law, the judge should decide cases according to clear rules with the help of deductive logic. Once the facts of a case are given, the judge must merely decide whether or not the facts of the case can be subsumed under a statutory rule. The decision then follows with logical necessity. It is obvious that the more the statutory rules are 'clear, plain, and precise', the less the judge has to interpret, and the better the judge can function as impartial arbiter.

From the perspective of legal adjudication and interpretation, we might speak, not of the rule of law, but of the 'rule of rules', for it is through an existing body of clear, plain and precise *rules* that the law, not its executors, rules society. However, this classical idea of the rule of law is revised in recent rule of law research. In several publications, Jeremy Waldron argues for a 'third layer' in the rule of law: the procedural aspects relating to 'natural justice' or 'procedural due process'. According to Waldron (2010) these aspects have been neglected in the jurisprudential literature devoted specifically to the idea of the rule of law and they deserve much greater emphasis. Waldron argues that procedural values go beyond elementary principles like the guarantee of an unbiased tribunal or the opportunity to present and confront evidence. They include the several procedural aspects of rule of law related to sound argumentation such as a right to make legal argument about the bearing of the evidence and about the bearing of the various legal norms relevant to the case and right to hear reasons from the tribunal when it reaches its decision, which are responsive to the evidence and arguments presented before it.[2] According to Waldron these requirements are important parts of the rule of law. Waldron argues that a procedural understanding of the rule of law does not just require that officials apply the rules as they are set out; it requires that they apply them in accordance with ideals such as natural justice and procedural due process. H This renders the role of reasonable argumentation central. Waldron is of the opinion that there is no opposition between the thin conception of the rule of law and his procedural – argumentative – conception.. The thin conception emphasizes the importance of predictability, determinacy and settlement. This view on the rule of law is closely connected to a positivistic concept of law. It highlights the role of rules rather than standards, literal meanings rather than systemic inferences, direct applications rather than arguments. In this positivistic conception, a tension exists between the rule of law and the uncertainty that arises out of law's argumentative character. Waldron claims that no such tension exists in a non-positivistic concept of law . He concludes that there is a natural correlation between a conceptual account of law that emphasizes rules, on the one hand, and a rule of law conception, on the other, that emphasizes characteristics such as generality, determinacy and predictability. Similarly, there is a natural correlation between, on the one hand, a conceptual account of law that focuses not just on the general norms established but on the distinctive procedural features of the institutions that administer them, and on the other, an account of the rule of law that is less fixated on predictability but more insistent on the opportunities for argumentation.

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[2] As a preliminary sketch, Waldron proposes the following procedural aspects of rule of law: 1 A hearing by an impartial tribunal that is required to act on the basis of evidence and argument presented formally before it in relation to legal norms that govern theimposition of penalty, stigma, loss etc..2 A legally-trained judicial officer, whose independence of other agencies of government is assured. 3 A right to representation by counsel and to the time and opportunity required to prepare a case. 4 A right to be present at all critical stages of the proceeding. 5 A right to confront witnesses against the detainee. 6 A right to an assurance that the evidence presented by the government has been gathered in a properly supervised way. 7 A right to present evidence in one's own behalf; 8 A right to make legal argument about the bearing of the evidence and about the bearing of the various legal norms relevant to the case. 9 A right to hear reasons from the tribunal when it reaches its decision, which are responsive to the evidence and arguments presented before it. 10 Some right of appeal to a higher tribunal of a similar character.

This connection between the rule of law and argumentation is also defended by Cohen (2010). Cohen examines whether argumentation, or reason giving, is *necessarily* connected with the rule of law, in the sense that a legal system would not conform to the ideal of the rule of law if its decisions were not supported by publicly articulated reasons. According to Cohen, reason giving warrants both procedural and substantive conceptions of the rule of law. Reason giving is an essential element of the procedural conception, because all the procedural accounts seems to require that the state does whatever it does in a predictable and consistent way and justifies it by reasons. Reason giving also characterizes the core of the substantive conceptions of the rule of law. These conceptions claim that the rule of law's central purpose is to ensure certain just outcomes. In that perspective, requiring that legal decision-makers give reasons is more likely to protect us against abuse than other forms of decision-making. Cohen argues that theoretical reflections on the rule of law should pay more attention to the legal duty to give reasons than has been done in the past, thereby leading to a context-sensitive assessment of the rule of law and its virtue(s). Understanding the rule of law from the point of view of reason giving enables us to view the rule of law not as an all-or-nothing matter, but rather as a matter of degree. The rule of law may obtain more or less and the extent to which a legal system provides reasons is a good indicator of this sensitivity to context.

4. CONCLUSION: THE RULE OF REASONS AND ANALOGICAL REASONING

In the foregoing we started with MacCormick's observation that modern legal systems are characterized by a tension between the arguable character of law on the one hand and the rule of law on the other. His central thesis is that a reconciliation is possible between the rule of law and the arguable character of legal argumentation. According to MacCormick, achieving such a reconciliation is the task of a theory about of rational argumentation, a theory of how we can draw non-deductive, yet rationally supported conclusions. In this contribution, we have tried to show how this reconciliation can be achieved for an important form of non-deductive reasoning in law: analogical reasoning. We argued that this reconciliation is possible if we do not try to reduce analogical to a form of deductive reasoning and that this reduction is not necessary in light of a modern version of the rule of law. When the rule of law is interpreted as the rule of rules, an ideal of legal certainty resulting in rule based reasoning, than deductive reasoning is also the central ideal. But when rational argumentation is not equated with deductive reasoning, then analogical reasoning is a specific form of legal reasoning with rational force. Ultimately, analogical reasoning rest on a choice. But a choice is irrational, not because it isn't, and cannot be, conclusively determined by reason, but because it cannot be supported by good reason. The justification raises the choice above subjectivity, and connects it to the institution of the law so as it gets shape in innumerable decisions and judgments.

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Fairness and legal gaps in Aristotle's *Rhetoric*

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ABSTRACT: In Aristotle's *Rhetoric* 1.13, arguments from fairness are based on a combination of filling gaps (*elleimma*) in the law and an extensive or restrictive interpretation of the rule, with the latter being performed through the former. This paper examines how the concepts of 'legal gaps' and 'open texture' can contribute to our understanding of Aristotelian fairness (*epieikeia*).

KEYWORDS: fairness, legal gaps, open texture, Aristotle, *Rhetoric*

1. INTRODUCTION

In this paper I consider some consequences of a reading of Aristotle's account of arguments from fairness that connects gap-filling and rectification, making the latter happen through the former (cf. Könczöl, 2013; 2016). In what follows I shall look at the roles the concepts of legal gaps and open texture, both referred to by interpreters of Aristotelian *epieikes,* can play in such a reading. I first (2) give a brief summary of what I think follows from the example Aristotle gives in the *Rhetoric*, then I examine explanations based on the concepts of (3) legal gaps and (4) the open texture of law in turn. Finally, (5) I seek to interpret both concepts from the perspective of arguments from fairness, arguing that orators may not want either to appear in their reasoning.

2. ARISTOTLE'S EXAMPLE

In Book 1, Chapter 10 of his *Rhetoric*, Aristotle starts to discuss the topics specific to the judicial branch of rhetoric by providing a definition of injustice. An unlawful (unjust) action consists in harming another person intentionally and violating the law (*Rh.* 1368b 6–7). Having explained the motives potentially grounding intent, which can also be used in argumentation to prove the fact of committing the wrongful act and the presence of wrongful intent, he comes to the problem of unlawfulness in Chapter 13. There are two ways in which an action can be unlawful: it can violate either written or unwritten law. The latter, again, falls into two groups: it may be the case that there is no written law relevant to the action (Aristotle explains that with 'a high degree of virtue or vice', but also that the relevant written law is incomplete. That incompleteness (*elleimma*) may be due to two reasons, one beyond and one corresponding to the legislator's intent. It may happen that the legislator is unaware that the law does not cover a possible case. But it may just as well be the case that they know they cannot make a regulation applicable to each possible case (*Rh.* 1374a 18–32). With respect to unlawfulness based on written law, Aristotle refers to the importance of definitions (*Rh.* 1374a 19–20). The complete lack of regulation can also be used as an argument, even if not a very strong one (see e.g. *Rh.* 1375A 4–6 and 15–17). Finally, the incompleteness of the

written rule is the case in which the orator should argue from fairness, as it belongs to the domain of 'justice beyond the written law' (*to para to gegrammenon nomon dikaion*).

Aristotle gives an example of the latter situation: if the action classified by the written law as 'assault' (*trōsai*) only requires that the perpetrator attacks the other party 'with iron' (*sidērō*), then a person wearing an iron ring 'commits injustice according to the written law, doing wrong, while in reality he does not, which is the fair [decision]' (*Rh.* 1374a 28–1374b 1).

The example and the preceding conceptual explanations are clearly separated from the second part of Aristotle's discussion of fairness, where he brings examples of the realisation of fairness, where fairness as a virtue is exerted. These can be partly reconciled with the argumentative structure illustrated with the example, but partly require a decision that is clearly *contra legem* (from a rhetorical perspective: one that is difficult to support with positive-law arguments, which is therefore unacceptable for a court of justice, cf. Carey, 1996). Thus, it seems more plausible that these are not examples of arguments from fairness focusing on the interpretation of law, but of appeals to *ēthos* or *pathos*: the character or experience of the orator or the audience (cf. Könczöl 2016).

To come back to the example of the iron ring, here the orator has to suggest that the text of the law needs to be 'supplemented', to make the decision based on it conform the (alleged) intent of the legislator. Such a reading is also suggested by a passage in the *Nicomachean Ethics*, where Aristotle explains that 'when the law speaks universally, and a particular case arises as an exception to the universal rule, then it is right – where the law-giver fails us and has made an error by speaking without qualification – to correct the omission. This will be by saying what the law-giver would himself had he been present, and would have included within the law had he known.' (*EN* 1137b 21–24, quoted after Crisp, 2000, p. 100). Yet it is only in the *Rhetoric* that Aristotle makes completely clear how an argument to that effect can work: by way of supplementing the text, e.g. the kind of the iron object can be specified, or an exception can be added to make obvious that hitting someone with one's hand (even if wearing a ring) does not qualify as 'assault'.

3. GAPS IN THE LAW

The wording of Aristotle's explanation, and the term *elleimma* in particular, suggests that the concept of legal gaps may help us understand the functioning of arguments of fairness. It has been argued, indeed, that fairness works in the gaps left by the legislator. As Constantine Georgiadis put it, '[t]he equitable is not a competitor to the legally just but is adjoined to it for cases which are not envisaged or adequately covered by the law. […] The question arises regarding the task of filling out the gap in the law in an exceptional case. The decision on the particular matter has to be made, presumably by a judge. But how the gap is to be filled is not left to the free discretion of the judge. Aristotle introduces for this purpose the hypothetical judgment of the legislator' (Georgiadis, 1987, pp. 162–163). Challenging Georgiadis' interpretation, and siding with Roger Shiner (cf. Shiner, 1987), Jacques Brunschwig argued that '[s]trictly speaking, the law does not manifest "gaps", but "deficiencies" in the etymological sense of the word, *i.e.* it falls short' (Brunschwig, 1996, p. 139).

It seems that the disagreement is, partly at least, due to the fact that they use the word 'gaps' in different senses. Given that Georgiadis speaks about 'exceptional cases', he seems to be referring to what has been termed 'axiological gaps' in jurisprudence, i.e. cases that are 'covered by a general rule but where […] the author of the rule has forgotten to make an exception' (Soeteman, 1989, pp. 135–136, quoting Alchourrón and Bulygin, 1971, see also

Peczenik, 1989, p. 24). Brunschwig, in turn, apparently has in mind 'normative gaps' (or 'insufficiency gaps', cf. Peczenik, 1989, p. 24), i.e. cases not covered at all by the law.

To begin with that latter, Brunschwig is certainly right in the sense that Aristotle's example is one in which there is a rule that is *prima facie*, i.e. on a literal interpretation, relevant for the case. That is exactly where the problem stems from: the requirement to apply it in a situation where the resulting judgement would be an unjust one. Thus, the aim of argumentation here is not to fill a gap, making it possible to adjudicate in a case where no rule-based decision could be made otherwise. Quite the contrary, what the orator should aim at here is to dissuade the judge from applying that rule.

But what about cases where the argumentative goal is quite the opposite of that suggested by Aristotle's example? What if the orator wants to persuade, rather than dissuade, the judge to apply the law invoked in the case? That, too, may be regarded as a kind of argument from fairness, or at least it does not contradict Aristotle's conceptual reconstruction (cf. Hamburger, 1971, pp. 94–95). Within the framework of the example, that would be the case if someone attacked another person with a weapon made not of iron but a different kind of metal. There, justice as equality would require the action to be classified as 'assault', too. The 'deficiency' consists in the legislator not having taken into account – or at least not included in the law – that possibility, but having focused on the most usual material for making weapons. 'Supplementing', then, would result not in narrowing but broadening the scope of the rule. Yet can we say that that would be filling a gap in the law? Certainly not, at least in the sense that it would not be impossible to reach a verdict. If the rule referred to in the accusation is not relevant – without being supplemented – for the case, then the judge does not find the defendant guilty (or not of the wrongdoing (s)he was accused of), and makes a decision accordingly, which would be considered unjust by one of the parties. But that is exactly what Aristotle's explanation is about: there is a gap in the text, which results not in a lack of normative content, but – if seen from the purpose of the law according to Aristotle – in its unsuitability.

Rereading Georgiadis' remark in light of the above, we then see that it needs to be qualified in the sense that the two cases (i.e. whether the law 'does not count' with a possibility, or 'fails to provide an adequate rule of decision') are not alternatives. Aristotelian fairness works in cases where the rule is inadequate because some relevant circumstance is not covered by (included in) the text of the law – of course, one may think that that is due to the legislator's failing to anticipate it.

It is in that sense, then, that we can speak of an 'axiological gap'. It is not necessary that an exception had to be added to the rule. A more general formula may be in order, stating that a somehow exceptional situation should be provided for by the law – which may just as well mean that it should be subsumed to the general rule in order to reach a just decision.

4. OPEN TEXTURE

For those at least superficially acquainted with 20th-century legal theory, Aristotle's example of the iron ring shows striking similarity with the concept of 'open texture' brought into jurisprudential discourse by H. L. A. Hart in his celebrated book *The Concept of Law* (1961). By open texture Hart refers to the inevitable indeterminacy of legal language, which explains why legal rules need to be interpreted. When deciding what a given legal rule requires one to do in a given situation, Hart writes, one has to determine the meaning of certain concept-words used in the relevant laws. In some cases this is not a problem, as there is a general consensus about what is covered by the relevant terms. In Hart's example, if a sign bans 'vehicles' from a public park, most people would agree that a car is a vehicle and, therefore,

cars are not allowed to enter the park. Cars, then, belong to what Hart calls the 'core' of the concept of 'vehicle'. There are, however, cases where the decision is far from being so evident: 'What about airplanes...' These latter cases belong to the 'penumbra' of the concept: focusing on the judicial decision, one may wonder whether these, too, are meant by 'vehicle' in the context of the park sign (cf. Hart, 1961, p. 126). An answer to that question may well involve extra-legal considerations, but the decision based on that interpretation will be a legal one.

The link between open texture and *epieikeia* has been pointed out by Edward Harris, stating that '[t]he need for *epieikeia* arises as a result of "law's open texture"' (Harris, 2013, p. 284). Moreover, open texture not only necessitates fairness but, from the perspective of legal argumentation, also enables the speaker to put forth arguments from fairness without urging the judges to decide against their oath which requires them to decide cases 'according to the laws and decrees of the Athenian people' (cf. Harris, 2013, p. 301). Harris also discusses the connection between Aristotle's topic of definition related to the *epigramma* and open texture (Harris, 2000, pp. 29–30), and it is precisely here, I think, that the link with *epieikeia* can be discovered.

Arguments from fairness, as we have seen, are not directed against written law. The speaker goes beyond written law by way of interpreting it. There are cases, called 'plain cases' by Hart, where there is no place for *epieikeia* arguments, as the law is unambiguous, that is to say, the speaker cannot plausibly offer an alternative interpretation of one or more of its terms. For Aristotle, these are the cases where the legislator would not add anything to the written text. From a moral perspective this also means that these are the cases where justice does not have to go beyond the written law.

Aristotelian fairness, then, can (and indeed has to) work in cases where there is place left for competing interpretations of the law. What the orator has to do is to supplement the legal definition, or even to offer one of his own, in order to eliminate the ambiguity of the text. This is not to say that he has to explicitly state that something is missing from it (cf. Harris, 2000, p. 45). A more persuasive argument can be made through offering an interpretation as the single right reading of the text (and this is what usually happens in Attic oratory). While Hart distinguishes between two sources of open texture, 'a relative ignorance of fact' and 'a relative indeterminacy of aim' (Hart, 1961, p. 125, cf. Harris, 2013, p. 284), and Aristotle seems to do the same at least in the *Nicomachean Ethics* (see the passage quoted above, 1137b 21–24), the reference made in a speech to the legislator's intent does not allow the indeterminacy of aim to appear in the argument.

5. INVISIBLE GAPS

The above considerations suggest that Aristotle is serious about *elleimma*, the gap – but it seems also clear that one can hardly identify it with any current interpretation of the concept of legal gaps. The lesson here, I think, may be related to that very contrast, and by helping us realise it, the passage from the *Rhetoric* may actually contribute to our understanding of the functioning of 'legal gaps'. Gaps, then, are deficiencies in the text, and arguments from fairness are meant to tackle these. Yet reading Aristotle's example, one should see that one cannot see any gap there. The allegedly deficient text gives, as Aristotle himself highlights it, a clear rule of decision: 'if someone wearing a ring raises his hand and strikes, he commits injustice *according to the written law*', he writes, opposing the written law to reality (*to alēthes*). Nothing seems to be omitted from the text of the law, as we do not find any reference to the ambiguity of the text either. And yet it needs to be supplemented. That would

suggest that the gap appears, if anywhere, in the argumentation of one of the parties of the debate. Or maybe not even there.

The point of arguments from fairness, as reconstructed by Aristotle, is to make the decision resulting from the application of a general rule conform the legislator's intent and the purpose of the law by – intellectually – supplementing it. But is there any point, one would ask, in making that explicit in one's argumentation. It is difficult to give a universally valid answer to that question. What Athenian orators thought fit may perhaps be inferred from an example taken from one of the greatest judicial speechwriters of the generation preceding Aristotle.

In Lysias' speech *Against Theomnestus,* the argument runs as follows: 'Perhaps, judges, he […] will say to you too what he had the nerve to say before the arbitration, that it is not one of the forbidden terms if someone says that a man has killed his father; the law does not forbid this, but does not permit someone to call a man "murderer". But it is my view, judges, that you should take issue no with expressions but with their meaning, and that you all know that all who have killed are murderers and all who are murderers have killed. It would be an enormous task for the lawgiver to write down all the words which have the same meaning; no, in mentioning one term he indicated them all' (Lys. 10, 6–7, quoted after Carey, 1997, pp. 234–245). This text provides the clearest exposition of the problem discussed so far, to my knowledge at least, in extant judicial speeches of classical Greek orators. In addition to mentioning the legislator, the reference to the 'enormous task' is a clear parallel, perhaps the model, of the explanation Aristotle offers for how the gaps come about. Yet the contrast is just as clear: Lysias emphasises the plainness of the statutory text. The lawgiver only used one word, and he still made reference to all its synonyms at the same time – in the Greek original, he literally 'made it clear' (*edēlōsen*), and, according to the orator's claim, the judges 'all know that'. The lack of a longer list of forbidden expressions in the text is not due to the intention to keep the rule general or indeterminate: there is no longer list because no such list is necessary. The text is sufficiently clear, and relevant to the case. It may be not very far-fetched to speculate that in an actual speech, Aristotle's example would take a similar form. The orator would claim that it need not be said (or written) that an iron ring is not a weapon that could be used to perform an action qualifying as 'assault'.

6. CONCLUSION

Where do we find the gap, then? Nowhere else, it would seem, than in Aristotle's *explanation*. The judicial speaker wishes to convince the audience, to persuade them to make a certain decision in the given case. Aristotle, however, is writing a textbook, a *technē,* with the aim to make the audience understand how arguments from fairness (among others) work. Aristotle's legal gaps are not in the law, nor in the text of the statute, and not even in the arguments pertaining to the interpretation of that text. Their function is only to model a certain way of argument. And that modelling is also indicative of the novelty of Aristotle's work, and his presentation of judicial argumentation in particular. His way of discussing arguments from fairness really differs from contemporary textbooks in that it gives advice on how to make an efficient argument within the limits of the rule of law.

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Informal logic and the first international conference on argumentation

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ABSTRACT: This paper will describe the first International Conference on Argumentation in 1986. A primary focus of the paper is how scholars who led, or were informed, by the informal logic movement expressed their voices at the conference and interacted with argumentation scholars in fields other than philosophy. A second focus is describing the infrastructure of (or the media for) knowledge production coming out of the conference— the conference proceedings, the journal *Argumentation* and the International Society for the Study of Argumentation (ISSA).

KEYWORDS: critical thinking, informal logic, informal logicians, infrastructure of or media for knowledge production, Pragma-dialectics, three perspectives of argument

1. INTRODUCTION

Professionalization and specialization of argumentation studies as a field of inquiry started in the late 1970s when scholars in various countries started to organize conferences. In the United States, the National Developmental Conference on Forensics was held in 1974, and the first ALTA conference was held in 1978 by the Speech Communication Association (SCA) and the American Forensic Association (AFA). In the Netherlands, Argumentation and Rhetoric Sections were a component of the conferences of the Dutch-Belgian Speech Communication Association (VIOT), the first of which was held in 1978. Also in Groningen, the Netherlands, an international conference on the theory of argumentation was held by Else. M. Barth and J. L. Martens in October of the same year[1]. In Windsor, Canada, Ralph H. Johnson and J. Anthony Blair held the First International Symposium on Informal Logic (FISIL) in 1978[2]. These conferences ignited scholarly discussion on argumentation in the countries involved.

In addition to these conferences, scholarly work from these three perspectives on argumentation studies—rhetoric and communication, dialogic logic and dialectics, and informal logic—started to be published in the form of proceedings and journal articles.

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[1] An oral history interview with Erik C. W. Krabbe (2018) conducted during the 9th International Conference on Argumentation and email correspondence with him after the conference (2018) informed me that, on February 20, 1976, Else M. Barth at the University of Utrecht organized a "Dag voor de argumentatieleer [Day for Argumentation Theory]" and started what was later to be named the "Koh Wah group": an interdisciplinary discussion group on the theory of argumentation. For some time, the group met at Barth's apartment in Amsterdam, and after Barth had moved to the University of Groningen it continued to meet at other locations, mostly in Amsterdam. Participants were, besides Else Barth: Johan van Benthem, Frans H. van Eemeren, Rob Grootendorst, Robert Heeger, Maarten Henket, Paul van Hoven, Erik Krabbe, Tjark Kruiger, Jo Martens, Joop van der Pligt, Peter Jan Schellens, Frank Veltman, Gerard Verhoeven, and Roel de Vrijer. While specialization of European argumentation scholarship and the role Barth played in the process are beyond the scope of this article, further research into these areas is needed.

[2] The exact name was Symposium on Informal Logic, which Johnson and Blair later called the First International Symposium on Informal Logic when they (1980) published the proceedings with Edgepress, a small publishing firm owned by Michael Scriven.

Forensics as communication: The argumentative perspective, the proceedings of the National Developmental Conference on Forensics, was published in 1975. The SCA/AFA published the proceedings of the ALTA conferences, and the American Forensic Association, since the 1970s, gradually transformed its *Journal of American Forensic Association* (*JAFA)* from a medium on education and practices of academic debate into one on scholarship on argumentation. Barth and Martens (1982) published *Argumentation: Approaches to theory formation*, the proceedings of the Groningen Conference. Johnson and Blair started to publish *Informal Logic Newsletter* in 1978 and turned it into the peer-review journal *Informal Logic* in 1984. They also published *Informal logic: The first international symposium* in 1980. These proceedings, newsletters and journals served as a "public sphere" among scholars in the field, which helped them form common senses and public opinions on key theoretical and practical issues on argumentation.

While these various conferences and publications no doubt promoted scholarship on argumentation, the above perspectives of argumentation did not fully interact with one another until after the first International Conference of Argumentation was held at University of Amsterdam in June 1986 by van Eemeren, Grootendorst, Blair, and Charles A. Willard. Because of the significance of the 1986 Conference, which promoted in Blair's words (2007) a "profusion of scholarship" and because of the time and place in which this article is orally presented, it can justifiably said that the rhetorical situation of the 9th International Conference on Argumentation urges us to look back on and commemorate the 1986 Conference. The author (2009, 2011, 2016a, 2016b) has written on the history of argumentation scholarship with an emphasis on the informal logic movement led by Johnson and Blair, and this article also builds on his earlier studies and brings to the fore what the 1986 Conference meant for those who led, or were informed by, the informal logic movement[3]. Two main focuses are how those scholars voiced their opinions at the Conference, and what consequences the Conference's proceedings, the new journal *Argumentation*, and the foundation of ISSA brought about in the community of argumentation scholars.

To provide a historical account surrounding the 1986 Conference, the author draws on published materials such as *Informal Logic Newsletter*, the journals *Informal Logic* and *Argumentation* and the proceedings of the 1986 Conference, as well as oral history interviews of key persons and archived research at the Leddy Library at the University of Windsor. While the published materials serve as public or official records, they do not account for what happens behind the scenes. The use of oral history interviews and archival research either corroborates evidence in those public records or helps revise them by uncovering voices that have not been heard. With the combined use of various types of evidence, the author hopes to construct a clearer and more accurate historical picture of the key events in the community of the study of argumentation.

The second section of this article examines how key informal logicians developed relations with scholars in other fields, particularly with van Eemeren and Grootendorst, who created and developed Pragma-Dialectics. This section also discusses the positions Blair, Johnson, and other scholars influenced by the informal logic movement developed at the 1986 Conference. The third section of this article lays out outgrowths of the Conference, focusing

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[3] The phrase 'those who led, or were informed by, the informal logic movement' raises an important practical question for this article. For the sake of simplicity, the author regards Johnson and Blair as leaders of the movement, and those who attended the FISIL or the Second International Symposium on Informal Logic (SISIL) and those who submitted articles to the *Informal Logic Newsletter* or *Informal Logic* as having been influenced by the movement. While this approach may fail to include some persons who read the *Informal Logic Newsletter* in Europe and presented their papers at the 1986 Conference, it surely includes all those who participated in one of the two symposiums or expressed their voices in the communal media for scholarly discussion. The registrants of the FISIL appear in *Informal Logic News Letter*, vol. 1.1 (1978), and those in the SISIL in *Informal Logic Newsletter*, vol. 5.3 (1983).

on infrastructure of, or media for, knowledge production. The final section draws conclusions about the significance of the conference, the development of argumentation studies emerging from it, and suggestions for further research.

2. VOICES OF INFORMAL LOGIC AT THE 1986 CONFERENCE

2.1 Informal Logic and Other Related Fields up to the 1986 Conference

Although the interaction of scholars across the lines of discipline was somewhat limited before the 1986 Conference, those engaged in informal logic movement did build some meaningful relations with scholars in other fields of inquiry. One notable interaction was the one with critical thinking scholars, which led to the creation of the Association of Informal Logic and Critical Thinking (AILACT) at the SISIL in 1983. As a sponsoring organization, AILACT helped informal logicians and critical thinking scholars exchange their ideas at conventions of the American Philosophical Association (APA) and the Canadian Philosophical Association (CPA).

While the interaction between informal logic and critical thinking is publicly present, that between informal logic and Pragma-Dialectics before the 1986 Conference is less obvious. However, Pragma-Dialecticians made a few attempts to construct a relation with the informal logic camp before 1986, which led Blair to be a convenor of the 1986 Conference, together with van Eemeren, Grootendorst, and Willard.

On January 31, 1983, Grootendorst, on behalf of himself and van Eemeren, wrote a letter to Blair and Johnson. He (1983) expressed interest in attending the SISIL and asked for information about it. In his letter, he refers to his co-authored articles with van Eemeren, published in *Journal of Pragmatics*, and *Journal of American Forensic Association*, as well as *Study of Argumentation* published along with Tjark Kruiger and *Speech acts in argumentative discussion* to be published by Foris. The final paragraph of the letter states that "(a)s you can see, our work is closely related to your main activities. We find the existence and the content of *Informal Logic Newsletter* very stimulating, and we hope to be in the position to publish some material of ourselves in it in the near future. Perhaps it would be possible to make some preliminary arrangements when we meet you at the Symposium."

On February 18, Blair replied to Grootendorst and van Eemeren on behalf of himself and Johnson. He thanked them for the off-prints sent with their letter. While neither Blair nor Johnson had had a chance to read them, Blair (1983, par. 2) expressed his positive feelings about Pragma-Dialectics, stating that: "(w)e were both delighted to learn of your work, and to discover that what we call informal logic is presently flourishing in the Netherlands." In Blair's recollection (2018), the two did not come to the SISIL, and the list of registrants at the SISIL published in *Informal Logic Newsletter* 5.3 (1983, pp. 16-20) confirms his oral testimony. However, since the undated anonymous short memorandum on the outcomes of the SISIL refers to "the amsterdam (sic) connection" and other consequences[4], Blair and Johnson seemed to recognize the value of the connection with van Eemeren and Grootendorst.

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[4] The ten consequences listed include (1) the creation of AILACT, (2) presentation of papers at American Philosophical Association meetings, (3) AILACT's arrangement with informal logic, (4) conversion of *Informal Logic Newsletter* into the journal *Informal Logic*, (5) publication of papers in *Informal Logic Newsletter* and *American Philosophical Quarterly*, (7) related outcomes like a conference held by John Hoaglund, (8) the Amsterdam connection, and (9) the education connection. One negative aspect of the conference was that attendance was not as high as had been expected. Some of these consequences are covered in the report to Social Science and Humanities Research Council in Canada (SSHRC).

The off-prints that Grootendorst sent to Blair and Johnson led them (1983b) to introduce van Eemeren and Grootendorsts' "Speech acts of arguing and convincing in externalized discussions" to the readers of *Informal Logic Newsletter* in volume 5.2. What attracts attention more than the inclusion of the article, though, is how Blair and Johnson (1983a p. 2) talked about it in the 'from the editors' section of the same issue of the *Newsletter*. Blair and Johnson state that: "(w)orth reading in its own right, this article is also evidence that informal logic has a presence outside of North America, and it signals the need for all of us to become more familiar with work being done by colleagues in other parts of the world. We need to avoid, once again the dangers of being insular. (Forgive us if, in saying this we merely project our own sense of provincialism.)" In Blair's letter to Grootendorst and van Eemeren, as well as this description in the from the editors' section, Blair and Johnson seemed to equate informal logic and Pragma-Dialectics in 1983, when *Speech acts in argumentative discussion* was not yet available to English-speaking readers.

Although van Eemeren and Grootendorst did not attend the SISIL, they stayed in communication with informal logicians after the conference. Having contacted David Hitchcock, the first president of AILACT, van Eemeren and Grootendorst came to the 1984 APA meeting in New York, met him and Blair, and announced the upcoming 1986 conference. Not long after their meeting, van Eemeren and Grootendorst asked Blair to convene the 1986 conference together. Blair (2007) recollects the meeting with Pragma-Dialecticians, stating that "the idea was that I would try to encourage philosophers in North America to attend the conference that they were going to hold in Amsterdam in the following year, which I tried to do."[5] After the meeting in New York the announcement of the 1986 conference appeared in *Informal Logic* vol. 6.3 in December 1984, and also in vol. 7.1, in 1985.

To sum up the interactions beyond the lines of discipline, suffice it to say that they existed even before the 1986 Conference, partly due to the infrastructure of or media for knowledge production. The interactions between informal logic and critical thinking led to the creation of AILACT after the SISIL, which sponsored sessions at the APA and CPA meetings. Thanks to *Informal Logic Newsletter*, the SISIL and AILACT, van Eemeren and Grootendorst could communicate with Hitchcock and Blair and develop professional working relations. *Informal Logic Newsletter*, published by Blair and Johnson, served as a place to introduce Pragma-Dialectics and the 1986 Conference to the readers of the *Newsletter*. The infrastructure of or media for knowledge production played a pivotal role in the 1980s by introducing similar but different views on argumentation studies. The next subsection will observe how informal logicians and scholars informed or influenced by the informal logic movement voiced their ideas at the 1986 Conference.

2.2 Informal Logic and Informal Logicians at the 1986 Conference

When Blair initially corresponded with Grootendorst in 1983, his (and presumably Johnson's) impression of Pragma-Dialectics was that it was simply another type of informal logic, but on the other side of the Atlantic Ocean. Although Blair and Johnson (1983a, p. 2) acknowledge potential provincialism in saying so, they were not fully aware of the enormous impact of Pragma-Dialectics on the study of argumentation. Given that the initial communication was conducted before the publication of *Speech acts in argumentative discussion*, their assessment of Pragma-Dialectics at the time, if charitably read, makes sense.

When both Blair and Johnson were invited to present their papers at the 1986 Conference, they showed more comprehensive understanding and deeper appreciation of

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[5] Besides announcing the 1986 Conference to the philosophical community, Blair read abstracts for the Conference and helped prepare the conference program in English.

Pragma-Dialectics. Toward the end of Johnson's (1987) paper calling for the naturalization of logic, he expresses his emotions on the four key ideas on argumentation presented in van Eemeren and Grootendorst's book (1984, pp. 4-18): externalization, functionalization, socialization, and dialectification.

> When I first read this monograph [*Speech acts in argumentative discussion*], I had two simultaneous reactions. The first reaction was: 'How perfectly right they are.' This was followed by a wave of despair, for it seemed to me that they have said about the concept of argumentation just about all that I wanted to say. Which left with me the uncomfortable question: What do you say after someone else has already said it? My dilemma was resolved and my despair eased when I reminded myself that van Eemeren and Grootendorst have had the good fortune of not having been educated in the narrow tradition of logic that has dominated tuition in North America. (Johnson, 1987, p. 54)

While Johnson sounded a little overwhelmed by the spirit of Pragma-Dialectics and its conception of argumentation, Blair (1987) was more directly influenced by the substance of Pragma-Dialectics and engaged in applicability of the project to the solo unexpressed (non-externalized) argumentative inquiry, as well as the uncooperative argumentative exchange. In Blair's view (1987, p. 198) the former is the internalized two-person critical discussion aimed at settling differences of opinions. The latter has a point if arguers recognize a third-party audience and attempt to answer their doubt or question. Although he (1987, p. 198) recommends removing "the requirement of prior agreement about the procedures to be used to test propositional commitments and validity rules," he states that the revision would significantly expand the scope of application of Pragma-Dialectics.

These remarks on Pragma-Dialectics by Johnson and Blair at the 1986 Conference do not reveal any of the provincialism observed in their initial interaction with van Eemeren and Grootendorst. Instead, they laud and extend the scholarly significance of Pragma-Dialectics, respectively, after reading *Speech acts in argumentative discussion*. Their respect for Pragma-Dialectics was so strong that Blair and Johnson (1987) later wrote "Argumentation as Dialectical" in the inaugural issue of *Argumentation* as their response to Pragma-Dialectics.

If we turn our attention away from Blair and Johnson to others who were informed by their initiative in informal logic and presented at the 1986 Conference, two things become apparent. The first is a communal sense of informal logic and informal logicians that FISIL, SISIL, *Informal Logic Newsletter*, *Informal Logic* and AILACT arguably helped to nurture, and the other is the continued value of the research agenda that Johnson and Blair (1980, pp. 25-26) offered in the proceedings of the FISIL.

When given opportunities to present ideas at the 1986 Conference, those informed by informal logic used the key phrase 'informal logic' to distinguish it from other types of logic or other perspectives of argumentation. Michael Scriven, one keynote speaker at the 1986 Conference, elaborated the notion of probative logic with reference to informal logic. He (1987, p. 15) stated that: "Probative logic (PL) is intended to be in part a successor to and in part a supplement to common versions of 'informal logic' (IL), the name used here to refer to the important recent efforts at improving on the limited utility of formal logic for the analysis of common forms of argumentation."

Discussing a synthesis between logic and rhetoric, Christopher Tindale and Leo Groarke discuss the potential benefit to informal logic. Reviewing logicians' view that an argument is autonomous independent of context and audience, and rhetors' obligation to persuade even with bad reasoning, they (1987, p. 275) state that: "(i)f these two views can be revised through a synthesis of logic and rhetoric, then informal logic, viewed broadly dealing with reasoning in ordinary circumstances, will be both better focused and better equipped for its task."

From Scriven and Tindale and Groarke, it is clear that informal logic is a key term that covers common reasoning or argumentation in ordinary situations. John Hoaglund, in contrast, uses the terms "informal logicians" and "informal logic" to describe situations surrounding logic education. He (1987, p. 389) states that: "(a)t a conference on logic recently, it was surprising and encouraging to hear informal logic acknowledged as a wave of the future for the introductory logic course (for many students, their only logic course). We informal logicians have thought for some time--the surprise was that our view is now more widely shared." What all these scholars reveal is that the phrases like "informal logic" and "informal logicians" were beginning to be presupposed among those informed by Blair and Johnson's initiative. Whether or not informal logic is real might well have been open to argumentation in the philosophical community at the time, in light of the work of John Woods (1980), Gerald J. Massey (1981), or Jaakko Hintikka and Merrill Hintikka (1989). However, these phrases better represent realities about logic and argumentation and make sense to philosophers in pushing the informal logic movement forward.

While we see those influenced by informal logic movement expressing their commitment to informal logic at the 1986 Conference using "informal logic" and "informal logicians," we can find more substantive signs of the scholarly development of informal logic. Turning to the list of problems and issues for the research on informal logic that Johnson and Blair (1980, p 25-26) presented in the proceedings of the FISIL, we find some of them discussed by presenters at the 1986 Conference[6]: the theory of fallacy was discussed by Douglas Walton as well as John Woods; the fallacy approach vs the critical thinking approach by Richard Paul; the viability of the inductive-deductive dichotomy by Trudy Govier, Perry Weddle, Stephen P. Norris and James Ryan; the problem of assumption and missing premises by Hitchcock; the problem of pedagogy by Paul and Mark Weinstein; the nature, division and scope of informal logic by John Hoaglund and Michael Scriven; and the relationship of informal logic to other inquiry by J. Anthony Blair, Christopher Tindale and Leo Groarke, Scriven, and Weinstein. Although some of these issues had already been covered in *Informal Logic Newsletter*, *Informal Logic* and the SISIL, discussing them in front of the audience constituted by non-philosophers and philosophers might arguably help to shape views on the nature of informal logic as a scholarly endeavour.

To summarize this section, the 1986 Conference served three purposes within the informal logic community. First, for Blair and Johnson, it provided opportunities to express their thoughts about Pragma-Dialectics. Second, for those influenced by the informal logic movement, it offered another forum in which to describe what informal logic was and their commitment to it. Finally, it served as a place to present substantive research informed by Johnson and Blair's research agenda. Since the audience consisted of truly international and interdisciplinary scholars, the 1986 Conference was a historically important event for the community of informal logicians.

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[6] Unlike Pragma-Dialectics that started with a comprehensive theory and later paid more attention to actual practices, informal logic, or at least 'pedagogy-led' informal logic, started with practical interest in improving logic education, which partly explains why textbooks preceded more theoretical monographs, as exemplified in Govier's (1987) *Problems in Argument Analysis and Evaluation* or Johnson's (2000) *Manifest Rationality*. Johnson and Blair's (1977, 1983) *Logical Self-Defence* classifies various types of fallacies, refines descriptions of each of them with actual examples, and makes them available to students as analytical, interpretive, and critical tools. In this respect, Johnson and Blair were guided by more practical concerns rooted in empirical practice, which echoes Barth's call to make logic a more empirical endeavour.

3. OUTGROWTHS OF THE 1986 CONFERENCE

The previous section of this article has revealed how informal logicians' interactions within and beyond their own community culminated in their contributions to the 1986 Conference. The description of the historical period has also drawn our attention to the importance of the infrastructure of or media for knowledge production such as conferences, proceedings, the newsletter and the journal, and the professional organizations before the 1986 Conference. This leads the author to consider what infrastructure of or media for knowledge production that the 1986 Conference produced. The conference proceedings published by Foris, journal *Argumentation* and International Society for the Study of Argumentation (ISSA) are the three key outgrowths of the Conference.

The three-volume proceedings of the 1986 Conference, featuring 131 papers selected from more than 150 presentations, serve as a resource in printed and online media available to the public for further scholarship[7]. The four organizers of the Conference—van Eemeren, Grootendorst, Blair, and Willard serve as co-editors of the proceedings. Although Blair (2018) does not recall exactly how much actual editing and proofreading of the manuscripts he did for the proceedings, he remembers making suggestions about which papers should be published in the proceedings. The first volume—*Argumentation: Across the line of disciplines*—in the editors' words (1987, p. 2), assembles "(t)he papers read by the invited speakers, which have a more general interest for argumentation theory." Papers by Scriven, Govier, Johnson, Blair, and Hitchcock, to name a few, appear in this volume. The 1986 and 1990 Conferences adopt thematic arrangements for the proceeding, but the 1994 and proceedings for later International Conferences on Argumentation arrange papers in alphabetical order by the authors' family names. This is probably because arranging them thematically would be more time-consuming.

The journal *Argumentation* provides another forum for argumentation scholars to inquire into key issues on argumentation on a regular basis. Given that the informal logic camp had *Informal Logic Newsletter* and US communication scholars had *Journal of American Forensic Association* (now *Argumentation and Advocacy*), *Argumentation* provided a parallel space for European dialectical scholars as well as scholars from other regions and disciplines. In the Editorial Preface of the inaugural issue of *Argumentation*, the editor-in-chief Jean-Blaize Grize characterizes the journal as follows:

> *Argumentation* is a new international journal. Its aim is to gather contributions from all schools of thought—ranging from literary rhetoric to linguistics, from history to logic, from theological arguments to legal reasoning, from natural inference to the argumentative structure of science.
>
> The basic principle which will guide *Argumentation* is openness to all currents of thought. The journal is meant to gather scholars from all traditions and from all countries. (Grize, 1987, v)

Besides the openness of the journal to scholars with various traditions from around the world, Grize (1987, v) explains its original editorial principle: "(E)ach issue is devoted to a specific theme, and is under the responsibility of a guest editor. We hope thereby to cover the widest variety of subjects in which argumentation plays a role." In this respect, *Argumentation* was not a regular journal with open submission and peer-review process. The journal extensively used this guest editor system, and it was about ten years before the journal became a regular one, starting with volume 11.1 in 1997, when van Eemeren, Grootendorst, Joseph Wenzel, and Woods served as its editors.

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[7] In 2018, when the 9th International Conference on Argumentation is held, the proceedings are available at http://rozenbergquarterly.com/category/language/issa/

Instead of publishing mainly guest-edited issues on specific themes, the editors have decided to put more emphasis on the publication of 'regular' issues, restricting the annual number of guest-edited issues to one. Regular issues consist of papers sent to the editors and submitted to 'double-blind' refereeing by experts in the fields who maintain high quality standards. In this way, the editors hope to create a genuine and interdisciplinary platform for argumentation scholars who wish to present their views on subjects in the study of argumentation to an international forum. (F. H. van Eemeren, R. Grootendorst, J. Wenzel, and J. Woods, J. 1997, 1)

The final notable feature of *Argumentation*, at least when it started, was its advisory board members. They consist of argumentation scholars from different disciplines such as Blair, Sally Jackson, Walton, Weddle, Wenzel, Willard, and Woods, as well as prominent public intellectual figures like Umberto Eco or Jurgen Habermas. While the actual work of these advisory board members and their relations to editor-in-chief, editors, managing editors, and editorial board is beyond the scope of this article, the historical trajectory of the journal's development is worth future research.

Whereas the conference proceedings and *Argumentation* both produce written records of research on argumentation, the International Society for the Study of Argumentation (ISSA) has held the International Conference on Argumentation since its the second time in 1990 and awards excellent researchers in the field. Created at the end of the 1986 conference[8], ISSA took over the International Conference on Argumentation, with the same four people— van Eemeren, Grootendorst, Blair, and Willard serving as co-convenors of the conference until Grootendorst's death in 2000. Thanks to ISSA and the Pragma-Dialecticians of the University of Amsterdam, the International Conference on Argumentation is now the largest conference of its kind and continues to attract scholars from a range of disciplines and from many countries.

A key event during the international conference is when ISSA presents four winners with the Annual ISSA Distinguished Research Award to scholars making significant contribution to the study of argumentation. The first winner was Douglas N. Walton in 1990. Three out of the four winners have gone on to be keynote speakers at the international conference. The first Award winner was Douglas N. Walton in 1990.

4. CONCLUSION

Although North American informal logicians, European dialog logicians and speech act theorists, and U.S. communication scholars independently professionalized the study of argumentation as a field of scholarly inquiry, true interdisciplinarization and internationalization of the field occurred after the 1986 International Conference on Argumentation. Arguably, the 1986 Conference was one of the defining moments in the contemporary study of argumentation in that it promoted interaction across fields and prepared an overarching infrastructure of or media for knowledge production. This final section summarizes what has happened in informal logic and argumentation communities.

Judging by the activities of informal logicians and other argumentation scholars, the consequences of the conference are clear. Blair and Johnson jointly or individually presented and published their ideas in various outlets. They (1987) published "Argumentation as Dialectical" in an inaugural issue of *Argumentation*. Also, they spoke at the ALTA Conference in 1993 and published their papers in the proceedings. Individually, Blair was more active than Johnson in this respect partly because he was a convenor of the 1986 Conference. He presented at the ALTA conference in 1987 and publish it in the proceedings

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[8] Blair (2018) speculates that ISSA was in the minds of van Eemeren and Grootendorst before the 1986 Conference and was 'officially' created at the end of the 1986 Conference.

as well as norms on argumentation conference held in Utrecht in 1988. Additionally, he served as a board member of Armenian Association of Argumentation.

In addition to participating in argumentation conferences and publishing in publication outlets for other disciplines, Blair and Johnson made efforts to make informal logic more inclusive. The Third International Symposium on Informal Logic (TISIL) demonstrates the field's international and interdisciplinary growth. They invited scholars in other disciplines, such as van Eemeren and Grootendorst (Dutch Pragma-Dialectical scholars), Barth and Krabbe (Dutch dialog logicians), Willard and Joseph Wenzel (U.S. rhetoric and communication scholars), and Richard E. Nisbett (a U.S. psychologist). Out of the TISIL, they (1994) published *New essays in informal logic*.

Turning to two other scholars influenced by informal logic, Govier (1987) wrote *Problems in argument analysis and evaluation*, published by Foris Publication located in the Netherlands. Walton started contacting Erik C. W. Krabbe and met him at the 1986 Conference, which eventually led to their (1995) *Commitment in dialogue: Basic concepts of interpersonal reasoning*. Walton (1997) also co-edited *Historical foundations of informal logic* with Alan Brinton, another participant in the 1986 conference. Contributors to this book include other participants such as Raymie McKerrow, Grootendorst, Johnson and Blair. While Walton (2016) did not state in the interview whether the 1986 conference had led him to contact Brinton, we can presume so, based on the fact that the two participated in the conference.

While it is beyond the scope of this article, because of its significance, the 1986 conference should be examined by argumentation scholars with disciplinary backgrounds other than informal logic, for example rhetoric, dialectic, and other perspectives. Also, in light of the lack of historical projects on the study of argumentation, the author would like to urge scholars in other disciplines to research the history of study of argumentation in general, though rooted in their respective disciplinary backgrounds.

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Trumped-up arguments: Lies, 'alternative facts' and deception in political debate

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ABSTRACT: Recent political disputes have revealed a persuasive efficiency of lies in public debate and social media. In the public sphere, in which mass audiences are addressed, honesty and truthfulness in argumentation appear to be decreasingly relevant. While ancient theorists were divided on the issue if a speaker might resort to false statements in the interest of persuasiveness, modern approaches such as informal logic or pragma-dialectics rather focus on acceptability of premises, which does not necessarily include truthfulness. The paper analyzes the role of deception in political debate by looking at a taxonomy of mendacities, the effects of made-up 'alternative facts' within argument schemes, the limited ability of mass audiences to tell truth from lies, and detrimental effects of normative language and thought regulations on confidence in the honesty of arguments.

KEYWORDS: alternative facts, argument, deception, fake news, lie, truth, truthfulness, statement, premise, visual argument

1. INTRODUCTION

When I first submitted the proposal for this paper, I did not anticipate how relevant the topic was going to become. My motivation then arose primarily from the experience of the UK Brexit campaign and the 2016 U.S. presidential elections, two events that deeply disconcerted my until then fairly unshaken confidence in the rationality of argumentation in the public sphere. Yet at that moment, I was still convinced this would only be a temporary and transitional disorder. In the meantime, however, things have developed for the worse. Since then, we have seen a general election campaign in Germany, a heated debate on migration in Germany and other European nations, and a series of profound controversies between the U.S. president and the European Union. As a consequence, I had to realize that not only has the use of blatant lies in political debate become more widespread in certain political circles, but – which is worse – also much more efficient and successful than I had ever imagined.

For these reasons, I find it more necessary than ever to shed some more light on the structures of arguments that are based on falsehoods and on the reasons for their obvious persuasiveness. I will start from a definition of what is a lie and some statements on truth and lies from ancient rhetoricians as well as modern argumentation theorists. I will then present a few pertinent cases, from which I will derive a taxonomy of different forms of lies and deceptions and their respective impact on various types and schemes of argument. In a final step, I will try to survey potential reasons for the efficiency of such arguments, and will close with suggestions on possible remedies.

2. DEFINITIONS

A standard definition of a 'lie' would be that it is "a believed-false statement [made] to another person with the intention that the other person believe that statement to be true." (Mahon, 2015, section 1). This definition is a more detailed specification of earlier definitions given e.g. by Isenberg (1973, p. 248) and Primoratz (1984, p. 54, note 2).

This basic definition contains four elements, none of which has been uncontested: First, it presupposes that a lie must have the form of a statement (statement condition). This condition comprises statements made by way of any conventional sign code, including also visual means or bodily gestures. Against the statement condition, it has been objected on the one hand that a statement is not a necessary condition for lying, but that lying may consist in any form of behavior apt to create a false belief in the addressee (Smith, 2004, p. 14; Vrij, 2000, p. 6), including also withholding information with the intent to deceive (Ekman, 1985, p. 28; Scott, 2006, p. 4), but on the other hand that it is an insufficient condition, and that for there to be a lie, not only an untruthful statement, but an untruthful assertion must be made (thus excluding ironic, joking, fictional or 'acted' statements; see Chisholm & Feehan, 1977; Fried, 1978; Simpson, 1992; Williams, 2002; Faulkner, 2007; Sorensen, 2007, p. 256; Fallis, 2009; Stokke, 2013a).

Second, it requires that the speaker knows and believes the statement to be false (untruthfulness condition). But may it not be possible to lie unconsciously, based on insufficient or incorrect information? Some critics have in fact postulated that the statement must also be objectively false, not only believed by the speaker to be false, others that it will be sufficient if the statement is at least not believed to be true (Carson, 2010, p. 18). What, however, if a speaker unwittingly tells the truth, although she believes the statement to be false and intends to deceive (Isenberg, 1973, p. 248; Lindley, 1971; Faulkner, 2007), or if she knowingly tells the truth, but with an intention to deceive (e.g. by omitting relevant details) (Adler, 1997; Saul, 2012), or if a person makes a statement she believes to be neither true nor false, but meaningless (Chisholm & Feehan, 1977, pp. 155-156)?

Third, the untruthful statement must be addressed to another person (addressee condition; see Simpson, 1992, p. 626). Yet may it not be sufficient that the untruthful statement is just made (Griffiths, 2004, p. 31; Shibles, 1985, p. 33), and may it not be possible to lie to third parties that are not directly addressed (such as eavesdroppers), or to institutions (such as a bank or the tax authorities, Newey, 1997, p. 115)?

And fourth, it requires that the speaker intends that this other person believe the untruthful statement to be true (intention to deceive condition); this requirement has been most objected to (e.g. Shibles, 1985, p. 33; Griffiths 2004, p. 31; Sorensen 2007; Fallis, 2009; Carson, 2010; Saul, 2012; Stokke, 2013a; 2013b). For there may be situations in which someone utters a lie, yet without the intention to deceive anyone (for instance a witness who pretends not to have been on the spot, so as not to be dragged into the case; see Mahon, 2015, section 1.5.1).

But most importantly, this definition as it were only shifts the problem to another, no less inaccessible and spiny field, since it presupposes the availability of a reliable definition of truth, which however is equally difficult to attain (see, e.g. Weinstein, 2007). Independently of whether one tries to define truth in terms of logical coherence (coherence theory), or as correspondence between our beliefs and reality (correspondence theory), or on a purely linguistic level (semantic theory), or more pragmatically as a product of trial-and-error reasoning (pragmatic theory), "it is far from clear that truth is a definable notion" at all (Halbach & Leigh, 2018). None of these definitions is easily accessible, nor do any of them warrant a standard of incontestable truth.

Perhaps, after all, the borderline between truth and lies (or, in a more sympathetic term: fictions) is not as easy to draw as it may seem. The Israeli historian Yuval Noah Harari has recently pointed out that 'fake news' and 'post-truth' are not new phenomena, but "humans have always lived in the age of post-truth. *Homo sapiens* is a post-truth species, whose power depends on creating and believing fictions. Ever since the Stone Age, self-reinforcing myths have served to unite human collectives." (Harari, 2018, p. 238). According to Harari, some long-lasting fictions (such as religions, national myths etc.) may turn into truths, and lies told over and over again may become truths. All human communities need myths for their cohesion. From this point of view, the border between truth and fiction gets blurred.

3. TRUTH AND LIES IN ARGUMENTATION THEORIES

Of ancient theorists on rhetoric and argumentation, it is Aristotle who is most adamant on the requirement of truthfulness in all argumentation. For him, although rhetoric is mainly concerned with probabilities, "the true and that which resembles it come under the purview of the same faculty, and at the same time men have a sufficient natural capacity for the truth and indeed in most cases attain to it; wherefore one who divines well in regard to the truth will also be able to divine well in regard to probabilities." (*Rhetoric* I.1, 1355a14-18, trans. Freese, 1926, p. 11). In the *Poetics*, however, he seems to be conscious of the fact that factuality does not necessarily implicate plausibility, which is why poets prefer fictitious plots (1451 b 30-31). But he insists on an orator being truthful as part of his ethos. Compared to this very strict position, it is Plato (would one believe it?) who under certain circumstances, and especially in political contexts, does allow for lies if employed by philosophically skilled rulers, as a kind of medicine: see e.g. *Republic* III 389b-c: "The rulers then of the city may, if anybody, fitly lie on account of enemies or citizens for the benefit of the state; no others may have anything to do with it […]." (trans. Shorey, 1937, p. 213; see also II, 382c-d; III 414b-c).

In that respect, Roman rhetoricians were much more indulgent; perhaps least so Cicero. But the author of the *Rhetoric to Herennius* (around 85 B.C.E.) is perfectly willing to allow for fabrications of facts in the interest of plausibility, even so in a judicial context. But: "If the matter is true, all these precautions [for plausibility] must none the less be observed in the Statement of Facts, for often the truth cannot gain credence otherwise. And if the matter is fictitious, these measures will have to be observed all the more scrupulously." (*Rhetoric to Herennius* I.9,16, trans. Caplan, 1964, p. 29). And Quintilian in that respect follows suit: "They allege also that rhetoric makes use of vices, which no art does, in speaking falsehoods and exciting emotions. But neither of these is disgraceful when it is done for a good reason; therefore it is not a vice either. To tell a lie is sometimes occasionally allowed even to the wise man; and as for rousing emotions, the orator is bound to do this if the judge cannot be brought to give a fair judgement by other means." (*Institutio oratoria* II.17,26-27, trans. Russell, 2002, p. 389). Yet who decides what counts as a good reason for being untruthful?

Yet not even modern theories of argumentation seem to require perfect truth of propositions as a basis for good argument. Especially Hamblin (1970, pp. 234-246) objected to truth as a precondition for the acceptability of premises and opted for their actual acceptance by the recipient instead (see Blair, 2012, p. 94). But such a position would make even mendacious premises acceptable, if they are accepted, which is often the case, as we are experiencing today. Hence, although Johnson basically defends "the truth requirement" against Hamblin (Johnson, 2000, pp. 197-199; see also 1996), Johnson and Blair resort to acceptability; they regard a premise as "acceptable when it is reasonable to expect a member of the audience to take the premise without further support" (Johnson & Blair 1994, p. 297),

or when it is appropriately supported if challenged (p. 76). Other informal logicians have concurred (e.g. Govier, 1985; Freeman, 1988; Little, Groarke & Tindale, 1989).

Nor does pragma-dialectical theory strictly require truthfulness of a statement advanced (see van Eemeren, Grootendorst & Snoeck Henkemans, 2002, pp. 182-183; van Eemeren & Grootendorst, 2004, pp. 190-196). According to the second of the 'ten commandments', a party that advances a standpoint is only obliged to defend it when requested to do so by the other party, i.e. when the standpoint is challenged. And commandment 6 only requires that a premise may not be falsely presented or denied as the accepted starting point for a critical discussion, regardless of its propositional content. Otherwise, there are only rules on procedure or logical validity, but none on propositional contents.

Are lies then acceptable after all as starting points for argumentation in the interest of efficiency and persuasiveness, or for a good cause? Some theorists, including Benjamin Constant (1796, in a controversy against Immanuel Kant's moral rigorism), John Stuart Mill (1863), and Henry Sidgwick (1907), or, more recently, Sissela Bok (1978); Alasdair MacIntyre (1995) or Shelly Kagan (1998) have actually gone as far as that.

4. SIX SAMPLE CASES

To find out how such arguments work, let us look at a few recent cases from the political sphere.

4.1 The NHS millions case

In the course of the Brexit campaign in 2016, champions of Brexit, including especially Boris Johnson and Nigel Farage, used as one of their strongest arguments the promise that the 350 million pounds the UK allegedly paid to the EU every week should better be used to fund the suffering British National Health Service. Then, after the referendum vote in their favour, it turned out that such a redeployment of financial resources was neither intended nor even possible. Suddenly there were 'no guarantees'. Farage even denied that such a promise had ever been made and claimed he had been misunderstood. But, as he and Boris Johnson liked to campaign in front of a giant poster saying "Let's give our NHS the £350 million the EU takes every week", it can hardly be denied. That promise had very clearly been deceptive.

As Kirsty Major wrote on Johnson in the *Independent* of 27 June 2016: "But then what did we expect from a man who has been fired not once but twice for lying?" (Major, 2016). In fact, as Sonia Purnell, author of a biography on Boris Johnson, reports, in 1988 Johnson had been sacked from *The Times* for fabricating a quote in an article, and in 2004 he had been "relieved of his duties" as shadow arts minister of the Conservative Party for allegedly lying about an extra-marital affair. Colleagues from his time as Brussels correspondent for *The Daily Telegraph* also well recalled "Johnson's half-truths", and it was likewise remembered that he had not kept many of his promises made during his tenure as Lord Mayor of London (Purnell, 2011).

4.2 The inauguration crowd case

After the Inauguration ceremony of Donald Trump in January 2017, White House press secretary Sean Spicer accused the media of lying about how small the crowd had been compared to Barack Obama's and actually claimed it was "the largest audience ever to

witness an inauguration, period, both in person and around the globe", in spite of manifest photographic evidence and figures from public transport.

Famously, in her defence of Spicer's allegations, Kellyanne Conway, Counselor to President Trump, coined the expression 'alternative facts', which has meanwhile become a kind of ironic label for the use of false statements in political argumentation. In her view, what Spicer had presented were not lies, but 'alternative facts'. Basically, this expression is an oxymoron, since 'facts' refer to an unambiguous reality of things, which by definition will not allow for 'alternatives'.

4.3 The Bowling Green massacre case

The same woman Kellyanne Conway was also responsible for what is known as the Bowling Green massacre case. In justifying Donald Trump's immigration ban on people from some Muslim countries, she spoke about a "massacre" allegedly committed by Iraqi refugees in the town of Bowling Green, Kentucky, which would have led to an immigration ban on Iraqi people decreed by President Barack Obama. Yet such a massacre had never happened. In truth, two Iraqi individuals had been arrested at Bowling Green and tried for terrorist activities against US soldiers in Iraq. But never was there any attack at Bowling Green, nor was there ever a subsequent immigration ban on Iraqi people decreed by President Obama. The Bowling Green case may hence rightly be regarded as a clear case of manipulation of facts.

Let me add three more cases from recent German politics:

4.4 The Käßmann citation case

In May 2017, German female Protestant bishop Margot Käßmann publicly criticized the ideas on family policy expounded by far-right populists, who stipulated that "biologically German parents" should give birth to more children. What she actually said in a speech given on the occasion of the German Protestant church congress was: "Das ist eine neue rechte Definition von 'einheimisch' gemäß dem sogenannten kleinen Arierparagraphen der Nationalsozialisten. 'Bio-deutsch' soll nämlich bedeuten: Zwei deutsche Eltern, vier deutsche Großeltern: Da weiß man, woher der braune Wind wirklich weht." ("This is a new, right-wing definition of 'domestic' quite similar to the Nazi paragraph on Aryan descent. For "biologically German" is meant to say: two German parents and four German grandparents. There you know whence the brown wind really blows.")

Yet in negligent press reports and very soon also in right-wing social media her statement was cited in a curtailed and decontextualized form, so that it appeared to say: "Two German parents and four German grandparents: There you know whence the brown wind really blows." As a consequence, she was maliciously accused by right-wing conspiracy theorists of bluntly denouncing as Nazis all Germans born from German parents and grandparents (see Sängerlaub, Meier & Rühl, 2018, pp. 25-30). This is an example of how curtailment or decontextualization of a statement may completely distort its message.

4.5 The fake police instruction case

In August 2017, on various websites there appeared an official-looking instruction dated July 13, 2017, allegedly issued by the Secretary of the Interior of the land of Northrhine-Westphalia to all police forces, to the effect that all crimes committed by refugees or migrants should be hushed up on superior orders. This 'document', however, was a complete fabrication: Yet in spite of a plethora of spelling mistakes it was nonetheless shared and forwarded massively in right-wing circles (see Sängerlaub, Meier & Rühl, 2018, pp. 40-43).

In this case, the fake was debunked almost immediately by an official statement from public authorities (Polizei NRW, 2017), a measure that had an instant effect and led to its swift disappearance from the web, which is quite rare in fake news cases (Sängerlaub, Meier & Rühl, 2018, pp. 42; 79-80).

4.6 The Münster amok driver case

On April 7, 2018, a car driver ploughed full speed into a group of people sitting outside a restaurant in the German town of Münster. There were a number of casualties. Because of similar terrorist attacks that had happened in Britain and Germany, suspicions were quickly raised about a possible Islamic terrorist background. And before long, in some social media a screenshot from an Austrian TV news show was presented that featured a bearded, Arabic-looking man. Combined with a footer saying "Car ploughs into crowd – several casualties", the picture was taken to be showing the attacker. Again, that picture was instantly exploited by certain political circles as an argument against liberal immigration policy. Yet it soon turned out that the individual shown was quite simply a harmless eyewitness, who had been interviewed after the incident. The actual driver was later discovered to be a mentally insane German. This misinterpreted picture is thus a good example of a deceptive visual argument, arising from a hasty and unfounded association of picture and accompanying text.

5. A TAXONOMY OF TYPES OF LIES AND DECEPTIONS

From this random selection of cases, a taxonomy of types of lies and deceptions can be derived. The majority of cases are indeed based on false statements. A taxonomy proposed by a recent study on fake news by a German think tank subdivides these in 'misinterpreted content', 'manipulated content' and 'fabricated content' (Sängerlaub, Meier & Rühl, 2018, p. 23). Of our cases the case of Margot Käßmann may be categorized as misinterpreted content, since the quotation had already been infelicitously curtailed and decontextualized in the press release. Misinterpreted content may perhaps also be attested in the Münster amok driver case. Kellyanne Conway's Bowling Green massacre story might or might not be regarded as misinterpreted content. It could just as well have been manipulated content. Yet content may also be completely fabricated, or trumped-up, as the English language felicitously has it. The inauguration crowd case, for instance, is at least manipulated, if not fabricated content. Most clearly fabricated is the case of the fake police instruction.

Our examples, however, also exhibit two special cases. The NHS millions case does not—strictly speaking—involve a false statement, but a dishonest promise. It is hence obviously possible to lie also by making promises one has no intention to keep. In political campaigning, this is of course a very frequent strategy.

The Münster amok driver case, on the other hand, demonstrates that it is not only by way of verbal statements that it is possible to lie, but visual documents may equally be deceptive or made to deceive. A picture may either unwittingly or intentionally be misinterpreted or even manipulated. With modern technical means, it will certainly even be possible to fabricate a picture entirely from scratch.

It may be noted as well, although this is less prominent in our examples, that a lie may also consist in the concealment of relevant facts. This may be partly involved in the NHS millions case, or in the Käßmann case.

Finally, a rather mild form of lying or deception may also be identified in what Daniel Kahneman and Amos Tversky have called 'framing', that is the method by which one and the same fact may be presented in linguistically and syntactically different ways, so as to have

some influential impact on its perception by the recipient (Kahneman & Tversky, 1984). The way a certain statement is interpreted and processed may be decisively (and purposefully) influenced by such linguistic manipulations (see Schulze, 2013).

6. EFFECTS OF LIES ON DIFFERENT ARGUMENT SCHEMES

How would untruthful premises affect various argument forms and schemes? In an argument reduced to standard syllogistic structure, of course, any of the premises, or even both, may happeon to be false. Yet this does not necessarily affect the truth of the conclusion, which may still be true despite the falseness of premises. The conclusion just does not follow from the false premises in that case. So what we have there is rather a problem of relevance. The same is true for all kinds of enthymematic reasoning. Certainly, an argument can also become invalid because of its invalid formal structure. But such cases are not at issue here.

In argument forms of propositional logic, according to the scholastic principle "ex falso quodlibet", a false antecedent will make any implication truth-functionally true. Yet this will not necessarily make the conclusion true as well. Since any implication with a false antecedent is true, no matter whether the consequent is true or false, the consequent may just as well be false; and one runs into a relevance problem here as well. For example, even if it may be truth-functionally true that if the crowd at his inauguration was the biggest ever, Donald Trump is a popular president, this does by no means prove that he *is* a popular president, or at least this does in no way follow from the antecedent, which in that case is irrelevant. But such arguments may still psychologically impress an audience.

If an argument is laid out according to the Toulmin model, it is mostly the data that may be represented by false or deceptive statements, thus depriving the inference of its factual basis. A completely made-up warrant is harder to imagine, but perhaps not entirely impossible, but it may be more easily detected. Yet, on the Toulmin model, lies may be involved also in some other way, namely by way of a concealment of relevant rebuttals. This is probably the most efficient and most covert way of manipulating such a type of argument.

In inductive arguments, made-up facts may be efficiently adduced to strengthen a case by adding more corroborating instances. But it is obvious that such manipulation is guilty of wilful deception and will weaken or invalidate the entire argument, if it is detected.

Finally, in an argumentation that involves visual elements, a lie or deception may consist either in a picture that is entirely fabricated (such as in a photomontage), or else in the misattribution of a picture and its accompanying paratexts, such as in the attribution of a false name or date to a portrait.

7. POTENTIAL REASONS FOR ACCEPTANCE OF LIE-BASED ARGUMENTS

It should have emerged from the preceding considerations that premises consisting of lies or untrue statements are not normatively acceptable and that arguments based on such premises are practically always logically or ethically invalid. But why then are they so efficient and apparently broadly accepted? Several reasons for this come to mind:

First, in such arguments, the argument structure itself basically looks impeccable. Unless the falsity of at least one of the premises is laid bare, the outward appearance of a logically valid argument makes them appear sound.

Second, fake premises are as a rule tailor-made for the purpose they are intended for. Hence they usually fit in with the overall argument as nicely as can be and thus create the impression of a perfect inference.

Third, made-up premises are practically always very simple, simpler than genuine arguments, which naturally tend to be more complex and intricate. In his contribution to the last ISSA conference, based on theories by Evans (2008) and Kahneman (2011), Jan Henning Schulze has introduced a dual-process account of reasoning: "System 1 consists of cognitive processes that are fast, automatic and effortless. System 1 is driven by intuitions, associations, stereotypes, and emotions. […] System 2 is able to think critically, to follow rules, to analyse exceptions, and to make sense of abstract ideas. […] These processes take effort and concentration." (Schulze, 2015, p. 1313). As Schulze emphasizes, in most cases these two different systems of cognitive processes interact. System 1 tends to replace difficult questions and answers by simple ones and to impose simple inferences on the reasoner. System 2, if activated, would normally be able to detect and correct fallacies committed by System 1. Yet the question is whether or not an audience is willing to activate System 2. As we may learn from the Elaboration Likelihood Model, this is often not the case (see Petty & Cacioppo, 1986). Therefore, especially mass audiences with a low cognitive interest, but high personal involvement quite readily jump to simple solutions if they are offered them, and especially so if the conclusion is something they like to hear, and in accordance with their own predisposed world-view. This effect is further enhanced by the fact that supporters of populist political positions prefer to get their information from a closed circle of like-minded sources that tend to buttress and reinforce their own views and create a self-reinforcing bubble, whereas alternative sources of information are regularly shunned off and duly denigrated by demagogic populists as 'fake news' or the like (thanks to David Hitchcock for pointing to this fact in discussion).

Likewise in accordance with the Elaboration Likelihood Model, made-up arguments are usually deliberately made to be quite spectacular and provocative, and are therefore eminently attractive to mass audiences with low cognitive interest, but with high personal involvement. By the same token, such arguments are often accompanied by supportive persuasive measures on the ethotic and pathetic level (such as pathetic gestures, loud voice, or patriotic bombast), meant to distract addressees from any weaknesses of the argument on the central route of processing. For mass audiences with a reduced capability of telling truth from lies as a rule strongly tend to rely preferably on the peripheral, ethos-and-pathos-oriented route of argument processing.

Finally, after years of normative speech and thought regulation for political correctness, the broader general public have frequently lost confidence in the honesty of arguments brought forward in political debates and have developed a certain distrust in the traditional media as sources of information, which they think to be controlled by the elites; hence they rely more on the completely uncontrolled and uncontrollable social media, which however are open to any kinds of unchecked statements that may look interesting, appealing and new to them, regardless of their ultimate reliability.

8. CONCLUSION

Now that we have seen how lies operate in argumentation and why they are so efficient, we are finally in a position to ask if there may be any hope for a remedy against them. On the one hand, this may ultimately be a matter of political culture, of a disciplining of political rhetoric and debate from mere mutual gainsaying toward something more like a critical discussion. What will also be needed is a more efficient routine of fact-checking by independent agencies; and debunking of fakes must be instant, lest it be inefficient. Furthermore, social media also need to be better controlled for the reliability of their contents. And, as Yuval Noah Harari stipulates, scientists should be much more engaged with current public debates

and make their voices heard, since the scientific community has been our most reliable source of knowledge for centuries (Harari, 2018, p. 248).

On the other hand, public audiences must be persuaded to at least partly switch back from the peripheral to the central route of argument processing. They should be made more sensitive to the difference between truth and lies and to methods how lies can be detected. This is very clearly an issue of protracted, even life-long education. In that context, tenacious education in critical thinking will be paramount, even more so today than in any previous period.

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Why the Gambler's Fallacy is really a paradox

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ABSTRACT: The Gambler's Fallacy is often characterized as using past outcomes of independent probabilistic events to inform one's expectations of similar future events. Such reasoning is taken as fallacious, because the outcomes of past flips are irrelevant to the probability of outcome of the next flip. I defend the idea that the Gambler's and Reverse Gambler's fallacies cannot simultaneously both be genuine fallacies. Reason requires that we choose one of these instances of supposed bad reasoning.

KEYWORDS: coin-flip, fallacy, gambler's, Guildenstern, paradox, prior, probability, reasoning, reverse, surprise

1. INTRODUCTION

The Gambler's Fallacy is often characterized as the using of past outcomes of independent probabilistic events (like coin flips) to inform one's expectations of similar future events. One might conclude that, since there have been 5 heads flipped in a row, chances are higher that the next flip will also be heads. Or conversely, one might conclude that after 5 straight heads, chances are higher that the next flip will be tails (the Reverse Gambler's Fallacy). These are taken to be fallacious, because the outcome of past flips is irrelevant to the probability of outcome of the next flip (the outcomes are really equiprobable). In his paper, "Why throwing 92 heads in a row is not surprising", Martin Smith attempts to explain away one of the psychological motivations for committing such fallacies – that some probabilistic outcomes are surprising (and thus less likely). He uses a famous exchange between the main characters in the play, "Rosencrantz and Guildenstern are Dead", to make the case – siding with Guildenstern – that even 92 heads in a row should not surprise. Both Smith and Guildenstern are mistaken. In this paper, I defend the idea that in cases such as these, the Gambler's and Reverse Gambler's fallacies cannot both be genuine fallacies. Instead, reason requires that we choose one of these instances of supposed bad reasoning.

The Gambler's Fallacy will be familiar to anyone who has spent any real time in a casino. The most prominent examples seem to occur at the roulette table, no doubt due in part to the fact that casinos provide information as to the results of recent spins of the wheel. In the past, patrons could request tally sheets, on which they could track the results themselves. However, technology has made this unnecessary. Now, one is much more likely to see an electronic screen that shows the recent percentage of black, red, and green results, which areas of the wheel are "hot" or "cold", as well as the last 15 or so numerical results. That the casino provides such information is evidence of its demand by patrons, and the awareness on their part that patrons having such information encourages their betting – which of course, benefits the casino. Since the roulette table represents a Dutch book betting scenario (a scenario where equal bets placed on each option guarantees a win for the house), what matters is that people keep betting. Many bettors, on seeing a string of, say, three consecutive "red" results, conclude that red is "hot", and place another bet on red. Others, thinking that a black outcome

is overdue, bet on black. There are examples of the Gambler's Fallacy and Reverse Gambler's Fallacy respectively. They are both considered fallacious for the reason given above, that past spin outcomes, being independent events, are irrelevant to the current outcome. It is not uncommon for such fallacies to be discussed at the table, and even pointed out as fallacies (though this seems to have little effect on the betting). They indeed have a strong psychological pull. Seemingly implicit in the fallacy is the belief that there is some mysterious causal factor at work (luck, perhaps) that could explain the surprising result. In the first act of the aforementioned play, Rosencrantz and Guildenstern speculate wildly as to such causes – even supernatural ones.

2. BEING SURPRISING VS. BEING UNLIKELY

Smith attempts to ground the psychological pull of these fallacies in the supposed surprising nature of the outcomes. If we think of the odds of a black outcome as being very nearly 50/50 (or ½), then 3 consecutive non-black outcomes is "surprising", and thus we are motivated to adjust our probability assessment for the next outcome. Smith believes this is a mistake, for a couple of different reasons. One is his endorsement of what he calls a 'conjunction principle' (that he attributes to Wolfgang Spohn). Roughly, the idea is that if two independent events are each unsurprising in their own right, then the conjunction of those events will also be unsurprising. Applied to coin flips, if it is unsurprising that each of two individual coin flips results in a heads outcome, then it is unsurprising that there are two heads results. And so on for as many flips as you like – even up to 92 flips. Since no particular heads result is surprising, the entire sequence is unsurprising (or shouldn't be, anyway).

He recognizes that this will seem counter intuitive to many, so Smith goes to great lengths in justifying the claim that seemingly surprising results (like 92 straight heads) really are not (or shouldn't be) that surprising at all. But why? Shouldn't we be surprised at a series of 92 consecutive "heads" flips. After all, the probability of such an occurrence is approximately 1 in 5000 trillion trillion.

Though he doesn't say so explicitly, it is clear that Smith thinks that at the bottom of such suspicions is a confusion between something's being surprising and something's being unlikely. He correctly points out that though such a "HHHHHHH ……" result is unlikely, it is not more or less unlikely than any other combination of results from 92 flips. The all-heads result may stand out, but not for good reason. Calculating the odds of "HTHTHTHTHT …..", or "TTTTTTTT . . .", or "THHTHTTTH ….." (for 92 flips) comes to 1 in 5000 trillion trillion as well. And since each of these possibilities is equally probable, we shouldn't be surprised when one such outcome arises – one such outcome must arise. The all-heads result may stand out too us, appearing patterned. But that says more about us than the probability of the flip outcomes.

Consider perhaps a more common case – that of poker. A royal flush is a five-card hand in which one has the A-K-Q-J-10, all of the same suit. It is a very good hand – indeed the highest hand one can get in standard poker. One is unlikely to get such a hand (I have never gotten one, myself). However, such a hand is not more unlikely than getting the hand – 3 of clubs, 5 of diamonds, 8 of hearts, jack of spades, and queen of clubs. The standard deck has one each of these cards, as is the case for those cards making up the royal flush. Of course, the royal-flush hand stands out to us, because it will win us that hand of poker. The queen-high hand will almost certainly lose. And as far as winning goes, the frequency of getting hands <u>like</u> the queen-high hand is much greater. There are many such card combinations that are likely losers. But, and this is Smith's point, each "loser" hand is equally

likely, and equally as likely as a royal flush. While we should be happy about seeing a royal flush upon turning over our cards, we shouldn't be more surprised by it than by seeing the particular queen-high hand.

I take it that what Smith thinks genuine 'surprise' is, is the calling for of an explanation of an event's occurring - an explanation that is not already in use, so to speak (though again, he doesn't define "surprise" explicitly). Though unlikely, the royal flush is not surprising in that its appearance doesn't require our searching around for a special explanation of its occurring. There's nothing going on here that can't be explained by mere probability. Similarly, the 92-heads result, though unlikely doesn't require explanation either. The all-heads result is "patterned", just like the royal flush is. But that doesn't in itself require an interesting causal factor to produce it. And so, to return to the roulette wheel, even if a large number consecutive red results occurs, believing that these results should inform expectations as to future results is to reason fallaciously. There is no special causal factor at play (producing all the heads outcomes). And so, the psychological pull towards extreme Gambler's Fallacy- type cases is really motivated by a confusion between something's being surprising and something's being unlikely.

3. THE PROBLEM

As I suggested above, this is correct, up to a point. But it doesn't get to the heart of the matter. Smith goes too quickly past the crucial issue, as is evidenced by this passage:

> When faced with this result, of course, it is sensible to check (as Guildenstern does) whether the coins are double-headed or weighted or anything of that kind. Having observed 92 heads in a row, one should regard it as very *likely* that the coins are double-headed or weighted. But, once these realistic possibilities have been ruled out, and we know they don't obtain, any remaining urge to find *some explanation* (no matter how farfetched) becomes self-defeating. As difficult as it may be to accept, there *doesn't have to be* an explanation for this – and it's not rational to search for one. (Emphasis his. Smith 2017)

What is so peculiar about this passage is the bit about it being "sensible" to check to see whether or not the "likely" event of the coin's being weighted. I very much agree that it is sensible, but It's worth asking *why* it is. After all, if the 92 straight heads result isn't surprising (supposedly), what is the motivation to look these other causes? It doesn't seem at all sensible to look for "weighted coin" issues when faced with a "HTHHTTTHTHHTTHTH…" set of results.

The issue here is that the all-heads result prompts us to question are initial probability assessment regarding the flipping of the coin. Was I correct when I initially set the probability of an individual heads outcome as ½? One should worry that one erred in assigning that probability, and that is why one is checking for things like special weighting. If the coin were a double-sided heads coin, then I should not have assessed the probability of a heads outcome at 1/2. I should have assigned it a probability of very nearly one. Bayesians have a name for this: conditionalizing one's prior probabilities. But one need not be a Bayesian to see the point.

If Smith is correct, then there is no upward limit here. Why concern ourselves with just 92 heads? How about a 1000, or a million in a row? (Other than for stylistic reasons of being able to use the play as a foil). The same reasoning could be used for any of these other

cases. If, say, a coin were flipped with a 1000 straight heads, I ought to worry that there is some causal factor at issue. Whether I know the causal factor, or can find one upon some sort of investigation, is beside the point. Let's try some thought experiments.

Suppose I'm playing poker, and I get the queen-high hand referenced earlier. Not surprisingly, I lose. No big deal. Suppose the next hand, I get the *very same* queen-high hand. "OMG!", I say to my table-mates. "What are the odds of that?!" Then in the next hand, I get it again. I should get up and walk away from the table. It is reasonable to believe that there is some causal factor here. That should not have happened, if the probability for getting that particular hand were as I had thought they were. (A parallel can be drawn between this case and the 92-heads case, if you consider the above sequence as just three consecutive 30-heads sequences.)

It is important to note that, contra Smith (and Guildenstern), it does not matter that I can pinpoint the nature of the cause. There could be a shuffling issue, or cheating, or God knows what else. (Even to the point of being "farfetched". Guildenstern's speculation about supernatural causes seems less ridiculous when faced with a one in 5000 trillion trillion event.) The idea that "checking" for some of these causes, and finding nothing out of sorts, should set my mind at ease reminds of illusionists inviting onlookers to see if there is something up their sleeve. They find nothing, and the audience expected as much. But they audience knows there is a trick coming, though they've no idea what the mechanism is. It is also important to note that this is not to reject the idea that the flips are not truly independent of each other. It is not the claim that past flipping that affects the probability of the future flips. There is, perhaps, a causal mechanism governing both past and future flips, that produces heads. Indeed, this is what is wrong with the conjunction principle. The flips may be independent, and individually the results may not be surprising. But the entire string is surprising – surprising that is, unless there is such a causal mechanism producing these results.

Another example: Suppose we are in a possible world where there are lots of coins, but none have yet been flipped, as a decision-making tool – or even just for fun. Smith says, "Hey, if we flip this coin, what are the odds of a heads coming up?" One might reasonably expect observers to place the odds at ½, since there are two options. Suppose though that the next one million flips produced a heads, each time. Surely, the probability would no longer be assigned at ½. It would very likely be assigned a probability closer to one. It might even be speculated that there is a natural law of coin flipping, such that coins, of necessity, come up heads. Smith cannot say this, of course, as the million heads-flips is compatible with a probability of ½ for heads for each flip – and on his view, the million-heads result is just as likely as any other million-flip result. (So similar reasons, he might not see the need to get up and walk away from the poker table.) This is, I think, and absurdity. The point is that the 92 consecutive heads case is like these others.

Another problem Smith faces has to do with a seeming confusion regarding what one commits oneself to by saying the odds of a heads are ½. While it may be true that the all-heads result is equiprobable with each other outcome, one is also committed to an account of number of heads (or tails) one should expect to see after 92 flips. Those different possible outcomes are not equiprobable. Remarkably, Smith discusses this, but responds with a reply similar to the one above. Smith admits that we should "expect" between 40 to 50 heads in the sequence (73%), and <u>really</u> expect somewhere between 30 to 60 heads (99.9%). But, failing to see such a result is not "surprising" for Smith in the sense that a special explanation is called for. After all, the 92 heads result is on the (very far) end of the distribution curve. Apparently, this is enough for Smith. In fact, it hard to see how any improbable event, short of a supposed

metaphysical impossibility, would count as unlikely enough to count as surprising – and thus warrant positing the existence of an explanation beyond mere chance.

4. THE GAMBLER'S FALLACY AS REASSESSING PRIORS

So, something has gone wrong in Smith's account – we should, in fact, reject the conjunction principle. Instead of chalking up such results to mere chance, we should instead use the evidence of the outcomes to (re)inform our initial probability assessment. The result is improbable, *on the assumption that the initial probability assessment is correct*. Somewhere, probably well before we arrive at heads number 92, we should seriously worry that the odds of a heads is not ½ on each flip. Rather, it's higher than that. But this is just the Gambler's Fallacy. If such a reassessment is rationally called for, then the Gambler's Fallacy, in such cases, is rational (and thus not fallacious at all).

What can Smith (and Guildenstern) say, at this juncture? Smith is worried by the sequence (as he should be) so he does the checking – though he's worried that the checking for things like the coin's being weighted is not exhaustive (again, as he should be). But (let's speculate), he knows that there are lots of coins being flipped all over the world and over a long stretch of time. Given this, is it <u>that</u> improbable that a fair flipping of a particular coin yields this result? So perhaps Smith wants to remain firmly committed to the idea that, all along, the coin flips have had a probability of ½. Let's assume that it is reasonable to be so committed. What should he say about upcoming flips? He should believe that the results of this coin flip should begin to "revert to the mean". That is, he should expect the tails results to begin to catch up.

Just to be clear, I am not here claiming either that the tossing of a fair coin cannot result in 92 straight heads, or that after 92 straight heads, the tossing of a fair coin will result in more tails than heads. Those are both claims about the metaphysics of probability, and they are (probably[1]) both false. My claim is about the epistemology of probability claims. After 92 straight heads, one should not assert (or one should retract) the claim that the coin flipping is fair. If, however, one wishes to continue asserting its fairness, one should also expect future flips to be tails. For, if yet more heads come, it becomes yet more unlikely that your initial probability assessment was correct - thus making you yet more epistemically unjustified in your maintaining it. Seeing tails results "catch up" would make the maintaining of the fairness of the flipping justifiable.

And here we begin to see the paradoxical nature of the reasoning at issue, because to expect a return to the mean requires accepting that the odds of non-heads (tails) result occurring in subsequent flips is higher than ½. But this is just the Reverse Gambler's Fallacy - that the 92 heads in a row should inform the probability assessment. Except that in his case, one should assess the probability of subsequent heads as being less than ½.

Let's look at another case. Suppose we consider a basketball player that has been in the NBA for 8 years, during which he has been a consistent 35% shooter from three-point range. In year nine, by the half-way point in the season, he's shooting at a 45% clip. What are we to say here? There are two choices, it seems: one is to conclude that something has happened between years eight and nine (perhaps some new training regimen or shooting technique) that would explain the leap in success. In which case, we should expect the 45% success rate to continue. Or, we should believe that this is just the kind of streak that one

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[1] Whether they are false depends in part on how probability statements should be interpreted.

might expect (once in a while) from a 35% shooter, and that we should his total shooting percentage for the year will reflect that. This means that we should expect the shooting to be below 35% for the rest of the year.

These are just the Gambler's and Reverse Gambler's fallacies at work. They pull against each other, but they are not BOTH simultaneously fallacious. I suppose, one might of course simply want to bite the bullet and say, "But no, the chances of his hitting the next shot are 35%!" (while stamping one's feet). At which point, I want to ask, "How long must the shooting streak go (or, the string of consecutive heads) before you give this up?" In the coin flip case - a choice must be made – the choice between concluding that one should adjust one's probability assessment such that it is now rational to expect that the next result will be a heads, or, concluding that the initial probability assessment was correct, and that it Is rational to expect (as being more than a 50/50 chance) that the next flip to be a tails. The longer such a string goes, the greater the tension between these two options.

I have not here addressed when, exactly, during one of these streaks, a reassessment of the probability of future flips is called for. I've just argued that it occurs somewhere. (Bayesians claim to put a finer point on it). I'm not here suggesting that no instances of the Gambler's Fallacy are fallacious. It may still be fallacious to reason towards a reassessment when no reassessment is called for. Lurking near the bottom here is the question of what it means to make a probability assessment. Is it a claim of the frequency of flips over time, or some subjective claim given evidence? Happily (for me), that is beyond the scope of this paper.[2]

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[2] Thanks to Harvey Siegel, whose comments highlighted the need for greater clarity in this paper.

Pressure and argumentation in public controversies

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ABSTRACT: When can exerting pressure in a public controversy promote reasonable outcomes, and when is it rather a hindrance? We show how negotiation and persuasion dialogue can be intertwined. Then, we examine in what ways one can in a public controversy exert pressure on others through sanctions or rewards. Finally, we discuss from the viewpoints of persuasion and negotiation whether and, if so, how pressure hinders the achievement of a reasonable outcome.

KEY WORDS: argumentation, fallacies, negotiation dialogue, persuasion dialogue, pressure, public controversy

1. INTRODUCTION

In public controversies, the discussants are not only arguing for their point of view but also playing in a social arena. They argue to convince others to get their consent, but at the same time they are negotiating and exerting pressure to get things their way. We focus on the exertion of pressure by threatening people with sanctions or enticing them by rewards. When do such means of pressure promote a reasonable outcome of a public controversy, and when do they only constitute a hindrance to its achievement?

We try to answer this question by adopting a dialogical perspective. Thus, we deal with a "public controversy" as an assembly of various types of dialogue, among which *persuasion dialogues* and *negotiation dialogues* are prominent. In a persuasion dialogue, the participants try to reach a *resolution on the merits of the case* for their difference of opinion. In a negotiation dialogue their goal is to reach a *compromise that will be acceptable for all*. Both kinds of outcome can be reasonable.

Ideally, pressure has no role to play in a persuasion dialogue; but pressure is part and parcel of the negotiating process. In practice, both kinds of dialogue are often intertwined so that pressure exerted in the negotiation dialogue can also influence the persuasion dialogue. With this in mind, we want to contribute to the development of instruments for the analysis and evaluation of argumentation in public controversies, focusing on the role of conditional sanctions and conditional rewards (Amgoud & Prade, 2006; van Laar & Krabbe, 2016a).

In Section 2, we discuss the use of persuasion dialogues and negotiation dialogues for achieving a reasonable outcome in a public controversy. In Section 3, we examine the ways one may exert pressure in the context of a public controversy. In Section 4, we discuss whether and how these means of putting pressure on one's opponents hinder or further the achievement of a reasonable outcome. We conclude that pressure can indeed – but need not – degenerate into committing a fallacy such as, on the one hand, an *argumentum ad baculum* ("wielding the stick") or, on the other hand, an *argumentum ad carotam* ("swaying the carrot").

We illustrate our findings by examples taken from the public controversy about the energy transition in the Netherlands.

2. PERSUASION AND NEGOTIATION DIALOGUES IN PUBLIC CONTROVERSIES

A public controversy comprises a mosaic of dialogues of various kinds. Its starting point is usually a combination of: (a) conflicting interests, (b) differences of opinion, and (c) open problems. The prominent role in such controversies of dialogical exchanges in which the parties involved put forward their considerations points to a shared aspiration to reach a *reasonable outcome,* that is an outcome that will be acceptable for all parties and will stand the test of criticism.

We focus on the persuasion dialogues and the negotiation dialogues. In a persuasion dialogue, the participants try to *resolve* a difference of opinion, on the basis of the merits of the case, by an exchange of arguments and argumentative criticisms. But participants in a public controversy are often also involved in a social interplay of forces trying, in a negotiation dialogue, to *settle* a conflict of interests by a reasonable compromise that reflects an exchange of offers and counteroffers. In a negotiation dialogue they use offers and counteroffers (van Eemeren & Grootendorst, 2004, p. 58). A reasonable outcome of a public controversy can be a resolution but it can also be a compromise. In the latter case, the parties may stick to their different opinions but agree to consent to a policy that is, in their eyes, though not wholly satisfactory, yet preferable to a situation without a compromise. In both cases, the outcome has in some way been put to the test.

Sometimes a particular contribution to a dialogue must obviously be evaluated from a normative perspective that applies to persuasion dialogues; sometimes from one that applies to negotiation dialogues. But for fragments of discussion in which both kinds of dialogue are intertwined an evaluator may legitimately apply either or both perspectives, depending upon his or her interests.

Usually, negotiating involves arguing (van Laar & Krabbe, 2016b, 2018). Consider an offer, such as "You may buy this piano for no more than 6000 Euro!" Such a conditional offer instantiates the pattern: "If you are prepared to do X for me then and only then I will be prepared to do Y for you." It can be understood as expressing simultaneously an "expediency argument": "It will be expedient for you to accept my offer because you value this piano at 6000 Euro at least and I ask no more than 6000 Euro." A counteroffer, such as "No, but I am prepared to give you 5000 Euro for the piano!" expresses a critical reaction to the preceding expediency argument but also introduces a new expediency argument. Expediency arguments instantiate the following argumentation scheme: "Accepting my offer will be expedient for you because if and only if you accept my offer you will obtain X at the expense of Y, while getting X at the expense of Y is expedient for you". This scheme is a variant of the one for pragmatic argumentation (van Eemeren, 2016, p. 17).[1] Such an argument, accompanying each offer, can be interpreted as a contribution to a persuasion dialogue (in each case about a slightly different standpoint) embedded in the negotiation dialogue. Embedding is a kind of being intertwined, but not the only one.

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[1] The arguments that manifest themselves in an exchange of offers and counteroffers can be looked upon as a dialogical variant of an *argumentative pattern* that may characterize a certain institutionally embedded communicative activity. According to van Eemeren, "an argumentative pattern is characterized by a constellation of argumentative moves in which, in order to deal with a particular kind of difference of opinion, in defence of a particular type of standpoint a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure" (van Eemeren, 2016, p. 14).

In argumentation theory, the subject of exerting pressure comes up primarily when discussing the *ad baculum* fallacy (Walton, 2000, 2014). But one may also exert pressure by enticing others with a reward. We shall therefore, following Woods, also discuss the "*ad carotam* fallacy" (Woods, 2004, p. 80). According to our usage of these terms, one deals in both cases with contributions that exert pressure on an interlocutor in a way that infringes upon the norms for reasonable persuasion dialogues. But that a contribution to a discussion is illicit from the perspective of persuasion dialogues doesn't tell us much about the legitimacy of that contribution from the perspective of negotiation dialogues, since both perspectives have their own normativeness (Walton & Krabbe, 1995, Walton, 1998).

The term 'fallacy' we reserve, as in pragma-dialectics, for illicit moves in a persuasion dialogue (van Eemeren & Grootendorst, 2004). We adopt the following dialectical definition of the fallacy of *argumentum ad baculum*: Discussant A commits in contribution *c* vis-à-vis discussant B the fallacy of *argumentum ad baculum* if and only if through *c* A makes it clear to B that A will proceed to punish B if B maintains his or her contribution (standpoint, criticism, argument, critical question, etc.) to the persuasion dialogue. Thus we stay in line with the pragma-dialectical theory of fallacies according to which this fallacy counts as an infringement of the *freedom rule* (van Eemeren & Grootendorst, 2004, p. 190). For clearly discussant A is trying through the threat contained in contribution *c* to muzzle B. Let it also be noted that such infringements of the freedom rule are in our opinion not restricted to the confrontation stage of the discussion, where the initial difference of opinion is specified, but may also occur intermingled with the exchanges of arguments and criticisms.

We propose to define the fallacy *argumentum ad carotam* in a parallel fashion. Discussant A commits in contribution *c* vis-à-vis discussant B the fallacy of *argumentum ad carotam* if and only if through *c* A makes it clear to B that A will proceed to reward B if B retracts his or her contribution (standpoint, criticism, argument, critical question, etc.) to the persuasion dialogue. The *argumentum ad carotam,* too, infringes upon the freedom rule and constitutes a fallacy that can also be committed beyond the confrontation stage

3. THE ROLE OF PRESSURE IN THE PUBLIC CONTROVERSY ABOUT THE ENERGY TRANSITION

In a public controversy persuasion dialogues and negotiation dialogues are intertwined in different ways. Not only can dialogues of some type be *embedded* in a dialogue of another type, but there are also *hybrid* contributions: these contain not only a move in a negotiation dialogue but also one in a persuasion dialogue. Further, there are contributions with a *dual function*. We first give an example of a hybrid contribution.[2]

> Example (1) *Transition offers opportunities*
> [The companies] "Siemens, Eneco, Shell, Heineken, Schiphol, Van Oord, and Rotterdam Harbor make their appeal on Wednesday in a letter in the *Volkskrant* [a Dutch newspaper]. In this way, they support the initiative of Samsom and Klaver [members of parliament] to enact a national climate law. (…)
> 'We are convinced that the energy transition must go ahead in order to counter climate change and also see the acceleration of the transition as an opportunity for the development of a new economy', the companies write. (…)
> But then, the companies do have a need for clarity 'outlasting the successive governments', they argue. That's why it needs to be arranged in a law. 'The

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[2] All examples are taken from Dutch sources and were translated by the present authors.

arrangements must be binding, because our investments will be based on them.'" (Du Pré, 2016, p. 2)

On the one hand, the companies argue in favor of a climate law and an (accelerated) energy transition; on the other, they appear to make an offer: in exchange for a long-term commitment of the politicians, specified in a climate law, the companies are willing to invest more.

The next example is a case of dual function.

> Example (2) *Shut down all coal-fired power stations!*
> In its election program D66 (a progressive liberal party) writes: "Dirty energy originating from coal is, all in all, much more expensive than clean energy. Unfortunately, it is not yet the case that all costs are taken into account when calculating the price. Therefore we must give the market a hand. D66 wants to shut down, as quickly as possible but in 2025 at the latest, all coal-fired power stations in the Netherlands – starting with those that cause the greatest pollution. We safeguard the power supply by the growth of the share of sustainable power, the use of existing gas-fired power stations, and good transport links with surrounding countries." (D66, 2016, p. 32)

In this example, D66 argues for a shut-down of all coal-fired power stations and thus contributes to a persuasion dialogue on this issue. But, since this is a fragment of the election program, there is at the same time an underlying message that the policy preference here expressed will figure as a demand in possible future coalition talks.

In such cases, the kind of pressure that characterizes negotiation dialogues may influence a persuasion dialogue. A party in a negotiation dialogue can be motivated to steer a persuasion dialogue in a particular direction to prevent unwelcome results of this dialogue from restricting its options or undermining its bargaining power in the negotiation dialogue. Suppose, for instance, that a conservative and a green party agree about the climate targets but are negotiating about the ways to get there. Suppose that, in an intertwined persuasion dialogue, both parties come to agree that the climate targets can only be achieved if all coal-fired power stations will be shut down within five years. Then the conservative party can, in the negotiation dialogue, no longer seriously ask the green party to go along with shutting down the last station only after ten years. Therefore the first party may be inclined the use the pressure that is normal in a negotiation dialogue also to redirect the persuasion dialogue.

That some degree of pressure is normal in a negotiation dialogue results from the circumstance that in negotiation every offer one makes involves the application of some kind of power. Offering to do Y is an enticement to get the other to do X. Refusing to do Y is a sanction for the other's refusal to do X.[3] Thus each offer contains a "threat": The promised concessions Y will be canceled if the other does not deliver X.

By applying pressure a speaker changes the social circumstances for the continuation of the conversation. For, as a *result* of the pressure, accepting the offer becomes expedient for the other party. At least, that is what the speaker hopes for. Through expediency arguments, the participants test whether a situation has been created in which the last offer that was put forward can be convincingly argued for on the basis of premises that are then and there accepted.

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[3] Our analysis of an offer matches Ihnen Jory's analysis of the speech act of making a conditional offer (Ihnen Jory, 2016).

Pressure is a matter of degree. We distinguish two methods of increasing pressure: by the message that there is no room for further negotiation and by upgrading awards or punishments.

The first method increases pressure by suggesting that after a rejection of one's offer there might be no further offer: the parties will be back to square one. One may even point out that this is really the final offer: "no room for maneuver."

The second method would be to increase the rewards for accepting the offer or aggravate the sanctions for rejecting it: "raising the stakes." It is often a plausible assumption that, at the outset of a negotiation dialogue, the parties agree about the inventory of assets that may figure as negotiable: the counters of the negotiation game. When buying a piano the means of exchange is the amount of money, and perhaps also the mode of payment. You may raise the stakes and thus increase pressure by offering more money than you did at first or by proposing to pay cash right now instead of paying by giro later on.

You may also raise the stakes by basing your offer to the seller on an extension of the inventory of negotiable assets, for instance by proposing that, in exchange for a lower price, you are willing to visit the shop from time to time and play the pianos. After such a proposal, the other party should have the opportunity to accept the idea of extending the inventory ("OK, let us discuss that") or to reject it ("No thanks, we accept only money"). When this party accepts the idea, it may still opt for rejecting this specific proposal and for trying to get a better deal.

Moreover, you may raise the stakes by basing an increase of the rewards on a kind of inventory extension that one cannot expect to be overtly accepted. Suppose you not only offer the owner of the piano store 5000 instead of 6000 Euro but also promise her that you as a member of the city council will vote in favor of a proposal for extra parking space next to the store's entrance. That would be called "bribery.' So bribery is also a way to increase pressure.

Finally, you may raise the stakes by aggravating the sanctions, threatening the other party in a way that goes way beyond what this party should have been expecting at the start of the dialogue: for instance, by threatening to blacken the store's reputation on social media if they don't let you have the piano for the sum you are prepared to pay. That would be called "blackmail." Like bribery, blackmail increases pressure.

In Example 3 there is no room for maneuver.

Example 3. *We cannot be stopped*
"They yelled: We cannot be stopped, climate change can! And that's the way it is. This is only the beginning. Today's climate parade in Amsterdam (...) was one of the actions within the rapidly growing movement against climate change (...) It is not a matter of some nice trees or a pretty forest for hiking in the weekends. It is a matter of survival. Within 30 years CO_2 emissions down to ZERO in order to have any chance of a habitable planet. We accept no give and take, no bullshit. (...) We are now at the end of our patience. It is not a matter of cars, airplanes, televisions, and smart phones. It is a matter of rising sea levels, food production, and survival." (Wij Stoppen Kool, 2015)

The fragment contains this offer: "We are prepared to end our actions but only if you check the climate change." Pressure is increased by indicating that there will be no give and take, i.e. no exchange of concessions, making it obvious that this offer will be the last one that the action group is prepared to make.

Example 4 might contain a case of bribery.

Example 4. *Phone calls after office hours*

"Minister Henk Bleker denies that his officials have put pressure on the well-known conservationist Jaap Dirkmaat in order to stop the legal battle against his [nature] policy. (…) But indeed Dirkmaat accuses Bleker's officials of such methods. He refers to phone calls from officials after office hours. They promised to support him in Brussels if he would abandon the fight. Dirkmaat: 'They told me that Bleker would, in Europe, support my Association for the Dutch Countryside. But in that case, I had to forgo all legal action against him and retract the critical letter I sent him mid-March about his nature policy.' Dirkmaat filed in Brussels a formal complaint against the Kingdom of the Netherlands because he thinks that Bleker's cutbacks go against international treaties." (Nieuwsdienst, 2011)

This can be looked upon as an example of a kind of bribery: Bleker's officials offer a reward to entice Dirkmaat to do something in return that is not included in the inventory of negotiable assets, while it is also not to be expected that Dirkmaat could overtly extend this inventory to include this kind of act.

According to our analysis, an offer will always result in some pressure, because it goes with a threat and an attempt to entice, but the degree of pressure may vary. How then to evaluate cases of pressure?

4. THE EVALUATION OF KINDS OF PRESSURE

From the perspective of persuasion dialogue, exerting pressure is irrelevant because pressure does not contribute to a resolution of a difference of opinion. For negotiation dialogues, to be able to threaten with sanctions and to entice with rewards constitutes a *sine qua non* and such tactics must therefore in that context be considered as *prima facie* legitimate.

Also increasing pressure by suggesting that you are approaching, or even have reached, your last offer – "no room for maneuver" – belongs to the permissible strategies of negotiation. For, in negotiation there is often pressure of time and a need to come to the end of the dialectic of offer and counteroffer. But even without pressure of time each party should always be free to prefer a script without a deal to one with a bad deal and to let the other party know that it thinks so.

Extending the inventory of negotiable assets also is to be looked upon as a legitimate kind of strategy. In the literature on negotiation, it is generally recommended as a means of facilitating "integrative negotiation" (Raiffa et al, 2002, p. 191). But this strategy also has a somewhat risky side: proposing to involve more issues in a negotiation can also be seen as a reprehensible kind of horse-trading, or even as blackmail or bribery.

Not all degrees of pressure are in keeping with the goal of a negotiation dialogue. From a normative point of view, the parties in a dialogue of this type are supposed to use reasonable and legitimate means in order to reach a compromise that they will voluntarily subscribe to. Blackmail and bribery are therefore out of order. They are instruments for overwhelming the other party so that their use would endanger the reasonable and voluntary character of a possible agreement. What would count as a case of blackmail or of bribery will, however, be different for different kinds of negotiation. It is not unlikely that the officials in Example 4 (*Phone calls after office hours*) tried to bribe Dirkmaat, but that a similar exchange of services would be entirely appropriate in certain kinds of business negotiation. Thus threats to freeze bank accounts may be inappropriate in a bank-client relationship but not in a context of diplomatic negotiation.

It could happen that two parties are involved in both a persuasion and a negotiation dialogue without letting proceedings in either dialogue influence proceedings in the other dialogue. That might even be possible when both dialogues are intertwined (as explained in Section 3). But in that case one would sooner expect that proceedings in one dialogue would influence the proceedings in the other dialogue. In Section 3, we already pointed out that a persuasion dialogue may affect the available options in a negotiation dialogue. But how may pressure in a negotiation dialogue affect a persuasion dialogue?

The effect of such pressure could be that the party under pressure forgoes further attempts to elaborate her position in the persuasion dialogue or bites back its points of view, critical remarks, or arguments. When the message is delivered that the other party had better keep her mouth shut on a certain issue in the persuasion dialogue if she wants to avoid a sanction or pocket a reward in the negotiation dialogue, this will hinder the normal proceedings of the persuasion dialogue. The more the pressure is increased the more it obstructs the kind of cooperation that is needed for a persuasion dialogue; ultimately, as a consequence of distrust, fear or irritation, a party under pressure may no longer be able or willing to continue the persuasion dialogue.

Negotiation dialogues admit a certain degree of pressure but then the kind and degree of admissible pressure depend on the kind of negotiation dialogue. Persuasion dialogues do not admit pressure. Therefore, as soon as a party in a public controversy exerts pressure within a persuasion dialogue, but also when it does so within a negotiation dialogue that is intertwined with the persuasion dialogue, and as a consequence – intentionally or not – hinders or even blocks the other party in its attempt to put forward a standpoint or express a critical stance in the persuasion dialogue, we say that there is a fallacy committed with respect to the persuasion dialogue: a fallacy of *ad baculum* if the pressure is more like a kind of threat; a fallacy *ad carotam* if enticement is more prominent.

In case the pressure is exerted in a negotiation dialogue but hinders a persuasion dialogue, we shall say that a fallacy has been *induced*. Such effects cannot always be avoided, but even if they occur it is not excluded that the public controversy will as a whole achieve a reasonable outcome. Moreover, one party may have good reasons to exert pressure, for instance in order to counterbalance pressure exerted by the other party and to get this party to adopt a more reasonable attitude (Jacobs, 2009; van Laar & Krabbe, 2016a).

5. CONCLUSION

Exerting pressure in a public controversy will sometimes be necessary. In negotiation a certain amount of pressure is unavoidable, but even in that case that does not mean that all kinds of pressure are equally legitimate. Nor does it mean that there are no *ad baculum* or *ad carotam* fallacies: indeed, such fallacies may occur in the persuasion dialogues that also belong to the controversy. Because negotiation dialogues and persuasion dialogues are intertwined, the legitimate kind of pressure that is exerted in the former dialogues may induce these fallacies in the latter dialogues. From the normative perspective of negotiation dialogues nothing much may be the matter yet from that of persuasion dialogues the argumentation is somehow defective.

It is a task for argumentation theory to provide the means of defense also for this kind of situation, where contributions to the discussion are normal from one normative perspective but abnormal from another.

We conclude, on the one hand, that the exertion of pressure, whether in the form of threats or in that of enticements, can further the achievement of a reasonable outcome of a public controversy as long as the kinds of pressure one applies do typically belong to the

kinds of negotiation dialogues in which they are applied but, on the other hand, that the exertion of pressure can be an obstacle for a reasonable outcome when it affects (directly or through negotiation dialogues) the proceeding of a persuasion dialogue that belongs to the same public controversy.

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Situating in a dialogical perspective the tensions between rhetoric and argumentation

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ABSTRACT: With references to teaching and research practices, this article aims at reflecting the specificities of two approaches, the argumentative and the rhetorical, suggesting they complement each other. Their differences might be better understood considering disciplines involved, but they also are typical of linear and spatial processes in communication and thinking, which are described. I suggest to replace them inside a dialogical perspective that does not decide on priorities between figures and inferences.

KEYWORDS: argumentation, dialogue, practical philosophy, rhetoric, tensions, theory

1. INTRODUCTION

Some people work on argumentation, by analyzing discourses and researching for argumentation schemes, which respects the general structure of inferences (notably with Walton, Reed & Macagno, 2008; Kienpointner, 1992). All kinds of modalities and reservations have already brought us quite far from the classical syllogism, but in any case, there still is a number of premises leading to some conclusion. Some others do work on rhetoric, looking at advertisement, images, different kinds of messages but without really focusing on explicit inference: the insistence might be put on the metaphors, what we can call meaning by connotation, association and dissociation, framing decisions and presuppositions that might be shared (or not) between speaker and audience. There is an intersection space and connections between the two trends, but there are differences. Some tensions between these will surface as a challenge in the practical requirements that come with teaching, it might also surface in research projects. But this tension is also quite relevant in the concrete life of interactions, commanding very different strategies and approaches with our co-workers, colleagues or familiar ones (expression well used by Gilbert, 2014).

We should not forget that this also corresponds to concrete schools, with professors situated in departments and research users having to work inside specific curricula. I did not do the whole empirical survey, but let us broadly say that on the one side, we have Critical thinking classes and philosophical approaches to rational thinking, and on the other side courses given in Speech communication, for instance English, German or French etc, treating writing and discourse. In that sense there is also a "disciplinarity" dimension in that tension – I call disciplinarity the fact that people are situated in disciplines, while sometimes looking afterwards for "interdisciplinarity" or even "transdisciplinarity".[1] A few programs are devoted specifically to argumentation, notably in Amsterdam, Windsor and Brussels (those are the most commonly known, but there certainly are lots of others; Poland and Portugal are countries with

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[1] Létourneau (2008); Thompson-Klein (1990).

important hubs that come to mind).[2] In the case of the writer of these lines, the proper context would be situating argumentation and rhetoric inside a practical philosophy of dialogue aimed at ethical and environmental governance issues – which covers on the one side my teaching, on the other my applied research. This means that from a professional point of view, I have to take into account both sides.

We certainly can differentiate, with Michael Gilbert and Harald Wohlrapp, between product and process in argumentation studies (Gilbert, 2014, 80 f.).[3] The natural tendency will be to discuss products, for instance the written argument. But what happens in discussion and dialogue is something else, and not much is available on that side. And of course there is the special case about written exchanges, for instance on social media, which are a subject of study in themselves. But in any of these three settings, there can be a focus on contents of inference on the one side, and on interactions between partners on the other, effects produced in communication. The possibility that all of this is only a matter of focus and priority might be an appealing possibility, it would be in coherence with what is often called theoretical pluralism.

Furthermore, one central difficulty with the current trends in argumentation study is that most of the time, they do not lead to action but to conclusions. The results of the process as products is a statement, that is going to be discussed in terms of validity, relevance and acceptability. But the situation is not different in rhetorical studies understood as criticism and analysis: there is most of the time no orientation to action, we are going to analyze and comment on given speeches, their sometimes very delicate use of figures. But let me recall that according to Aristotle, argumentation has to do with the probable in dialectics. Rhetoric and the practical syllogism are both supposed to guide us in the action domain, where the probable is the best we have in terms of reasons to decide and act (a point well made by Kock, 2017).[4]

This simple enumeration of different issues aims only to introduce the rest of the development. I will now give more details on the context of the reflection here.

2. CONTEXT: HOW THE DIFFERENCE BETWEEN ARGUMENTATION AND RHETORIC APPEARS

From a practical philosophy point of view, argumentation and rhetoric are precious because they do not aim at encompassing everything in a systematic whole. Even if some will deplore a kind of dispersion in the field, diversity can be seen instead as refreshing and reassuring. Philosophy should allow a bigger place to rhetoric and argumentation, instead of a focus placed only on logic. Philosophers have to grasp the fact that a given knowledge or supposed truth still has to be appropriated by someone, if it is to have meaning for the person in such a way that she can take it practically into account. Lessons given by Toulmin about the field-dependency of argumentation have not completely been learned as of yet.

Many authors mention the importance of context to be able to situate discourses, so here are a few details for this particular writer. Since many years, I get to teach to graduate students coming from different backgrounds in a program asking them to develop knowledge and competence in applied ethics. Applied ethics then is not understood as the simple idea of applying principles to situations. On the contrary, it is supposed possible to study the situation in its context, and let the axiological and normative issues be expressed by inquiring on the situation in its context. This means mostly to consider a situation inside a larger referential of

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[2] In the United States, there are certainly an abundance of people doing argumentation study, even though it is my understanding that rhetorical studies are more important in the picture.
[3] Wohlrapp (2014); Gilbert (2014).
[4] Kock (2018).

time and space, called here context, but linked to specific issues deemed relevant.[5] Issues of valuation and norms do surface in the practice of any professional, often in the form of dilemmas, but also in the form of a plurality of ends and values to take into account. They are in no case dependant on one particular ethical metatheory, be it the utilitarist, the deontologist or the virtue ethics approaches (this list is not complete). In this particular case, a class of argumentation takes place regularly in Longueuil (Québec), Université de Sherbrooke, for a group of diversified students who enlist in a graduate program in philosophy/applied ethics. We started mostly with people from health disciplines a little more than twenty years ago, because of the primacy of bioethics at the time, but now it is more MBA's, lawyers, notaries, public servants at the provincial, federal or municipal levels, future educators, young philosophers, playwrights, etc. In those condition, the reader will understand that "the audience" is not something really easy to define, since it is always changing from one year to the other.

A constant difficulty is to provide the basis of the discipline involved (Aristotle, some history of rhetoric, Perelman and Toulmin, analytic tools provided in handbooks) with more advanced tools (Walton, Govier) with encompassing accounts like Amossy or a general frame like the Amsterdam school – again, this list is not complete). Seriously considered, this is almost an impossible task for a single graduate course. A first level of difficulty is to provide tools, opportunities to come to an understanding of rhetoric as analysis, and not as a technique allowing to destroy sophisms as they supposedly surface in other speeches and discourses. In the short time available (and for people who most of the times have full time employment during the day), hard choices have to be made – aiming at a larger culture or at getting better with fewer approaches? I went for the cultural and larger approach. After having hopefully gave them to opportunity to appropriate some basic tools, a cooperative strategy is used by putting them to work in teams. It permits me to assign them the complex task of reconstructing the discourses held in some controversy area that happens to be flourishing when the class occurs: as an example, the recent debate on the program on medical assistance in dying was a good case study to reconstruct differing arguments. Hopefully, in the course of this teamwork, they can become a "public" in Dewey's sense (Dewey, 1927). This means that they could formulate their critical opinion in an involved way, after having better understood the battlefield of positions and interests as one might say, but it is still difficult to bring them to come up with the required mastery of analysis and criticism without falling into an oversimplification of the issues. And the passage from that analysis to the ability of nuancing their own arguments is another matter entirely.

Graduate students get situated between Aristotle's tradition, Perelman's sensibilities for the publics, and critical thinking seen as close to informal logic, since Toulmin through Douglas Walton, Van Eemeren, Trudy Govier, Michel Meyer and others. For developing a kind of reflexivity, Wohlrapp might also be referred to. As a way of showing the difficulty, I will recall that refutation is a normal and required thing in dialectic, but almost forbidden if we want to preserve the sensibilities of an audience with whom the speaker is supposed to have shared presuppositions, or even to communicate on the basis of mutual recognition.

Disagreement can certainly be recognized in a rhetoric approach; we will then look for what is shared in common as a way to get over the possible dissensus (Gilbert, 78-79), but this is not always required, possible or even useful in face of deep and protracted disagreement. Between rhetoric and argumentation, pragma-dialectic certainly has linked speech acts constructed from and for people with normative aspects of argumentation (Van Eemeren &

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[5] Bakhtin (1981). The notion of chronotope in Bakhtin might be useful here. Reference to context will most of the time focus on a selected number of issues, for instance the economic, political or environmental factors. The choice of relevant issues that permits us to talk about "context" is of course greatly variable. If it is to be taken seriously into account, context should be theorized and not only left to spontaneous thinking. I consider these issues as topoi to be discussed and evaluated on a case by case basis.

Grootendorst, 2004), but some would say the balance seems to be tipping on one side. There the discussion is about standpoints, and there is an aim to resolve differences of opinion, and a set of rules to aid in that direction. Sometimes there is no difference of opinion, instead we have the absence of a clear position, and the issue is precisely to establish a standpoint. What if we want to make people discover things, in a perspective leading to action, which implies decision? Those kinds of preoccupations are central both in practical philosophy and in applied ethics; it is the heuristic way already documented in Aristotle, and discussed more recently (Gilbert, 2014).

Furthermore, the speech acts are not only those of "the speaker", if we are to understand the situation as dialogical. Initiative speech acts give place to responses that somehow fulfill the claim, by agreeing, disagreeing or postponing the issue (Weigand, 2009). It is possible to organize as best as possible some discussions between students. But as I had a chance to listen very closely to them, they hardly follow a consequent and linear way. To what point the same seems to go with group work in teams in a practical perspective remains to be analyzed and discussed.[6]

There cannot be fixed barriers between these poles of reflection and action, even if some characteristics are given and tensions surface notably around fallacies (Tindale, 1999). Is it possible to reconcile these friendly brothers, one leaning on language and poetics, the other being closer to logic and formal analysis of validity? We probably can, provided we accept to keep together the inference process as something done by an individual and as something that can be produced by many persons acting together in a dialogical or heuristic way. Here, an ethic of dialogue might help us avoid abuses that can be both rhetorical or argumentative (Létourneau, 2012). But we should keep in mind that dialogue is not to be understood as something devoid of tensions and contradictions (Létourneau, 2017; Létourneau, 2007).

In the first years of my teaching I learned to consider the students as an audience (in Perelman's sense) but switched more recently to seeing them as readers in Umberto Eco's sense: this means having to explicitly construct what I understand of their characteristics (Eco, 1984). As explained before, this means recognizing their plurality, identifying it as best possible. But I am also trying to help them becoming publics in Dewey's sense, which means to be both critical and involved on issues.[7] In principle, rhetoric and argumentation analysis should be and are compatible. In practice, it is a challenge pertaining to interdisciplinarity, between (let us say) literary studies and logical analysis- between the focus on schemes which work according to logical and quite linear sequences on the one side, and presentations which take into account co-speakers or participants on the other side. These are not only truth-seekers, they also are relation-seekers, of different kinds. Situations that are plural could be seen as rhetorical; therefore they are hesitating, plural in their nature, nonlinear. I will take here the time to show and comment on a few schemas that will make my point clearer.

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[6] I currently co-lead with Isabelle Thomas a project on adaptation to climate change at the local level, but I will have to wait for a later presentation to be able to discuss more in detail the observations that we started to collect are not yet thoroughly analyzed. The projects runs until 2020; see the website of the Ouranos consortium, section Built Environment, www.ouranos.ca.
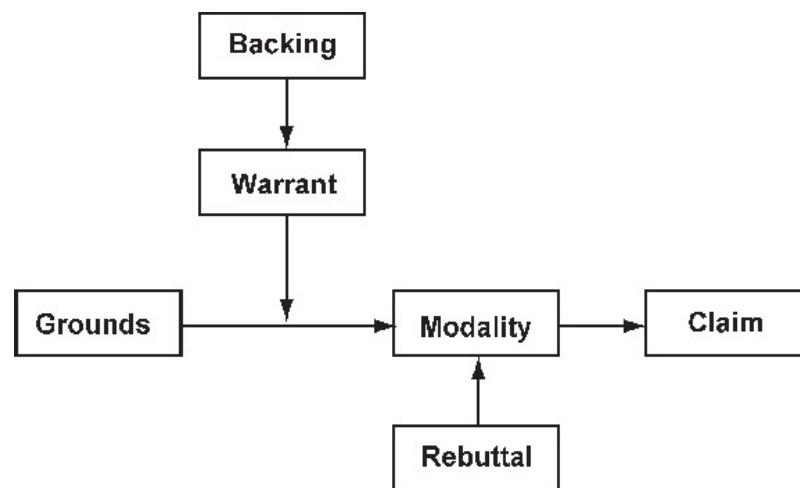
[7] Dewey (1927).

1. First group of schemas

1.1 A simple syllogism
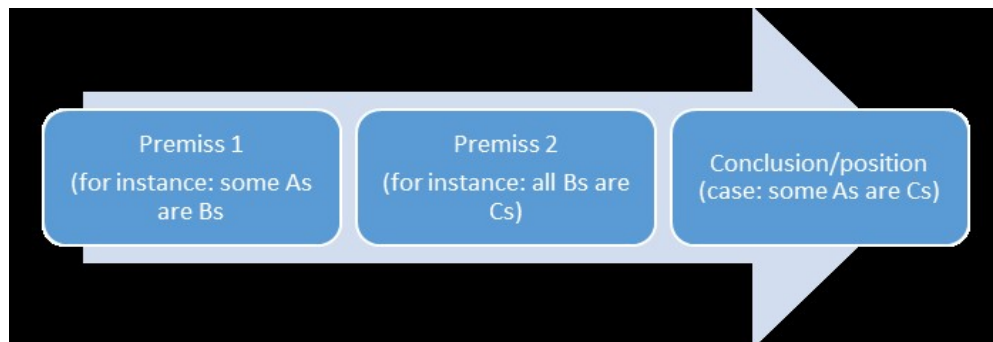
1.2 The Toulmin model : version of 1984, book published with Rieke and Janik

Clearly both schemas of the First group are very linear, they do not require more than one person to produce a reasoning process that would fit into it, and in each case they lead to a particular conclusion, figured in both schemas on the right hand side. [8] An appeal to expertise in Walton's sense, an ad populum or an argument by analogy all fit into the first schema; with some rebuttal and further backing for a given warrant, we structure these elements in the revised Toulmin model, quite linear too. In that group, we could also put all the "tree figures" which are often produced in informal logic, for which normally the conclusion appears below, with or without the help of software (Blackburn, 1989). All of this seems to me typical of argumentation and of argumentation analysis.
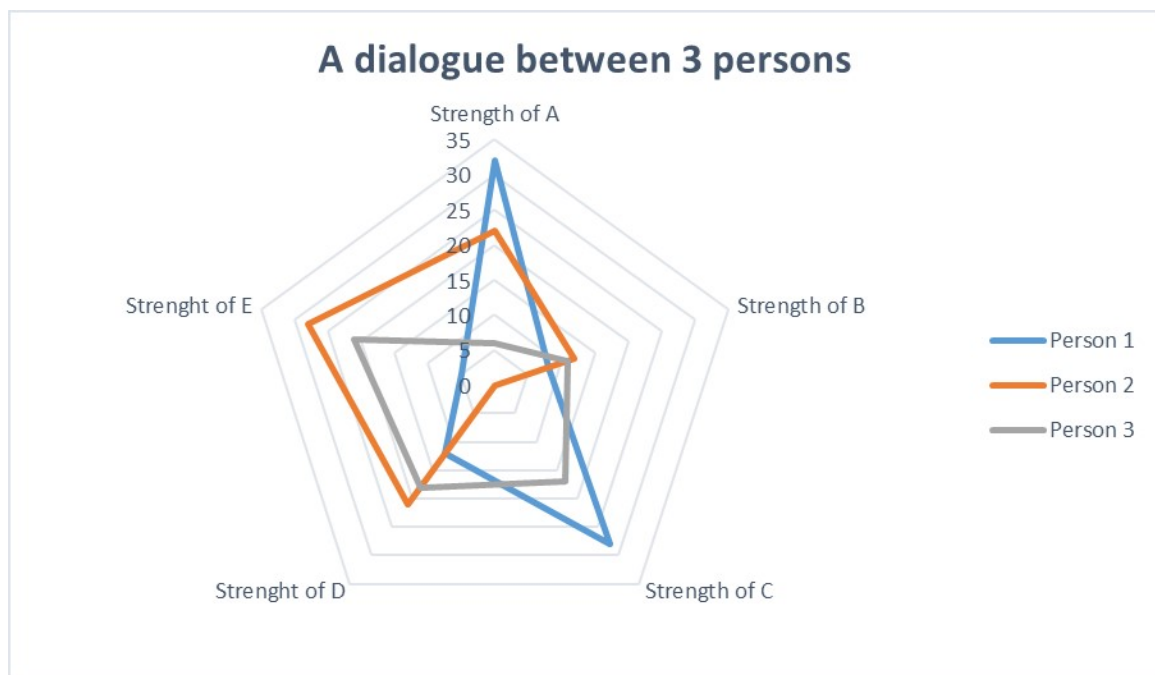
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[8] The second figure in the First group of schemas is the well-known Toulmin model as reworked in 1984. Image borrowed from Hayes, John R. (2006).

2. Second group of schemas
   2.1 A representation of positions unevenly distributed
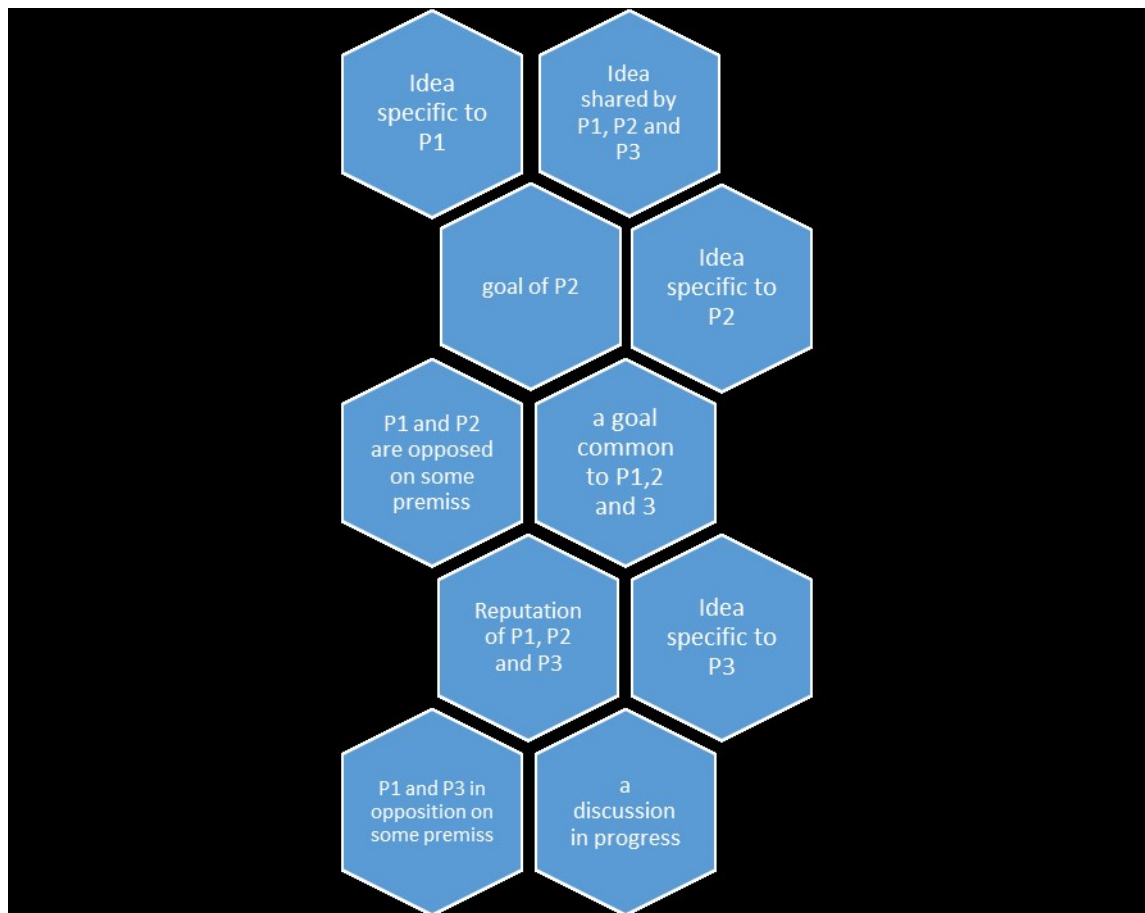
2.2 A representation of varying strength of positions among actors

Data set for 2.2

	Person 1	Person 2	Person 3
Strength of A	32	22	6
Strength of B	8	12	11
Strength of C	28	0	17
Strenght of D	12	21	18
Strenght of E	5	28	21

In the Second group of schemas, the figures were created, because I did not find published and relevant elements that can serve the discussion. Model 2.1 is not a generalization, it is one particular possibility of a given situation of exchange, provided as an example here. The schema does not include interests of the different persons, their specific belief systems or circumstances, which it should if it were to be more complete. In this figure, we can suppose goals and premises which are shared or not, between some of the partners but in an unequal way. It gives the overall impression of a loose distribution, without any ordering.

In the 2.2 graph, the supposition is that the different persons might attribute a different importance to a number of elements, premises A-E. Here, I suppose a number of six basic elements in discussion, but the number could obviously be different. And of course, strength cannot be strictly calculated: here the highest number should be seen as a symbol of a practical acceptation of a postulate and zero is to be understood as the rejection of the postulate. In both these cases, we are facing something else then linearity. We can sometimes accept to function on the basis of a given idea without being totally certain about it, because the premiss or argument seems good enough. People might not estimate with the same force the value of a given premiss, even if they are not in total disagreement about it.

Both 2.1 and 2.2 graphs indicate a situation where people exchange, but do not share the same positions on all elements, without being in total disagreement on all points. These graphs only permit us to imagine where people are situated or to represent their distribution of ideas. It does not yet tell us how they might discuss with the aim of finding common ground or reaching some basic shared points, as they would do in a heuristical/rhetoric perspective (Gilbert, 2014); but it gives us at least a sort of starting point, a kind of map. It helps us figure the fact that 1) a basic supposition might or might not be held in common, and 2) they could be held but not with the same relative importance in the whole of a person's perspective. If a person is relatively convinced of the value of an argument, the argument might still be put forward in a convincing manner, provided it serves a given purpose in the conversation. On the contrary, if the same argument has a very low value in a person's understanding, the person might be very hard to convince of its importance. All kinds of different combinations of these rhetorical and argumentative issues present themselves in practical life.

What I propose to call the rhetoric-argumentative continuum is certainly not a peaceful realm to navigate, and an easy domain to theorize. A first hypothesis would relate it to the "dialectic" dimension, deemed crucial to many thinkers as a third element between argumentation and rhetoric (Tindale, 1999, 2-3). Then it would really be a kind of "in between" for argumentation theory as preoccupied with the logical either formal or informal, and the rhetorical understood in terms of relationships with audiences (Perelman and Olberrechts-Tyteca, 1970 (1958)). But the dialectical is at home with structured discussion (as with the pragma-dialectical school), with a proponent and opponent. The Amsterdam school and informal logic certainly have this in common. This is perfect in structured debates, but it does not really coincide with a cooperative approach as structured by a heuristic process that I would like to put forward, in classes and also in other action projects on the field. In the practice of

action research, we do not have to choose between having a rigorous argument and presenting it in a vivid way. To not take into account issues of face (cf. Goffman, 1967) while discussing questions in argument would certainly be a profound mistake. I suggest that this continuum between rhetoric and argumentation might be better understood in a dialogical perspective, where there is an inquiry to be done, and oppositions might and should happen but in a constructive perspective. An ethics of the recognition of the other is part of a good way to actually present ideas and proposals. Furthermore, as the schemas before tried to show, it seems to me that whereas argumentation looks quite two-dimensional, heuristic-rhetoric is three-dimensional because it has to do with the complexity of a situation among different speakers. There is no way a diversified crowd of stakeholders can come to some agreement if partners do not take into account claims made or implied by the partners in discussion, that have to do not only with the position taken (as content) but also with the social "position" of the person – a problem for rhetoric as communication. The relative weight of arguments might also differ, and distinctions can be shared unevenly among persons.

Should we decide on the primacy of the one or the other? We know that Tindale argues that all argumentation is grounded in rhetoric, but I would say it is based and sustained in dialogue, especially if we see dialogue as involving tensions and pluralities (with Bakhtin; see Létourneau, 2017). A rhetorical exchange into which no valid inference occurs would not be completely satisfying, at least from a knowledge point of view, even though it might be interesting otherwise. Said differently, the perspective I want to defend here is not to attribute primacy of one or the other element, but to resituate them inside a practical philosophy of dialogue. How are things looking when considered in a dialogical perspective? In a continuum that is already interdisciplinary, quite complex and diversified, how are we to successfully articulate competence in performance (Weigand, 2009), which are also different things even if practically combined all the time? It will not be possible here to do more than just to indicate this general line of reflection.

3. CONCLUSION

Maybe it is because of an assumed situation in a practical philosophy of dialogue, but inside such a perspective, the problem of the relationships between argumentation and rhetoric is more practical than of pure theory. I hope that I have helped theorize their specificity a little more, especially by representing and discussing their characteristics. It seems clear to me that they both are useful and necessary, they complement each other nicely and are assumed in practice by many people, including one famous philosopher even though this combination of abilities is certainly not a propriety of philosophers alone.

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The evolution of manipulative argumentation in "Law and Justice's" propaganda. Comparative analysis of *ad populum* argument usage in 2007 and 2017

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ABSTRACT: Since 2015, Poland is ruled by a populist party "PiS". The aim of this paper is to disclose the essence of PiS' propagandistic activities, namely argumentative manipulation, which is achieved both through the activation of multiple emotions as well as psychological defense mechanisms, especially in frustrating situations resulting from the failure of the society to recognize important values related to the concept of human rights, democracy and the EU.

KEYWORDS: emotions, manipulation, PiS, Poland, politics, propaganda

1. INTRODUCTION

Since 2015, Poland is ruled by a populist party PiS <Law&Justice, Polish: Prawo i Sprawiedliwość>, which has previously ruled between 2005 and 2007. An abbreviation of the party's name is being sarcastically read by the opponents Populism&Socialism, against their actual political agenda. The main objective of every populist movement is to maintain the power, and to obtain public approval to appoint own nominees for the highest offices.

Since the previous time in office in 2007 the aggressiveness and ruthlessness of propaganda has increased dramatically. Over the past three years the current ruling power has made a lot of changes in the language. It imposed various peculiar interpretations (i.e. the rule of law). Moreover, it has commonly used fallacies such as bifurcation or generalization.

The years 2007 and 2017 are mentioned in the title of the paper, as most of the analysed material comes from these particular years. The analysis covers specifically the entire period of the first government of Law and Justice (PiS), 2005-2007, and the current government, from 2015.

2. SITUATION IN 2005 AND 2015

PiS is a national-conservative, and Christian democratic party. With 237 seats in Sejm (lower house) and 66 in Senate, it is currently the largest party in the Polish Parliament. In the 2005 general election, PiS took first place with 27.0% of votes, which gave it 155 out of 460 seats in Sejm. Lech Kaczyński won the second round of the presidential election on the October 23, 2005 with 54.0% of the votes, surpassing Donald Tusk, the Civic Platform (Polish: Platforma Obywatelska, PO) candidate. In July 2006 PiS formed a right-wing coalition government with the agrarian populist party "Self-Defense" and nationalist "League of Polish Families", headed by Jarosław Kaczyński (president's brother). Association with these parties and inept governance led to the loss of power and premature elections in October 2007, this time in favor of PO.

On April 10th 2010, president of Poland Lech Kaczyński died in the 2010 Polish Air Force Tu-154 crash in Smoleńsk. This event was a shifting point in political discourse in Poland.

In parliamentary elections to both Sejm and Senate that were held in Poland on October 25, 2015 Law and Justice (PiS) won with 37.6% of the vote against the governing Civic Platform (PO). In such a way PiS gained 235 of 460 seats (51 percent).

2.1 The electorate of PiS

In 2005 Law and Justice was a party of the Catholic right wing and Civic Platform of the liberal right wing. The electorates of both groups, originating from the same anti-communist, post-Solidarity root, did not differ significantly, except for the frequency of participation in religious practices. At the time, both parties were even considering political coalition.

The present electorate of PiS is religious, less educated, progressively more older, living in the countryside, and slightly more often experiencing economic difficulties. PiS has more than an average number of supporters among retirees, pensioners, housewives and farmers. Those who are currently professionally inactive constitute more than a half of PiS voters (53%), with one third of them being retired (Pankowski, 2017, pp. 4-8).

According to Maciej Gdula (Gdula, 2017) from the Department of Sociology of the Warsaw University, currently three types of PiS voters can be distinguished, as follows:

1. Anti-communists. People from the middle class who are convinced that the whole world is against them, that someone definitely wants to harm them and make their life harder. For them, PiS is a party that can change their lives and help them to even out the bills, also in terms of personal matters. This group is particularly driven by the urge of destruction of the old, unfair, communist world. At the same time it does not recognize some of the less comfortable, hypocritical facts, for instance a former communist prosecutor - Stanisław Piotrowicz - is currently in charge of Judiciary Reform.
2. Religious. People who have a sense of moral superiority, convinced that an order based on moral rigor is an ultimate solution. For them, support of PiS manifests their superiority.
3. Working class. This group supports PiS because it gives it a sense of community, and a government, which does not neglect the needs of simple man, but acts in his favor instead.

3. WHY PiS IS A POPULISTIC PARTY?

Jan-Werner Müller reads that populism is a particular moralistic imagination of politics, a way of perceiving the political world that sets a morally pure and fully unified—but ultimately fictional – people against elites, who are deemed corrupt or in some other way morally inferior (Müller, 2016, p. 20).

According to the author, every populism is characterised by certain intrinsic features:
- It is always a form of identity politics: populists claim that they, and only they, represent the people, and anyone who does not support them is not properly part of the people.
- The claim to exclusive representation is not an empirical one; it is always distinctly moral.
- Anti-pluralism: other political competitors are just part of the immoral, corrupt elite

- Populist governance exhibits three features: attempts to hijack the state apparatus, corruption and "mass clientelism" (trading material benefits or bureaucratic favors for political support by citizens who become the populists' "clients"), and efforts systematically to suppress civil society (Müller, 2016, p. 7)

In turn, Doug Walton in a thorough and comprehensive study of the *ad populum* argument, defines its following characteristics:

- It is an appeal to emotion, the mass enthusiasms or popular sentiments of the crowd;
- It is a subjective argument that directs an appeal at the prejudices or sentiments of a particular audience the argument is designed to persuade;
- It is a failure of relevance insofar as it tries to evade, cover up, or substitute for a failure to bring forward good evidence or reasons by appealing to the enthusiasms of the multitude;
- It assumes a direct relationship between an argument's validity and its popularity;
- It involves an illicit shift from the critical discussion of an issue to a self-interested bargaining or negotiation dialogue that appeals to members of a special interest group while excluding all those who do not belong to that group from the dialogue. (Walton, 1992, p. 66)

3.1 PiS as a model populist party in 2005-2007

In the first period of the PiS' rule, it was an example of a model populist party that met all the criteria mentioned above. That government was heavily criticised by its opponents (what led to its imminent collapse). Only because PiS did not have an absolute majority in the Sejm, its actions were not as radical as they are in case of the current government. The critics of the regime brought several serious charges against PiS (quotes come from my archive):

1. Propaganda instead of real decision-making.

Never before, apart from the communists, Poland have been ruled by such radical political formations. There has emerged an elite of power that could threaten liberal democracy. Hate speech returns to the political debate. It comes from a government camp – PiS' politicians brutally attack the Constitutional Tribunal, journalists, the opposition and the intelligentsia. (Paweł Śpiewak, Gazeta Wyborcza, 9.06.2006)

2. Ruling and building influence instead of governance:

The positions, appointments and promotions are determined by blind obedience and a demonstration of faith in the political genius of J. Kaczyński and his brother. (Stefan Niesiołowski, Gazeta Wyborcza, 14.07.2006)

3. Illegibility, opacity and unpredictability of governmental actions and decisions:

The events in the Sejm show that after three months of PiS government the state has become dysfunctional and is not able to act effectively. This is very bad news for Poland and very bad moment for Poland. In Poland, we are dealing with a deep crisis in the institution of the Parliament. (Jan Rokita, PAP, 12.01.2006)

4. Corruption:

PiS party caused a new type of corruption, which had not existed in Poland before - political corruption. This party is destabilising the foundations of democratic governance. People from different political parties are offered lucrative positions for their transition to PiS. Almost every parliament member has been offered such an offer. Laws are traded. Such a bribery, on such a scale, has not taken place so far in Poland. (Janusz Palikot, PAP, 28.01.2006)

5. Totalitarism:

Someone called PiS party the post-communist right. And there is something about it. On one hand, it uses right-wing rhetoric, and in fact it is based on what communism was based on - the reluctance to be different, to be anti-intelligent, to be opposed to independent institutions. (Donald Tusk, Gazeta Wyborcza, 22.07.2006)

6. Constant search for enemies:

After just two years in power, PiS is in conflict with all parliamentary parties. J. Kaczyński came into conflict with all the professional and social groups, NGOs and entourages. He has led to the isolation of Poland in Europe. Continuing his rules would be a disaster, a tragedy for Poland. (Stefan Niesiołowski, Gazeta Wyborcza, 10.08.2007)

7. Conflict with the European Union:

Our position in the EU has been weakened, we are alone, we do not have the capacity to attract partners and allies. (Donald Tusk, TVN24, 25.09.2007)

As it turns out, the majority of PiS activities masked by propaganda were similar to the present actions. The following analysis will show the topics and methods of PiS' propaganda.

3.2 PiS as a particular populist party in 2015-1018

Nowadays, PiS is not only a populist party in the traditional sense of the word, but also it has gifted to its voters a new, attractive, coherent and communal identity. This idea of PiS is based on an emphatic offer for real and imaginary victims of the Third Republic of Poland. The most important components of this offer are, on the one hand, fairer redistribution and class promotion, and, on the other hand, revenge and resentment. On the emotional level, PiS' narration is reinforced by alleged assassination of Lech Kaczyński and Polish parliamentary members in the plane crash in Smoleńsk.
I will discuss features of populism in PiS' execution in 4 basic fields:
1. External social relations
2. Internal social relations
3. Culture and knowledge
4. Mentality

3.2.1 External social relations

External social relations concern the way of perceiving foreigners, including other countries and nations, immigrants and the EU. One of the key factors in this approach is the Stereotype of Collective Soul (SCS).
SCS is a form of collective representation of the enemy and refers to the external group as a whole, which is given certain characteristics of intentional existence (hence the „soul") and is assigned certain intentions and the ability to deliberately implement the „will of the group" through its members. Such a group can be defined as any „they": Smolensk criminals, vetting liars, secret agents, Jews, Masons, Russians, Germans, etc. SCS is based on the application of diabolic causality to a foreign group, i.e. treating this group as „forces of evil" (Kofta & Sędek, 1999, p. 173).
A common subject of conspiracy theories is „remote control" of hostile group by some distant centre of command, located outside of "our" territory, (global government; secret

centre coordinating actions against „us", e.g. European Union, Brussels, Venice Commission).

Thus in PiS propaganda we have "coalition against Poland" consisted of total opposition and EU bureaucrats. For example, the conflict with the EU calling for compliance with the law in Poland was presented as an attempt to interfere in its internal affairs. When in 2016 Minister of Foreign Affairs, Witold Waszczykowski, asked the Venice Commission for their opinion on the Polish crisis around the Constitutional Tribunal, Commission's verdict definitely did not support the actions of Polish government. Then Waszczykowski admitted that he regretted his decision and that he felt cheated by the Venice Commission. According to the minister, the Commission „insults the Polish government and Polish society because it presents untruthful, false, unilateral reports on Poland".

3.2.1.1 Nationalism, racism & xenophobia;

Germany plays a special role among the „forces of evil". Kaczyński said in an interview for the "Rzeczpospolita" daily, that the EU was dominated by one state, in fact by one person (Kaczyński, 2017). When Donald Tusk in 2006 said, that it is not possible to talk about a stable, secure Europe without good, friendly Polish-German relations, he was recognized as Germanophile. The ruling party believes that the activities of the parliamentary opposition and of the entire EU are arranged and dictated by Germany.

The news' strips from the Polish Television (TVP Info and „Wiadomości" from TVP1), which often underscore the achievements of the PiS government and sharply criticise the actions of the opposition, have gained particular popularity. In addition, the process is done in a pathetic, exaggerated way. The effect is sometimes quite bizarre, as in the case shown in Figure 1.

Figure 1. Germany is sponsoring anti-governmental protests (source: TVP1, 06.09.2017, 19:30)

There are some other examples of anti-German propaganda retrieved from TVP strips:

German policy risky for Europe again.
Germany does not want strong Poland.
Democracy in Germany in danger.
German television lies.

Previously discussed Stereotype of Collective Soul causes immigrants to be counted among the "forces of evil", and fear of them is fervently fueled by party's propaganda. Jarosław Kaczyński during the election meeting in Maków Mazowiecki on October 10, 2015, said:

> The influx of refugees to Poland may mean an epidemiological threat related to tropical diseases (…) Different types of parasites, protozoa, which are not dangerous in the organisms of these people, can be dangerous here."

Moreover, in order to dilute responsibility, the propaganda suggests that this is the case throughout Europe. They warn Poles against being persuaded that the aversion to refugees is something wrong, and that we are no exception in Europe.

3.2.1.2 Belief in conspiracy theories

After the plane crash in 2010, PiS' leaders would not accept the official report explaining the causes of the accident. A lot of conspiracy theories, explaining how the Polish president was assassinated, emerged. Many books, articles, and documentaries were published, and even a feature film was created. After PiS regained the power, the Smolensk Commission, headed by Antoni Macierewicz, received almost unlimited funds from the state budget. Its task is to find any evidence in support of the theory of assassination.

3.2.2 Internal social relations

Internal social relations concern the way of perceiving one's own country and nation, including women, people with different opinions, sexual orientation or beliefs.

3.2.2.1. Antipluralism and visualizing the nation as a monolith expressing common will

According to the already quoted opinions of Walton and Müller, propaganda appeals to members of their own group while excluding all those who do not belong to that group. For PiS' propaganda, the opposition simply has no justification or is extremely stupid:

> We are dealing with a political opposition, which is not able to oppose the government in a factual manner. "Banana opposition", which has nothing to offer for the nation. That is why they didn't even choose to fully oppose the government, but instead they're trying to use a blunt axe of an ever-drunk lumberjack. [Whatever it actually means...] Men with no honor, women with no shame (Januszewski, 2016).

Even the public media is being "silenced" when it does not agree with the party's policy and tries to criticise it. Ryszard Terlecki, the Parliamentary Caucus Head of the PiS, commented in an interview the progress of the work on a new media law in such words:

> Even if it would require some haste now, if the media imagines, that in the coming weeks, it could occupy Poles with criticism of our changes or our proposals for changes, it must be stopped (do, 2015).

In short: anyone who is against the government is against Poland. Because the state means the government. Figure 2 presents another interesting example of TVP stripe:

Figure 2. Government's opponents insult the Polish people (source: TVP1, 13.08.2018, 19:30)

In the Manichaean image of the world "we" represent goodness and sincere intentions, "they" are bad by definition, i.e. the presidential veto against the unconstitutional bills regarding the National Judicial Council and the Supreme Court was presented by the propaganda as an act against the nation.

3.2.2.2 Recognition of different points of view as a sign of betrayal;

Betrayal has become a key concept for PiS. Of course, anyone who does not support Jarosław Kaczyński's party in 100% is a traitor and belongs to "the worse sort of Poles". During the interview in TV Republika on December 11, 2015 Kaczyński said:

> In Poland, there is such a fatal tradition of national betrayal. And that is the reference to it. It seems to be in the genes of some people, the worst sort of Poles.

A division into "we – they" is at the root of every populism, and the clearer are the separations, the easier it turns out to be a non-alternative choice. Therefore, traitors are: a) opposition, b) the supporters of the EU, and, of course, c) Kaczyński's greatest enemy, Donald Tusk.

a) On July 19, 2017 in Sejm, when Borys Budka, the member of Civic Platform, said that Lech Kaczyński understood the division of power, Jarosław Kaczyński just exploded, taking the floor "without any procedure" and shouting:

> I know that you are fearful of the truth, but do not wipe off your treacherous snouts with the name of my late brother. You destroyed him, you murdered him, you are the rascals! (available at https://youtu.be/g1mqMRpKZ6E)

b) The vote to extend the term in office of Donald Tusk as the Head of the EU Council, which Poland had lost with the result of 27 votes to 1, by Kaczyński was commented as follows:

> This is a success which, in fact, simply discredits them, because this 'one' - is Poland, and 27 are the other countries, and it all fits into a very bad tradition of national betrayal, which has been in existence since at least the 17th century (Kaczyński, 2017).

c) In 2005, PiS' propaganda promoted a belief that Donald Tusk is an enthusiast of a "Prussian party" and Germanophilism, and that Germany plays an unclean game against Poland by using the servility of a large part of our political elites:

I report to the Prosecutor General on the suspicion that Donald Tusk has committed a crime of treason in favour of the Federal Republic of Germany; evidence: collecting money from the BND (Wyszkowski, March 4, 2016, *Twitter*)

The Figure 3 presents disgusting cover of "Gazeta Polska" with Tusk in a Nazi uniform. Even the extreme right-wing historian Sławomir Cenckiewicz had a negative opinion about it:

The cover is terrifying and absurd, and what about the fact that I am going to express my opinion on this issue, since, as you can see, my colleagues who make such covers are die-hard persons (Cenckiewicz, 2017).

Figure 3. Cover of "Polish Newspaper" 15.03.2017 (source: https://www.gazetapolska.pl/archiwum/okladki)

3.2.2.4 Propaganda of success

Same as under the communist regime, all the activities of PiS have been presented as epochal successes. For instance, according to the propaganda, the reduction and marginalisation of Poland's position on the international arena is a great achievement of the government of Jarosław Kaczyński. According TVP news, the government of a united right wing builds strong position of Poland in the world and Polish economy is breaking subsequent records.

3.2.3 Culture and knowledge

In the times of the communist regime, the "political correctness" of science, art and culture was ensured by the ubiquitous censorship. Today, censorship does not officially exist, but some of the government's actions are a living reminder of it.

3.2.3.1 Lack of space for development of knowledge

The attempt to take control of universities and subordinate them to politicians is explained by the alleged leftism of universities:

> University employees shaping the minds of new generations of Poles communicate leftist and communist ideas. Some of them do not even have any scientific skills, and are part of academia just for the merits towards the old system. It is worth noting that the University of Warsaw is mostly associated with this environment. Recently, it held a conference on the legacy of Karl Marx. It is this university that promotes all leftist cultural and moral patterns, but does not allow to conduct conferences on the defense of life. (Ł.B, 2018)

Meanwhile, dr Adam Puławski, a valued Holocaust researcher, was removed from scientific research by the Institute of National Remembrance. The historian is repressed for the fact that the results of his research do not agree with the PiS' historical policy. Many Polish and foreign scientists, including prof. Norman Davies and prof. Timothy Snyder, have signed the protest letter in regard to this matter.

3.2.3.2 Cultural appropriation

Obviously, not understood as the adoption of the elements of a minority culture by members of the dominant culture, but as hidden censorship, re-organization and re- financing of the culture under the nation-state control.

As much as PLN 28 million will be spent on the latest film „Legions" by Maciej Pawlicki, producer of „Smolensk". Thus, the movie telling the story of the legendary Polish military force, will become one of the most expensive productions in the history of Polish cinematography. The decision to grant the subsidy was made by the Minister of Culture Piotr Gliński, despite the fact that the critics evaluated the scenario very harshly. The situation was commented by propaganda as follows (again Germans!):

> It seems that the Germans are bothered that Poles are taking care of their patriotism. They do not want Poland to make films about our victories or about throwing away of the German yoke. It could be understandable somehow, they got used to the Polish submissiveness and timid acceptance of the German narration about Polish history. But there is no choice for them - now they have to get used to the fact, that in Poland we have another „oath crisis", there is no obligation for us to obey the Kaisers and Chancellors from Berlin. (TK, 2018)

At the same time many events and institutions of international recognition and great importance for Polish culture have been deprived of state funds:

- Subsidies for Malta International Theatre Festival in Poznań, one of the most important artistic events in Central and Eastern Europe, were cut by The Ministry of Culture and National Heritage. The reason for that was the fact, that Oliver Frljić, Croatian director of the controversial spectacle „The Curse", was one of the supervisors of the Poznań festival.
- For the same reason subventions for Theatre Festival Dialog-Wrocław, have also been reduced.

- The international reputation of Polish Theatre in Wrocław has been destroyed due to inappropriate administrative decisions.

3.2.4 Mentality

Life in Poland after the fall of communism was far from perfect. Some people forget that we left the communism with luggage of the great backwardness. We are developing dynamically but we are comparing ourselves to wealthy west countries that built their prosperity from times of the Marshall's plan. PiS has capitalized on the frustration with the post-communist transition — uneven economic advancement and a failure, so far, to catch up with the West. Norman Davies wrote that contemporary Poland "is still paying for the ravages of the Second World War and of the People's Republic. Three generations of exploitation and oppression were never going to be overcome instantaneously." (Davies, 2001, p. 401)

3.2.4.1 Resentment and redefinition of history

The paradox of Polish history is that today the importance of crucial dates and events has been lost amid currently parliamentary squabbles and disputes. On 4 June 1989, that communist bloc's first partially democratic elections were held. For the first time, voters could decide through the use of ballots who would hold seats in parliament.

However, achievements of III Polish Republic during past 26 years have been really impressive: they managed to restore democratic institutions, master inflation, assure the economic growth, make huge civilization jump and enter RP membership to UE and NATO. Instead of any satisfaction at the role we were able to play, PiS' propaganda concentrates only on disenchantment and fault-finding. June 4, 1989, the day of first democratic elections, has been called by TVP strip "the symbol of treason and collusion of elites".

Fault-finding and negation of what we have managed to achieve between 1989-2015 has now become PiS' specialty. That attitude to a large extent runs counter to objective facts. It also differs from the way our country has been evaluated by those who come from abroad. By contrast, PiS tends to dismiss achievements we ourselves have scored, replacing them with the martyrdom of the president Lech Kaczyński fallen in Smoleńsk, throwing away of the German yoke and arising from knees, etc.

3.2.4.2 Traditionalism, especially religious

In a country, where the secularity of the state is guaranteed by the constitution, purely religious events commonly become state proceedings.

First example: the idea of Jesus' enthronement dates back to the first half of the 20th century. It is associated with visions that the Polish nurse Rozalia Celakówna was to experience. Internal voices were to tell her that Jesus was asking the Polish authorities to recognize him as the King of Poland.

Unsuccessful attempts to create the Act of Enthronement were made both before and after the war. The real intensification of these activities, however, took place in the last dozen of years. In 2006, a parliamentary initiative was launched in the Sejm to give Christ the title of Jesus, the King of Poland. But even the Church was against it. In March 2008, the Episcopate asserted that proclaiming Christ as the King of Poland was „inappropriate and unnecessary". However, eventually they have changed their mind. In January 2016, Bishop Andrzej Czaja declared: „We have found that recognition by a native community of the reign of Jesus Christ over her is theologically acceptable." (mako & TS, 2016)

In accordance with this findings, the Jubilee Act of the Reception of Christ for the King and Lord was adopted in April 2016, and during the official ceremony on November 19, 2016 Christ was enthroned „King of Poland". About 6,000 people took part in the ceremony with the President Andrzej Duda and other politicians from the government ahead. (ds, 2016)

Second example: on April 7th, 2017, the secular Sejm of the Republic of Poland, with 245 votes in favor, adopted a resolution for the commemoration of the 100th anniversary of the Fatima revelations.

4. METHODS

4.1 The structure of TVP News

TVP news are no longer an information programme - it is impossible to find out any reliable information about the situation in Poland and in the world, if the information is not consistent with the party's message. These inconsistencies are simply tacit, such as the lack of any information about the awarding of The Man Booker Prize to the Polish writer Olga Tokarczuk, disliked by PiS.

The "TVP News" structure contains several fixed elements:
- a unit of boasting about the achievements of the current government;
- an appreciation for the cooperation with the USA (including the justification for Donald Trump's actions);
- criticism of EU activities;
- criticism of the previous government;
- an attack on opposition activities;
- the opinion of an expert (usually affiliated at a Catholic university);
- presentation of pro-social activities of Law and Justice (PiS);
- a 'man-in-the-street' opinion on a radical improvement of living conditions;
- some statistical data showing support for the government or criticism of the poor methodology in the case of data unfavourable for PiS.

4.2 Framing

Thomas Nelson defines frames as alternative descriptions or interpretations of the same information, problem, or solution. Frames guide our understanding of a problem's origins and offer suggestions about how to evaluate solutions. One way that frames accomplish the latter is by articulating the criteria by which decisions should be made and problems solved (Nelson, 2004, p. 582). Frames are created, for example, by the use of specific words or sayings, quotations, metaphors and examples, or by the relevant summary of the speech.

For instance, all of the government's actions are good and cannot be subject of criticism, they are all a „good change". There are some examples of newspeak and loaded language (Głowiński, 2017):
- antipolonism - criticism of actions of the PiS government;
- volksdeutching[1] - addressing the institutions of the European Union looking at the unconstitutional actions of PiS authorities;
- incontrollable, independent media - media having a similar or the same worldview as PiS;

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[1] During II WW, Volksdeutsche were Poles of German ethnicity who signed German People's List (Deutsche Volksliste). Those who joined this group were given a lot of benefits in the occupied country.

- normality - PiS rule;
- Polish-language German media or media published on the Vistula River not always by Polish publishers - „Gazeta Wyborcza", „Newsweek", „Fakt"

5. CONCLUSION

The objective of propagandistic message is to publicise every slightest success of the government, to glorify every action, even those that violate the law, Constitution or any European standards. The information should be provided either unilaterally or hushed. It is an everyday practice to discredit the opposition or non-governmental organisations.

The viewers are fed mainly on fear and hatred. Since the problems with the rule of law in Poland begun, to which the European Union authorities have actively responded, we have been dealing with a cycle of anti-European programmes. The aim is to build hate both towards the Union as an institution, and towards its individual members. The European Union is presented as an external aggressor, which only wants to harm Poland.

The scale of manipulation, bias and partiality of statements, opinions and information is comparable to that of the communist regime. Propaganda creates a world parallel to reality and, unfortunately, some people ensnared by propaganda believe in its existence.

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On Aristotle's maxim argument

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ABSTRACT: A maxim is a proposition that tell people how to act. The use of maxim is a maxim argument. Such argument can show the character of the speaker, which is mainly used in deliberative speech. The reasoning mode that practical wisdom makes people possess is the normative structure of maxim argument. Thus, normative argument has "ends-means" scheme and "rule-case" scheme.

KEYWORDS: Aristotle, maxim, maxim argument

1. INTRODUCTION

First, maxims are the norm of action. Aristotle pointed out that maxims are general assertions about actions and illustrate actions that people should choose or avoid. It can be seen that maxims do not reflect people's choice of actions in specific contexts, but rather guidelines that explain how people should act. Therefore, the specific maxim is a specific code of action. It has two meanings. First, the maxim is an action choice proposition. It expresses actions that people should take or avoid. Second, propositions contained in proverbs are normative and can be used as actual situations. Reason for action selection. For example, "minded people should not educate their children to be too clever" is a maxim that supports the "I should not educate children too intelligently" action choices.

Second, the use of maxims is a maximal argument. Aristotle pointed out that maxims are the premise or conclusion of enthymeme, and for confusing or controversial proverbs, the speaker must give reasons when using it. When maxim is the conclusion of the argument, the speaker gives the reason to prove it, and at this time, he explains the maxim or defends the maxim, not use it. Maxims are a code of conduct. It contains principles of action and rules of action. When people choose specific maxims as premise, they generally use it to make action choices. Therefore, the use of maxims is a maxim argument. One of the premise of this argument is a specific maxim, and its conclusion is a concrete action choice.

Third, maximal argument can show character. Aristotle pointed out that the advantage of using a maxim is to make the speech "ethical". When a prudent choice is displayed, the speech can demonstrate the character. All the maxims have such an effect, because people talk about a maxim and express it. Preference, if the maxim is good, then the speaker shows good character. (Aristotle, 2007, p.168) We know that there are many maxims, and the choices of different people may be quite different. For example, Christians and non-believers have very different behavioral norms. It can be seen that the selection and use of maxims reflect people's characteristics. One of the premise of the maximal argument is a specific maxim, and its conclusion is a concrete action choice. In order to give a maximal argument, people need to pick out a number of maxims as a prerequisite for the argument. Moreover, based on the same context and maxims, people's choice of actions may also be different. Therefore, the maximal argument fully reflects people's value choices and rational capabilities.

2.

The persuasion is accomplished by character whenever the speech is held in such a way as to render the speaker worthy of credence. If the speaker appears to be credible, the audience will form the second-order judgment that propositions put forward by the credible speaker are true or acceptable. This is especially important in cases where there is no exact knowledge but room for doubt. But how does the speaker manage to appear a credible person? He must display (i) practical intelligence (phronêsis), (ii) a virtuous character, and (iii) good will.

Showing practical wisdom is the core of showing good character, this point is based on the following three reasons: First, ethical virtues make people have the right purpose, but it cannot make people have good argumentative capabilities; secondly, the audience's goodwill to the speaker derives from his behavior of giving arguments, because Aristotle believes that the argument is the backbone of the speech, and the audience judges the speaker through the speech; finally, the practical wisdom makes people have excellent argumentative capabilities, which can help people to get the action choices that can realize the goal set up by ethical virtues, so practical wisdom combine people's ethical virtues and goodwill into good arguments.

Practical wisdom is the ability of people to use good arguments and seek correct action choices. It reflects a specific argumentation mode. Practical wisdom and ethical virtues are closely linked: Ethical virtues establish the correct purpose, and practice wisdom to seek means to achieve their goals. Moreover, people's practical wisdom means that he can perform good deliberation: First, deliberation is a kind of inqury, it faces uncertainty, the information that has been identified does not need to be explored, and secondly, good deliberation contain reasons, the acquisition of correct results requires the support of a good argument. Finally, the practical wisdom lies in good deliberation that is, the search for the right means to achieve the goal.(Aristotle, 2004, pp. 112-113.) Also, practical wisdom gives commands because it gives people what they should or should not do.(Aristotle, 2004, p.114.) In summary, practical wisdom has the following characteristics: First, ethical virtues establish goals for practical wisdom. Second, Practical wisdom seeks action choices that can accomplish the purpose. Third, this seeking process can be expressed as correct arguments. Fourth, the action choices given by practical wisdom are fully justified.

According to Aristotle's description of practical wisdom, scholars have summarized two modes of operation: (1) means-purposes, (2) rules-cases.(Zhu Qinghua, 2014) Practical wisdom is an ability of good deliberation, and good deliberation is a process in which people use good arguments and seek correct actions choice. Therefore, these two operation modes are two kinds of argument modes. The first mode refers to people choosing actions based on their purpose. For example, if I need cover, the cloak can cover the body, so I should make a cloak; the second mode is that people can confirm the action selection based on the action rules. If everyone should walk, you are alone, so you should walk.

The above two reasoning models involve two dimensions of action. Some scholars have pointed out that practical wisdom involves two levels: "What should be done?" and "How should we done it?" The former establishes the direction of action, and the latter defines the specific approach or method.(Yang Guorong, 2012)The revelation for us is that the ethical virtues establish only the general purpose. These purposes are the root causes of action. Practical wisdom combines the purpose set by the ethical virtues with the specific situation and gives people the direction of action, and the ways to achieve it.

From a functional perspective, action choices should be divided into action claims and action plans. Directly based on the purpose of the action choice is the action claims, it is the beginning of the action selection sequence, illustrates the action that can achieve the purpose, and the rest of the action options in the sequence is the action plan, they are in the existing action claims, explain how to Execute action claims. In order to make the action plan normative, people will resort to specific rules of action. These rules are special action options that people have concluded through long-term practice in concrete situations. They can make the process of implementing action claims is standard and ensure that the action claims can be successfully implemented.

3.

Maxim argument needs to reflect the argument mode of practical wisdom. We have argued that showing practical wisdom is the core of displaying character: When practical wisdom is showed, audience will judge speaker have ethical virtues and good-will. In this case, the maxim argument must showcase practical wisdom. Otherwise, the speaker is not showing the good character that Aristotle thinks, but is showing other characteristics. This means that, under the requirement of displaying good character, the reasoning mode of practical wisdom is the normative structure of the maximal argument, and there is a corresponding relationship between them.

Reasoning or inference is the inner psychological process of people, and the argument is the language reconstruction of the psychological process. Argument scheme is not a specific argument, it reflects the basic elements of a particular argument type, and is equipped with a corresponding critical question to evaluate the type of argument. If we want to figure out the argument type which can display character, we need to give the argument schemes of these arguments. This paper will adopt the pragmatic argumentation argument schemes system, because it is the most concise argument schemes system, and it has only three types: causal types, symptom types, and analog types. Based on specific research areas, people can dig out more detailed patterns based on these three categories.

The general form of practical argument is: Action X should be taken because action X will bring a positive result Y, and type X action [such as X] that brings a positive result of type Y [such as Y] should be taken.(van Eemeren FH, 2016) This argument scheme can portray "means-purposes" model, because the realization of the city state goal, are some positive results. From this, we can modify the general scheme: "Accept action X" is the action claims; positive result refers to the result of achieving city-state goals. So we have the following scheme:

Action X should be taken.

Because Action X will result in the achievement of a city state outcome Y, and if the action can lead to the achievement of a city-state goal, the action should be taken.

For practical argument, pragmatic argumentation gives five corresponding critical questions: Is the result worth pursuing? Does the reason given by the argument lead to this result? Are there other factors and causes together to produce the result? Is there any side effect? Can the results be obtained by other reasons?(van Eemeren FH, 2007, p.166) The response to critical questions determines the quality of the argument: the positive answer implies that the argument is good. On the contrary, the argument is bad. In the "means-purpose" model, the critical question will also change: the result refers to the achievement of the goal of city-state, whether it is worth pursuing depends on the purpose it represents; the reason refers to the action advocated by the speaker.

The general scheme of a causal argument is that Y is correct for X, because Z is correct for X and Z leads to Y.(van Eemeren FH, 2007, p.164) This type of argument can describe the arguments reflected in the "rule-case" model because establishment of applicable conditions is the reason why people choose specific actions. From this, we can modify the general pattern: X refers to the scenario delineated by the speech topic, it is already known to the speaker and the audience, so there is no need to mention; Z refers to the conditions of application of action rules; Action Y" is the action plan. Therefore, we have the following scheme:

Action Y should be taken.

Because, the speaker pointed out that the application condition Z is established, and when Z is established, action Y should be taken.

For the causal argument, pragmatic argumentation gives three critical questions: Does the cause lead to the result? Is the reason mentioned need other factors to lead to this result? Is the result caused by other factors?(van Eemeren FH, 2007, p.168)In the context of "rule-case", the critical question will also change accordingly: the reason refers to the applicable conditions; the result refers to the action plan. Question 3 applies to abduction argument, but the goal of using the

action rules is not to explain the facts in front of them, but to determine the action plan. Therefore, question 3 does not need to be considered. However, the second problem is to be dealt with, because the result of action Y is assumed to contain a lot of information in addition to the application of conditions. In these information, the suitability of the process which speaker judge the application conditions true in the situation, the feasibility of Action Plan Y, and the relevance of the action rules and action claims are the three most important ones: The first determine whether the action rule can be applied in this scenario; the second determine is whether the action plan Y can be implemented; the third is the reason for selecting a specific action rule.

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Are conductive arguments a distinct type of argument?

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ABSTRACT: Whether conductive arguments are a distinct type of argument or not is a highly disputed and fundamental issue in argumentation theory. Firstly, this paper reconstructs the debate about the legitimacy crisis of conductive arguments, which focuses on coping with "Adler's problem" and its variant, and presents my criticism of Blair's logical approach, and Xie and Xiong's rhetorical approach. In order to better defend the legitimacy of conductive arguments, a perspective of argument evaluation is provided and it is claimed that the logical role of counter-considerations lies in changing the criteria of argument evaluation. In conclusion, conductive arguments are a distinct type of argument.

KEYWORDS: Adler's problem, conduction, conductive arguments, counter-considerations, negative considerations, pro-con arguments

1. INTRODUCTION

In 1971, the American philosopher Carl Wellman came up with a distinct type of argument "conduction", which was claimed to be "neither deductive or inductive" or "refuse to fall into the two traditional categories of reasoning" (Wellman, 1971, pp. 50-51). According to Wellman's definition, conduction has four characteristics below (Wellman, 1971, p.52):

1) a conclusion about some individual case; 2) is drawn non-conclusively; 3) from one or more premises about the same case; 4) without any appeal to other cases.

Conductive arguments (conduction) are very common in everyday life. For example, "he is graduated from a prestigious university, so his comprehensive capabilities are great", "logic can not only improve people's reasoning abilities but also the sense of humanities; therefore, it is the right thing to study logic". Wellman divided conductive arguments into "three distinct patterns" based on the differences of the premises group (Wellman, 1971, pp.55-57), while the third pattern "pro-con arguments" is the most controversial and high-profile one.

Pro-con arguments are a type of argument whose conclusion is drawn from both positive and negative considerations (Wellman, 1971, p. 57). Some examples provided by Wellman are (Wellman, 1971, p.57): "in spite of a certain dissonance, that piece of music is beautiful because of its dynamic quality and its final resolution" and "although your lawn needs cutting, you ought to take your son to the movies because the picture is ideal for children and will be gone by tomorrow". And the weighing process of whether pros outweigh cons or not, is the key to evaluate conductive arguments. In view of its distinctive features (including positive and negative considerations) as well as everyday practicality, conductive arguments have been an important and popular topic of argumentation theory.[1]

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[1] Recently, the discussion of conduction generally focuses on the third pattern "pro-con arguments". Therefore, if without special indication, the term "conduction" or "conductive arguments" in this paper refers to pro-con arguments.

J. A. Blair and R. H. Johnson published *Conductive Argument: An overlooked Type of Defeasible Reasoning* in 2011, which covered a variety of issues, such as historical antecedent of the concept of conduction, the definition, analysis, evaluation of conduction, etc. This book drew much attention to the studies of conduction (Blair & Johnson, 2011). Among these issues, the legitimacy of conduction is generally viewed as a fundamentally important topic. For this topic, Zenker (2011), Adler (2013), Blair (2016), Possin (2016), Xie and Xiong (2013, 2017) actively participated in the discussion and debate in recent years. However, researchers have been far from reaching an agreement on the legitimacy of conduction. Possin expressed his concern, "After decades of debate, the nature of conductive arguments has become progressively less clear." (2016, p. 564) This essay tries to clarify and evaluate the legitimate crisis of conduction, and present a new perspective to the justification of conduction.

2. "ADLER'S PROBLEM" AND ITS VARIANT

In view of the characteristics and common usage of conductive arguments, a brief definition of it can be presented:

An argument is a conductive argument if and only if: 1) it satisfies four characteristics of conduction mentioned by Wellman; 2) its premises include positive and negative considerations.

Adler (2013, p.249) argued that the definition of conduction implies two "incompatible" claims, which make conduction impossible. It is called "Alder's Problem":

(I) The counter-considerations are irreducible or ineliminable—the conclusion, C, is reached without nullifying the counter-considerations.
(II) C is accepted as true, which issues in belief. C is detached from these premises (reasons), so that what is accepted or believed is C itself.

Though the claims above are not clear and understandable enough, Blair (2013, pp. 111-114) summarized Adler's points in an explicit manner based on a careful examination on Adler's text. According to Blair's clarification, I think the two conflicting claims can be concisely presented below:
(I') Conductive arguments are "non-conclusive", so the negative considerations remain viable (continue to weaken the argument) even though they are outweighed by positive considerations.
(II') The conclusion of conductive arguments should be without any qualification, such as the term "prima-facie", "probably", etc.
For Adler, it seems that (I') and (II') are obviously conflicting. He contends that (I') is just "the standard view" while (II') is "the crux of" conflict that requires defense. Therefore, he makes much effort to justify (II') from different aspects, like the relevant illustrations of Wellman and Hitchcock, the primary purpose of argument and the significance of unqualified and so forth (Adler, p. 250). Unfortunately, researchers do not intend to attack (II') but their actual target is (I'), especially in the term "non-conclusive".
Blair finds that (I') indicates that Adler misunderstand the term "non-conclusive" or "inconclusive". Adler thinks "non-conclusive" means "undermining reasons remain viable" (Adler, p. 248), but after reviewing Wellman, Govier and Pinto's text, Blair makes a clarification: in the context of conductive arguments, "non-conclusive" means "premises do not deductively entail their conclusions—that they are defeasible" (Blair, p.116). Moreover, Adler (2013, p. 252) mentioned that conductive arguments can be defeasible. It seems that that as long

as Adler corrects his misinterpretation of "non-conclusive", there will be no self-conflicting problem in the definition of conductive arguments any more.

Then, has "Adler's Problem" been resolved by Blair's clarification? I do not think so. Firstly, suppose we put Adler's misunderstanding of the term "non-conclusive" aside, the proposition "the negative considerations remain viable even though they are outweighed by positive considerations" still holds. In Adler's view, the proposition is still obviously inconsistent to (II'). As Xie and Xiong pointed (2013, pp.3-5), regardless of the fact that Adler's misunderstanding, the incompatibility that he detected "might still be there". Secondly, although Adler said that conductive arguments can be defeasible, the term "conductive arguments" he used does not refer to pro-con arguments. Therefore, there is a variant of "Adler's problem": how is it possible that the conclusion of conductive arguments is unqualified while the negative considerations remain viable? In order to answer this question, we have to further clarify the role of negative considerations in conductive arguments. The rhetorical perspective presented by Xie and the logical perspective presented by Blair can be regarded as two main solutions to the question.

For Xie, the distinction between thinking and arguing can be used to clarify the role of negative considerations in conductive arguments (2017, p.18):

Roughly speaking, weighing and balancing is a process of thinking in which we critically inquire into an issue, trying to consider both the pros and cons in order to reach a certain (reasonable) view. The use of a conductive argument, on the other hand, is an act of arguing by which we intend to persuade some other to accept a particular view that we have already reached and currently hold.

This is to say that the negative considerations are only viable during thinking, which is a stage prior to arguing. But as soon as entering the stage of arguing, the negative considerations are not viable anymore because the particular view has been already reached and currently hold. The next question is: what can the negative considerations do during arguing if they are not viable in this stage? Or what is the role of negative considerations in conductive arguments? From the rhetorical perspective, Xie claims that the negative considerations are not intended to enhance the justificatory power of arguments, but to increase its persuasive effect (2017, p.6). In this connection, he presents his argument in different aspects (2017, pp. 5-13).

Firstly, the negative considerations are often followed by adverbials of concession, like "even though", "although" and "notwithstanding". From the theory of Gricean conventional implication, these adverbials could serve to convey that "these reasons against the conclusion are outweighed" or that "the speaker has taken account of not just favorable considerations, but unfavorable ones as well". In a word, the mention of negative considerations is to make the argument appear to be more persuasive, thereby making the conclusion appear to be more solid.

Secondly, Xie conducted an empirical study about the role of negative considerations in conduction. 401 Subjects were asked to compare two arguments: argument A consists of one conclusion and two supporting reasons (considerations) while argument B is made from the argument A by adding two more negative considerations for the conclusion. The research shows that most of subjects (80.7%) thought that argument B is more persuasive.[2] Importantly, 89.3% of subjects did not recognize negative considerations as reasons or premises. They gave some explanation of the role of negative considerations, such as "made the argument appear to be well-considered", "serve as a foil stressing the significance of the posive reasons", "retreating in order to advance". The result provides empirical foundation for the rhetorical perspective of conduction.

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[2] Subjects are college students from various majors, but all of them are taking an introductory course on logic when they take this survey.

Thirdly, Xie gives a precise characterization on the rhetorical mechanism of negative considerations in conduction from "topical potential", "audience demand" and "presentational devices", which are the conceptual tools of the Pragma-dialectical notion "strategic maneuvering".

So far, through the rhetorical perspective, the variant of "Adler's problem" is able to be solved in the following: in conductive arguments, the negative considerations are purely rhetorical tool so that they are not viable (continue to weaken the argument). If so, it is very reasonable that the conclusion should be unqualified in conductive arguments. In other words, the rhetoricians solve the variant of "Adler's problem" by denying "the negative considerations remain viable". The legitimacy of conductive arguments, however, would be dissolved at the same time in this way. As Blair said, if weighing and balancing is only taking place before arguing, then conduction might be regarded as a pattern of reasoning rather than argument (Blair, p.123).

As a proponent of the logical perspective of conduction, Blair does not want to solve the variant of "Adler's Problem" at the cost of sacrificing the basic legitimacy of conduction (conduction is a type of argument). Blair (pp.122-125) contends that negative considerations not only appear in one's reasoning, but also can "legitimately" appear in arguments. Because negative considerations do not function as purely rhetorical tools, but has their own logical role in conduction (p. 124):

  The mention of the con considerations indicates that the argument is weaker than it would be thought to be if only the pro considerations had been mentioned. For example, "she deserved first prize in the literary contest because, although her prose style did not stand out, her plot was so ingenious and her characters so interesting" is not as strong a case for first as, "She deserved first prize in the literary contest because her plot was so ingenious and her characters so interesting."

The example above is intuitively correct. Although Blair makes a very important point here, he does not give an elaboration of it. In order to better reveal the strength of the arguments, I will illustrate more about this example:

(1) Her plot was so ingenious and her characters were so interesting, she deserved first prize in the literary contest.
(2) Although her prose style did not stand out, her plot was so ingenious and her characters were so interesting; therefore, she deserved first prize in the literary contest.

Generally speaking, the prose style decides whether the article is special enough or not, which is probably a key factor of article evaluation. Blair thinks (2) is weaker than (1), probably because the negative considerations of (2) is obviously powerful. Unlike the rhetoricians, the variant of "Adler's problem" can be solved in a logical way: It is possible that the conclusion of conductive arguments is unqualified while the negative considerations remain viable. However, the argument (has both positive and negative considerations) is weaker than that only mentions positive considerations. This is to say that the logicians resolve the "contradiction" by transferring the qualification for conclusion to argument strength (support degree between premises and conclusion).

Xie comes up with a doubt for the logical approach. He argues that the weakness of conductive arguments does not lie in the existence of negative considerations, but some kind of incompleteness (2017, p. 17): "arguing conductively has arbitrarily presumed as acceptable a working outweighing-relation that has played too fundamental a role in justifying the conclusion, hence cannot be left assumed and unexamined." Nevertheless, I think that the negative considerations and outweighing-relation are an indivisible "pair" in conductive arguments. It is because of the existence of negative considerations, a working outweighing-

relation is supposed to be assumed. In other words, the root of weakness of conductive arguments still lies in the logical role of negative considerations.

To sum up, appealing to the strength of arguments can indeed solve the variant of "Adler's problem". Is it, however, sufficient to justify the logical role of negative considerations?

3. THE LOGICAL ROLE OF NEGATIVE CONSIDERATIONS

There is a subtle situation which should not be ignored: When positive considerations are much more powerful than negative considerations (making them appear to be trivial), it is very hard to say that the negative considerations really weaken the argument. But it is necessary to discuss the situation, because this is even the most typical case of conduction in some logicians' mind. For example, Freeman (2011, p. 28) thinks that the argument is not a conductive argument unless its negative considerations are much weaker than its positive considerations. And this is the reason why the arguer merely needs to mention the negative considerations but needs not to explicitly illustrate the rebuttal of them. In this situation, appealing to argument strength is probably not able to justify the logical role of negative considerations. For instance:

(3) Although her article was not very long, her plot was so ingenious and her characters were so interesting; therefore, she deserved first prize in the literary contest.

Even though we admit that the argument strength of (2) is intuitively weaker than (1), the argument strength of (3) is not clearly weaker than (1). Compared to plot and characters, the length of article is very trivial for article competition. At this time, we may not intuitively confirm that the strength of (3) is weaker than (1). It is easy to imagine that when the positive considerations are much more powerful than negative considerations in certain conductive argument, it will be very doubtful to say the negative considerations can weaken the argument strength. More importantly, argument strength is like a "spectrum" (from the strongest to the weakest), which is essentially different from the concept of "validity" (all or nothing). In terms of the evaluation of conduction, theorists have come up with various methods. For instance, Govier (2013, pp. 361-363) offered a concise method of "the range of exception", and Fisher (2011) gave a more elaborative examination of some crucial concepts mentioned by Govier's method (e.g. "case", "ceteris paribus"). Besides, Pinto (2011) also criticized Govier's method and tried to evaluate the strength of conduction through the concept of "relative strength". Unfortunately, these methods seem not to cope with the comparison between the strength of (1) and (3).

Here we can conclude that the strategy of appealing to argument strength cannot solve the "subtle situation", which means the logical role of negative considerations cannot be well justified in such cases. From a perspective of the criteria of argument evaluation, I try to provide a new proposal for the justification of the logical role of negative considerations. (1), as a single-premise defeasible argument, its criteria of argument evaluation only lies in whether the premise provides sufficient support for the conclusion. As soon as becoming (2) or (3) by adding some negative considerations, the criteria of argument evaluation become two conditions: (A1) positive considerations can outweigh negative considerations; (A2) positive considerations provide sufficient support for the conclusion. Only when the two conditions are met can the conductive argument be counted as a good argument. Surprisingly, many researchers seem to emphasize condition A1 only but overlook condition A2. For instance, Wellman (1971, p. 57) mentioned that one decides whether the argument is valid by weighing the pros against the cons. However, if only condition A1 is met, the argument will not be good. For example, when the

positive considerations are weak (cannot provide sufficient support for the conclusion) while the negative considerations are much weaker than positive considerations, the conductive argument cannot be counted as a good argument even though its positive considerations can outweigh negative considerations. As a result, the presence of negative considerations is able to change the original criteria of argument evaluation (just one condition) into the new criteria of argument evaluation (two conditions).[3]

There might be two potential doubts of the new proposal. Firstly, perhaps someone queries that since the negative considerations are very weak, does it mean that condition A1 must be met? Then, why does it matter that mentioning condition A1? I think this query "inverts" the process and products of argument evaluation. As soon as introducing the negative considerations, the criteria of argument evaluation will be changed from A2 to A1 & A2. And the weakness of negative considerations is one of the products of argument evaluation based on A1. In other words, it is not the case that A1 is meaningless because the negative considerations are very weak. Instead, since we do the argument evaluation based on A1, we are able to know that the weakness of negative considerations.

Secondly, some may say that the presence of negative considerations does not change the criteria of argument evaluation. Because for every argument, the criteria of argument evaluation always should be a "combination" of two parts: (P1) positive considerations can outweigh negative considerations (if any); (P2) positive considerations provide sufficient support for the conclusion. For the arguments without negative considerations, P1 is satisfied trivially. Although the "combination" seems to be a little strange, I can agree with its point. However, the "combination" fails to cover up the logical role of negative considerations. For the arguments without negative considerations, P1 is always trivially true. But when negative considerations come into the arguments, P1 is not a vacuous condition (trivially true) anymore and become a substantial condition. Therefore, the logical role of negative considerations can still be justified from the change from "vacuous condition" to "substantial condition".

The discussion above does not take the rhetorical perspective into consideration, but purely focuses on the logical analysis—analyzing the supporting degree between premises and conclusion. Although the strategy of appealing to the criteria of argument evaluation seems to be simple, it can reflect the logical role of negative considerations, which is changing the criteria of argument evaluation from one condition to two conditions.

In summary, the legitimacy crisis of conductive arguments can be completely solved. Firstly, when the negative considerations obviously weaken the argument, "Adler's problem" and its variant can be solved by appealing to the strength of argument. Secondly, in the case that the negative considerations are very trivial, the logical role of them can be justified by appealing to the criteria of argument evaluation. It is noteworthy that I do not reject the rhetorical perspective of conduction. On the contrary, the uniqueness of conduction may lie in that its negative considerations have both logical and rhetorical roles or functions.

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[3] It is not helpful to focus on the criteria of argument evaluation when we discuss "Adler's Problem" and its variant, so I do not mention it at that part.

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Argumentation and the pedagogy of uncertainty

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ABSTRACT: This paper examines the legal dispute between ancient Roman rhetoricians Cestius Pius and Cassius Severus. Severus challenges Pius to defend his teaching in the Roman Forum. Pius fails due to dependence on structure to formulate arguments. This challenge is relevant to contemporary teachers as it indicates the need for uncertainty in the teaching of argumentation. Severus's challenge can be answered by making the argument classroom the site of Universal Teaching as proposed by Jacques Rancière.

KEYWORDS: argumentation, classroom, pedagogy, Rancière, rhetoric, Rome, uncertainty

1. INTRODUCTION

Cassius Severus, a Roman forensic orator with a record and reputation of being effective and aggressive, challenged the famous rhetoric teacher Cestius Pius several times to prove his teaching was ineffective. Cassius charged Cestius with 'unspecified damages' due to his claiming to teach good oratory, with being ungrateful for saying he was as good as Cicero, and due to his lack of providing reasonable defenses to these charges, asked the Praetor to appoint a legal guardian for Cestius as anyone incapable of handling his own affairs would need (Seneca, 1974, sec. cont. 3 preface). What Cestius Pius was doing wasn't unusual; wealthy Roman families hoped to send their sons to study under a Greek rhetorician to learn how to speak, argue, think, and master the oral world that was Imperial Rome (Lupi, 2015). Declamation was universally seen as a way to learn how to argue and speak, and students would use the ancient methods of *repetitio* in both copying and doing a speech again and again for revision. Severus attended one of Pius' declamations, interrupting him as one would during a forensic oration with heckling. Pius could not respond and asked to have him removed. This confirmed Severus' feelings about declamation. Severus told Seneca, "It is one thing to fight, quite another to shadow-box"(Seneca, 1974 Cont. 3: 13 preface).

Severus did not follow the rules of declamation when he challenged Pius, he offered arguments against him as would happen in a Roman court. According to Pablo Schwartz, "If Cassius' goal was to show the rhetor's inability to distinguish between scholastic and real-world legal contexts, his trick results in sanctioning a mixture of the two contexts. . .the boundary between the two activities is blurred; oratory and declamation are no longer separate entities" (Schwartz, 2015, p. 72). Cassius Severus was not opposed to declamation as such but was opposed to it as instruction for argumentation. What he hoped to prove is that Cestius Pius was making his students unprepared for the uncertainty that is embedded in the practice of arguing.

Cassius Severus is the person we should have in mind in the back of our classes when we are teaching students argumentation. Instead of stepping back to teach the theory of fallacy, or the role of style in argumentation, we should seek to ensure the presence of Cassius in our recitations, ready to call us out as he did to Cestius over two millennia ago. We should reconsider all we do in our classrooms as governed by the inevitable encounter with uncertainty. Severus' challenge to Pius is to show that when things go in a surprising way, the great master

of argument is unprepared to respond. In this paper, I will analyze the specific charges Cassius Severus made against Cestius Pius and what challenge they make to teachers of argumentation today. I will then suggest that the solution is to embrace a pedagogy that not only allows uncertainty into the classroom but depends on that uncertainty as an ethic. Cassius Severus, like all of us, wants students to be prepared for an unknowable future, ready to marshal arguments as needed and when needed.

2. THE CHARGES AGAINST PIUS

Seneca tells us about Cassius Severus in his collection of declamations. A formidable forensic orator, Seneca praises him as someone who could command feelings from the audience, came well prepared with notes and arguments but wouldn't hesitate to ditch them if needed, and was more dangerous cornered than prepared. Seneca wrote, "everyone was afraid when he was speaking, in case he should stop."(Seneca, 1974 Cont. 3 preface 2) Severus was also praised by Tacitus as the orator who moved forensic tradition away from the Asiatic style to the Silver age in Rome.(Tacitus, 2006) This speech style was less concerned with formal requirements and more concerned with motivating audiences. It was direct, it was passionate, and in a Latin word it was *acerbitas* – "bitter" speech. Not what declaimers would consider to be the height of elegant argumentation. "According to several ancient sources, Cassius Severus belonged to the last generation of orators whose eloquence was put to use in its proper place, the senate, assembly or court of law, and which enjoyed, more or less, freedom of speech" (Connolly, 1997, p. 119). In the early empire, speech norms and practices were changing. Severus was at the forefront of these social adjustments. It is strange to think that the rise of empire at the cost of the republic led to a more aggressive, less formal, more impromptu form of argumentation. Seneca gives us the details of Severus's position in relation to the famous rhetoric teacher, Cestius Pius, in a sort of recorded "interview" he did with Severus in his collected letters on declamation and his collection of topics used in teaching, the *controversiae*. Seneca details the start of the conflict from the point of view of Severus:

> I recall going into his school when he was going to recite a speech against Milo. Cestius, with his usual admiration for his own works said, "If I were a Tharcian, I should be Fusius. If I were a minme, I should be Bathyllus. If I were a horse, I should be Melissio.' I couldn't' contain my rage. I shouted: 'If you were a drain, you'd be the Great Drain.' Universal roars of laughter> the schoolmen looked at me to discover who this bull-necked lout was. Cestius, who had taken on himself to reply to Cicero, could find nothing to reply to *me*, and he said he wouldn't go on if I didn't leave. I said I wouldn't leave the public bath until I'd had my wash"(Seneca, 1974 Cont. 3, 16-17).

Severus's confrontation is more stylistic than substance – but that is his point. He's injecting an element of uncertainty into the proceedings as would happen in argumentative conflict. His use of Pius's carefully-crafted style as the butt of a rude joke (saying he would also be the city sewer, more or less) is an invitation for Pius to respond by putting Severus in his place. After all, Severus is on Pius's home turf. But Pius retreats to the rules of *declamatio*, refusing to continue until Severus leaves. This prompts another joke by Severus -- he is 'cleaning up' his opponent. Severus is not interested in the particulars of the Ciceronian exercise on Milo. What he wants to show is that outside of a carefully scripted speech, Pius has no rhetorical ability to engage with those who would oppose him.

Cassius Severus then takes Cestius Pius to the forum to see how he fares in a legal rhetorical situation. But Severus is not interested in being completely unfair to Pius. Seneca's interview with Severus continues:

I resolved to revenge Cicero on Cestius, in the courts. Soon, I met him and summoned him before the praetor, and when I'd had enough of deriding and abusing him, I requested the praetor to admit a charge against him under the law on unspecified offences. Cestius was so worried that he asked for an adjournment. Next, I hauled him off to a second praetor and accused him of ingratitude. Finally, before the Urban Praetor, I requested a guardian for him. His friends, who had thronged to the spectacle, put in a word for him, and in response to them I said I should give no further trouble if he swore he was less eloquent than Cicero. But neither joke nor serious argument would induce him to do that (Seneca, 1974 Cont. 3 17).

Severus believes Pius has insulted Cicero by comparing himself to the 'father' of rhetoric. He wants to show that Pius is nowhere close to Cicero's ability to adapt. Scholars agree that these charges are not very realistic and might not hold up in actual Roman law (Schwartz, 2015). However I argue that Severus isn't interested in winning a conviction. He wants there to be exchange. He seems to want Cestius Pius to give a display of rhetoric and argumentation away from the familiarity of his classroom and rhetoric school. But it seems Pius is either unwilling or unable to adapt his abilities to the situation he faces.

The account ends here in Seneca's writings, but Severus's actions raise questions about the teaching of argument today: Could we, or our students, deliver arguments worthy of situations and challenges that might appear before us? Classroom analysis of argumentation and the classification of types of fallacies and their moving parts seem like only part of what is needed to answer this question. In the next section, a detailed examination of Severus's claims will show us precisely the challenge he has left for us.

3. THE SEVERUS CHALLENGE TO ARGUMENTATION PEDAGOGY

Examining Cassius Severus's intervention, I divide it into four different arguments, performed in the *acerbitas* style. Severus tries to prove not only the inferiority of Cestius Pius, but also the inadequacy of the type of argumentation pedagogy that Pius stands for. Severus's main argument is that pedagogy of argument must be rooted in acceptance and work with the uncertain. Severus argues through his performance that Pius is unable to handle novel situations that do not have much time for rhetorical preparation. Severus could prove this via traditional debate, but such an attempt would invalidate his claim that Pius cannot handle uncertainty. To do so, Severus must create the conditions of uncertainty for both of them as the background of their performance.

The first move is to heckle Cestius Pius in front of his students at a planned, public declamation demonstration. Severus uses Pius's style and form in speech to make fun of his comparison of himself to the greatest Romans in different fields. Interruption by someone who has a stake in the argument is something that might be against the rules in a declamation, but is not against the rules in other forms of argumentation. Severus interrupts Pius with a depreciating joke in order to see how Pius responds. When Pius says he won't continue, he reveals his dependence on institutional and formal structure to produce his arguments. Severus notices this which is why he makes his bath metaphor. For Severus it is not the teaching of rhetoric to limit oneself to the rules of the procedure to be able to generate arguments, any more than it is proper to leave a bathhouse without having washed. Meant with a double meaning, Severus is accusing Pius of being too dependent on where he is and not the fluid argumentative situation for his motive to speak.

Secondly, Severus files a charge against Pius with the Praetor for "unspecified damages." Although a real court filing, the charge is one any educated Roman would recognize as being right out of a textbook. Such a case was often given as the context of the lawsuit in early *progymnasmatic* exercise designed to get students familiar with accessing the commonplaces around legal disputes. The penalty was less important than the arguments about why damages would or would not be justified. Severus here is pushing Pius to prove that his teaching is applicable with a very straightforward case. The uncertainty is that the case is proposed in the forum, instead of the classroom. Severus hopes to prove that even the most basic exercise given to every class has no application when faced with a new situation. Pius's call to have time to prepare his case and delay the trial is evidence to Severus that Pius teaches rhetoric that exists within a very controlled set of rules and policies, not rhetoric that can deal with multiple situations, or uncontrolled situations such as the forum.

Severus tries to argue via performance again by charging Pius with ungratefulness or ingratitude. As he told Seneca, he hoped to get revenge for Pius's treatment of Cicero. Severus here sets up the perfect scenario for Cestius Pius to prove he is Cicero's equal by offering a speech of praise and admiration for Cicero in a style that would indicate he's Ciceros equal or better. But Pius does not do this. Overwhelmed by the situation he's not sure what to say to the praetor in the court. Severus points out through this charge that even when given a perfect venue and opportunity to display what he claims he teaches, Pius cannot do it. He can't offer the defense precisely because the rhetoric he teaches is not rooted situationally. It's rooted in rules of its own making that are not connected and do not account for the fluid nature of public situations. In the end Pius' inability to respond to Severus is disappointing, but proves Severus' point – Cestius Pius is not able to overcome this aporia which rhetorically could be dismissed as easily as it was created. Severus as a professional rhetoric teacher should be able to offer a defense of his position in some capacity, not succumb to the rules of the court which Severus, it could be argued, is using in a weak manner to strengthen his position.

Finally, is the request for a guardian, which does not need a lot of interpretation. Severus is indicating to his audience that the only reasonable response to such a lack of response is to assume that Cestius Pius is incapable of reason. As such, he becomes a ward of the state. This capstone move is nothing short of arguing that Pius is the opposite of Cicero, who held the highest positions in the state government. But it is also an indictment of his pedagogy, which apparently makes men incapable of the basics of being a Roman citizen.

Cestius Pius' pedagogy is the "masterwork" approach to pedagogy indicted by Geoffrey Sirc who describes this teaching as, "the docent's tour (explaining how the great masterpieces are put together) with the hands-on workshop of family day (now that the gallery-goers understand how the masterpieces work, they get to try to make one)" (Sirc, 2002, p. 4). By referring to a model as already "the best," creators are merely trying to replicate a particular iteration of an argument. Cassius Severus believes that arguments must fit situations and cases as they come. Pius wants his students to produce a masterwork or a close proximity, Severus wants the production of effective argument, which then might be considered masterful, but only situationally.

Severus starts with the assumption that the study of argumentation is inseparable from the practice of a productive art. Pius starts from the assumption that argumentation is a critical art. Neither has the entire picture, but Severus is right in pointing out the ineffective nature of critical argumentation toward production. As he tells Seneca, "When I am declaiming, I feel I am struggling in a dream" (Seneca, 1974). We can understand this feeling if we understand that argumentation is less about getting it right than getting it effective. Teachers of the form, such as Pius, not only miss the point, their practice is ineffective in situations where they have no control and are unsure what to do.

4. RESPONDING TO SEVERUS'S CHALLENGE TODAY

Responding to Severus is to reconfigure our relationship to our material and our students. Argumentation, in the way Severus sees it, is something that is responsive to situational demands, not responsive to a dictated form or structure. Of course, argumentation must be prepared by considering the case, the audience, and the situation, but the arguments are not beholden to a structure of engagement here. They are to be evaluated by listening to them and seeing if they are persuasive. What Severus suggests can be met by teaching argumentation under the sign of Universal Teaching, a theory developed by Jacques Rancière.

To understand the difference between Universal Teaching and traditional argumentation instruction, examination of some methods of teaching argumentation are in order. In the American pedagogical tradition, the teaching of argument quickly moved across the twentieth century from one oriented around production to one focused nearly totally on criticism of arguments already produced.

Uncertainty has been an enemy as long as formal, professional rhetorical instruction has existed in the United States. Charges like those Pius faced are familiar to American teachers of debate and argumentation, who, at least since the publication of President Teddy Roosevelt's memoirs in 1913 have had to grapple with his admission that he was happy to never have been part of the Harvard debate society, where people are taught to speak "glibly on the side to which he is assigned, without regard either to what his convictions are or what they ought to be" (Roosevelt, 1926, p. 23). The professionalization of teachers of speech, argument, debate, oral reasoning, appeal – whatever you wish to name this part of argumentation – has always been on the defensive to justify what it is they teach. Since Plato, suspicion on teaching argumentation has been high due to its lack of clear substance and identity. But since the situations we argue about are novel, no teacher could know the 'correct' answer for an argumentative composition.

Reliance on Stephen Toulmin's model of argumentation is perhaps the most popular attempt to eradicate uncertainty from our curriculum. The Toulmin model is ubiquitous in American education in any subject that requires the formulation of arguments, as Ellis points out (Ellis, 2015). As William Keith and David Beard note, "scholars are not in agreement on what a warrant is or how to identify it, either theoretically or for purposes of teaching and criticism" (Keith & Beard, 2008, p. 21). As far as creating arguments, James Crosswhite asks: "Where do arguments come from? The Toulmin model may be a reasonably good way of diagramming an isolated argument for purposes of analysis and evaluation, but it does not provide an answer to that question" (Crosswhite, 2008, p. 170). Cassisus Severus might agree, telling Seneca, "[declaimers] are used to being clever at their own rating" (Seneca, 1974 Cont. 3, preface, 13-14). Perhaps these terms, pedagogically, are good at generating text that fits them, rather than arguments that engage others.

Across time, we can see the textual trace of the shift from production to assessment that takes final form under Toulmin-dependent pedagogy. Frances Perry in his 1906 textbook *Argumentation* offers that, "The purpose of argument is to make other believe as we believe. We argue only when we offer reason and evidence to sustain our assertions" (Perry, 1906, p. 11). Further, "argumentation proper postulates or assumes a proposition to be proved" (Perry, 1906, p. 14). In 1914, V.A. Ketchum wrote in the introduction to his text, *Theory and Practice of Argumentation and Debate,* "Argumentation is the art of persuading others to think or act in a definite way. It includes all writing and speaking which is persuasive in form" (Ketcham, 1919, p. 1). James O'Neill and James McBurney offered in 1932, "The art of influencing others, through the medium of reasoned discourse, to believe or act as one wishes them to believe or act" (O'Neill & McBurney, 1932, p. 2). As the more isolated practice of the debate tournament began to extinguish the public-facing practice of campus

debates, the popular 1938 textbook by Baccus and Nichols drew a very clear line between argument and debating:

> The position of this book is that English debating and legislative debating are persuasion, making occasional use of argumentation as a support, and that American academic debating is argumentation. One type uses humor, persuasive appeal, and entertainment, with occasional argument . . . the other uses fact, evidence, inference, conclusion, and proof (Nichols & Baccus, 1936, p. 20).

Such a distinction can be characterized as continued worry about the state of certainty around the practice of teaching the production of argument without clear guiderails. There isn't a correct answer per se, but there are things that instructors and students can find to be effective and good. The 1951 definition in the third edition of *Argumentation and Debate*, although now authored by McBurney and Mills without O'Neill, shows how quickly argumentation has moved away from production to criticism:

> In an earlier edition of this book, argumentation was defined as 'the art or activity by which one person, through the use of reasoned discourse, seeks to get other persons to believe or do what he wants them to believe or do.' Our present view is that this definition neglects the critical function of argumentation and overemphasizes the personal involvement and desires of the advocate" (McBurney & Mills, 1964, p. 2).

As the role of Americans shifted from producers of their civic environment to the consumers of the civic as a media product, the shift in training students for life in this world shifted with it. Critical consumption of argumentation becomes more vital than producing persuasive texts. In the 1963 book *Decision by Debate* we have the first iteration of what became standard argumentation instruction. The text casts debate as a tool that assists third parties in drawing conclusions. "Debate is a mode of critical decision-making in which the contending parties appeal to an adjudicating agency acting in the role of arbitrator and agree to abide by the decision that agency hands down" (Ehninger & Brockriede, 1971, p. 10). The Toulmin model is central in this operation: "An extension of Toulmin's analysis of argument provides a formula whereby personal, emotional, and logical proofs may be reduced to a common structure and made subject to comparable tests. The debate is thus able to bring all three modes of artistic proof within the framework of critical controversy" (Ehninger & Brockriede, 1971, p. viii). Now there is a form, complete with rubric, to see if the argument is done correctly to satisfy the decision-maker. The role of the arguer is no longer creative, it is beureaucratic: "critical decision-making is pre-eminently a fact-centered process, as attested by three of its cardinal rules (1) Begin your study of a subject by searching for facts, rather than by making guesses or assumptions. (2) Test each hypothesis and each new step in inference by carefully checking it against the facts. (3) Accept no conclusion that fails to square with the facts" (Ehninger & Brockriede, 1971, p. 33). Facts are now completely in charge. Argumentation draws decision-maker attention to them. This is far removed from the situational response that Severus believes is so vital.

An alternative mode of teaching argument is needed to address Severus's critique. Jacques Rancière's conception of "universal teaching" places uncertainty not simply at the forefront of pedagogy, but as the only appropriate pedagogy for emancipation of the human mind. The idea of universal teaching is "to learn something and to relate it to all the rest by this principle, all men have equal intelligence" (Rancière, 1991, p. 18). It is the idea that the disciple makes the master by teaching *him* the material, not recalling it to his specifications.(Rancière, 1991, p. 19) It is "the desire to understand and be understood. . . not the derisive power to unveil

things, but the power of translation that makes one speaker confront another."(Rancière, 1991, p. 63). Such an understanding of education, of pedagogy, is amplified when we realize that students and professors, teachers, experts, and any human being can fall into persuasion and assent to arguments that are not good as well as generate fallacious claims in support of motives that would be beneficial to audiences. Universal teaching reveals and amplifies the rhetorical character of the teaching of argumentation – there are no experts here as any human can be deceived by reasons. "Universal teaching is summed up in one question: What do you think about it?" (Rancière, 1991, p. 36).

Argumentation's long tradition with oral production is also a strong connection for universal teaching, as Rancière notes, "The student must speak about the art he wants to learn."(Rancière, 1991, p. 65). Articulation of the subject pre-supposes knowledge on it, just as declamation pedagogy assumed in Rome. Students would speak on a topic in order to be able to speak on a topic. "This was an essential exercise in universal teaching: to learn to speak on any subject, off the cuff, with a beginning, a development, and an ending."(Rancière, 1991, p. 42). In argumentation, the speaker and the audience who is interacting with the argument are participating in a pedagogy focused on, "learning, repeating, imitating, translating, taking apart, putting back together" (Rancière, 1991, p. 68).

What Cestius Pius represents is Lacan's discourse of the university, where knowledge organizes itself in a headless, neutral whole, and demands that we desire to fold ourselves into it. Knowledge is created not by someone, but by rules and processes that can be mastered, making us subject to it. There is no Master pulling the strings; all is organized by a system of neutral rules that produce knowledge. "No provision is made for individual subjects and their desires and idiosyncrasies. Individuals are to act, think, and desire only in ways that function to enact, reproduce, or extend the system. Bureaucracy thus functions to educate, in the root sense of that term: it forms particular types of subjects" (Bracher, 1994, p. 115). Cassius Severus responds with what Lacan calls the discourse of "true science" or the hysteric's discourse, which seeks to show that the master's knowledge is incomplete, that the claim to perfect knowledge is false – exactly what Severus is doing through his four charges against Pius. "In addressing the master, the hysteric demands that he or she produce knowledge and then goes on to disprove his or her theories" (Fink, 1997, p. 134). The inability to respond is not evidence of an uncivil action on the part of Severus. On the contrary it's Severus' attempt to show that Pius does not produce knowledge of argumentation, but deference to what is known about arguments. Severus is using the civic institutions of Rome – the very thing that Pius is preparing his students to engage – to show how elimination of preparation for the uncertain is the opposite of what prepares people for participation in civic institutions. So if adoption of the method of Universal Teaching – confronting persuasive argumentation with the human mind in dialogue – is to address Severus's challenge, what would this look like in the classroom? For this, I have two suggestions.

The first is to return to the oral production of argumentation in response to cases. This is very much the 'bare-bones' model of declamation, but without the conformity to precepts of 'good speaking.' The advantage here is that there are no correct or even right answers to such argumentation. In declamations conducted this way, there seems to be a Roman obsession with topics that do not appear to be resolvable. Calling them "inexhaustible" topics, Zinsmaier believes Roman declamers found pleasure in discussing certain issues endlessly due to the nuance and novelty of the *ingenium* surrounding them (Zinsmaier, 2015) . Such topics are not good for coming to a conclusion about a policy or social matter, but they are excellent if your purpose is to teach and practice compelling argumentative commonplaces. We have a sense of this: In assigning very real, very current topics for the generation of argumentation, we can recognize student speech that is simultaneously good quality and unexpected. What I propose is an expansion of this into all areas of the argumentation curriculum. The more unsolvable, the

more evergreen the speeches. And the more students practice the interrelationships of social and cultural values and beliefs.

Secondly, topics in declamation test the limits of social norms. Dealing with tyrants, pirates, women, foreigners, slaves and former slaves, sons who murder fathers, and fathers who abandon their sons, the topics that Roman students engaged suggest concern with the limits of Roman law. Such topics are evergreen. There is no shortage of questions about the limits or breadth of any state. Placing this at the center of the classroom in the contemporary context is teaching argumentation under the sign of Universal Teaching. This practice makes all participants the subjects of the generation of doubt and response to contemporary issues. This is excellent practice in argumentation that focuses argument quality away from meeting standards argumentation has for its own quality. Of course, this can be considered, but within the swirl of uncertain response to contemporary issues, all minds are somewhat equal and persuadable, leading to a different conversation about quality.

5. CONCLUSION

As Seneca tells us, Cassius Severus was not against preparing his arguments. He always arrived at the forum with a well-planned case. "He never spoke without notes, and . . . to a large extent the whole would be written out" (Seneca, 1974). But he quickly dismissed it as the arguments developed, preferring instead to engage his opponent in the context of the moment, generating argumentation and rebuttal based on what was happening there in the court. Severus believes no pedagogy of argumentation is acceptable unless it teaches students how to locate and compose arguments for uncertain situations. Severus offers a challenge to contemporary pedagogy, which might speak more toward arguments being made correctly rather than being made persuasively for others. When teaching argumentation, argumentative rules ought to be a starting point to help students discover what is possible in argumentative invention. The trouble for Severus, and for us, is when argumentative rules become both the starting point and the point of assessment. For Severus, the only possible assessment of argumentation was the Forum, the audience, the people of Rome. To substitute anything else was to teach argumentation that feels like "struggling in a dream." To teach argumentation is to invite confrontation with uncertainty. Reliance on formal rules and processes was to hamper the students, making them as incapable as their teacher in dealing with novel, unexpected, or surprising situations which for Severus, and perhaps us, is where argumentation really lives.

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Analogical argumentation and developing critical reflection

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ABSTRACT: The ability to reflect on ideas implicit in our standpoints is fundamental for critical thinking. To question principles by which we interpret our experience requires breaking the circle of our prejudices. We must go beyond our experience.
We discuss examples of philosophical argumentation that help in this endeavor and relate them to analogies and comparisons used in Philosophy for Children, showing how some philosophers like Plato and Descartes have used them in a similar way.

KEYWORDS: analogies, argumentation, controversies, philosophy for children, teaching argumentation

1. INTRODUCTION

The purpose of the present paper is to analyze some crucial problems for the teaching of argumentation. Our main interest stems from our work with college students and in teacher training in Philosophy for Children; it concerns the proper guiding of a philosophical discussion with children and youngsters so as to further reflexive thinking. One of the most important difficulties, in our view, lies in learning to grasp the implicit ideas that may hinder the resolution of a controversy.

The process of advancing reasons in favor of a standpoint and refuting the reasons advanced by an opponent in a discussion must end at some point. To be sure, a controversy does not end definitively, in the sense that new evidence can reactivate it, but this does not mean that it cannot be pronounced satisfactorily resolved at a given moment. How do we understand, then, a controversy's resolution while considering it provisory?

According to pragma dialectical critical rules (van Eemeren & Grootendorst, 1992, p. 209), a reasonable controversy's resolution is achieved when the proponent of a standpoint withdraws it, in view of the opponent's doubts, or else the opponent withdraws his/her doubts, in view of the reasons advanced by the proponent.

This means that a controversy can be resolved if, despite their differences, a reflexive spirit predominates in the participants, and they are willing to show collaboration and respect. Unfortunately, this does not often occur in everyday life. On the contrary, people tend to cling to their standpoints and are unwilling to abandon them, in spite of powerful reasons offered by their opponents. This unwillingness to reflect and to cooperate towards reasonable mutual understanding results in a lack of models for the students of what it means to achieve a controversy's resolution and may even produce the impression that it is impossible to achieve.

In Philosophy for Children, cooperative thinking is fostered by philosophical discussion encouraged by provocative stories.

2. CONTROVERSIES AND IMPLICIT BELIEFS

The intricacy of beliefs may be illustrated by a question that arises in the Philosophy for Children novel *Pixie* (Lipman, 2018, p. 58) about which of two stories concerning our origins is more unbelievable: that in the beginning we were as tall as mountains or that we were really small and grew to become just as we are now. Pixie contends that both stories are equally unbelievable. The question is: what is the relationship between truth and belief? Can we believe what we know to be true or must we be uncertain in order to believe?

Why do people cling so obstinately to their standpoints? We think that the positions people take regarding a controversial issue are dependent on their beliefs, and these are the result of their experiences and education. Beliefs are, therefore, unbound, in the sense that they are not rigorously defined, their limits are unclear and they relate to other beliefs in an irregular and flexible way. Moreover, they vary according to context and the passing of time. In contradistinction, scientific beliefs are expressed in clear concepts. For example, a person might think that whales are fish, because they live in the sea, but he/she would be mistaken, because scientists have defined fish in such a way that whales are excluded from the concept of fish.

Conversely, concepts we use in everyday life, and which are indispensable to understand what happens in our society, are not at all like that. For instance, there is no unanimity about what should be understood by 'democracy'. Some may think that democracy is defined by personal freedom and certain control over the government. Others may think that this is not enough and that an egalitarian social basis is required. Most people think today that democracy also requires egalitarian universal respect for human rights.

These discrepancies arise from the way how concepts like freedom, equality and discrimination are defined, concepts that furthermore are related to other beliefs in a flexible way. All these beliefs, as mentioned, lack a rigorous definition, validly accepted by all, so that we might, because of its fluidity, come to maintain positions based on concepts that we deem universal, but aren't accepted by all and may be questioned. For instance, an assertion might be made that implies a certain concept of what is morally correct without the speaker's awareness that his/her idea might be questioned.

These ideas remain implicit because they are generally assumed without stopping to define them more precisely. On the other hand, if one tried to define all the beliefs in which our postures are based, the argument would become too long and complex and this would hamper communication.

Therefore, when a difficulty in resolving a controversy arises, it is necessary, in addition to the analyses of the reasons offered in support of the standpoint, to analyze the beliefs that are at its basis, examining their boundaries and relations with other beliefs. This analysis of the implicit can be a long and complex task, as stated. Therefore, we shall limit our analysis here to argumentation involving comparison, not necessarily analogical argumentation.

3. COMPARISONS, ANALOGIES AND FICTIONAL CASES

In argumentation involving comparison the implicit elements seem to be easier to identify, since in comparing different situations, we must select and take into consideration only those elements that are relevant for the comparison. In controversial issues, however, strong beliefs may cloud our ability to understand the emotional factors that are sometimes involved in the other person's position. This ability often depends on our individual capability to imagine, on some personality traits and on our capacity for empathy towards other people, which seem to be out of the reach of scientific thinking's universality.

On the other hand, it is true that we can encounter implicit ideas in other types of arguments, such as faulty causal argumentation and hasty conclusions, but these problems are less frequent due to the expansion of scientific thinking. At least, they are more easily taught than analogical argument, since an appeal to a personal effort in imagination is predominantly required here, whereas in causal or symptomatic argumentation the appeal to scientific authority becomes the usual support of beliefs.

Therefore, we think that comparisons, analogies and fictional cases can help develop a sensibility to apprehend the hidden assumptions underlying standpoints opposite our own in a controversy. For instance, if someone has a very strong conviction concerning beliefs that lead him/her to hold his/her standpoint as highly convincing, he/she runs the risk of unwittingly ignoring important elements that would dissolve the comparison. In this case, objections consist in bringing to light the implicit elements and, in this way, undermine the proposed reasons.

Consider the following example provided by Johnson & Blair (1993, p. 111):

(1) Contrary to your article, the events that are taking place in South Vietnam's presidential election offer the best opportunity for the U.S. to make a "decent" exit from Southeast Asia. Under the existing circumstances, the U.S. should declare that South Vietnam is unable to sustain a political democracy, that there is no reason for us to remain there, and that we should withdraw our remaining forces. By doing this, we would leave the image of a patient who died despite the extraordinary efforts of a good doctor.

Implicit in this argument is the idea that the U.S. is comparable to a good doctor. But, is this so? As the authors point out:

A "good doctor" here would be one who sought to make democracy a workable form of government. In fact, U.S. foreign policy throughout the 1950s and 1960s can be interpreted as more anti-Communist than pro-democratic –witness the U.S. support of the undemocratic regime of Batista in Cuba, of the military dictatorship in Greece, and so on. (Johnson & Blair, 1993, p. 112)

If someone had the conviction that the U.S. was the great defender of democracy throughout the world, an idea that may be acquired early in life, he/she might forgo the criticism made by these authors.

Let us consider another example. In a case of marital infidelity, if the unfaithful member of the couple thinks that he/she should enjoy his/her sexuality on every possible occasion, this implicit idea may lead him/her to assume that infidelity does not cause harm to the other member, as long as he/she is not aware. An objection to this may involve an analogy:

(2) For the purpose of considering whether infidelity causes harm, it is irrelevant whether the spouse does or does not know about it, since the situation is similar to

that of someone who is being affected by a terrible disease, such as terminal cancer, without knowing it. Not knowing, and therefore not suffering, does not mean that the person affected is not harmed.

Some may insist, however, in defending their implicit idea, that the analogy is faulty because both situations are different: in one case the damage is physical and in the other not. If the other party counters by asking: what if it is your own spouse who is being unfaithful? They would probably answer that this is highly hypothetical and that it is not happening, but, if it was, they wouldn't mind. Although this doesn't seem a very reasonable position, many people may still hold it, because they cling to their beliefs.

This shows that, in the case of beliefs and implicit ideas, it is not enough to identify the implicit and to understand how it works in the argument; it is necessary to understand also the emotional aspects. The lack of empathy towards the deceived spouse becomes apparent in this kind of answer. In other words, the inability to put him/herself in his/her spouse's place shows a want of feeling indicative of a superficial and uncaring person, someone who treats others with disrespect.

Therefore, an analysis and discussion of analogical arguments and comparisons may help develop an ability to reflect about our prejudices and see things from a different perspective, including the emotional factors along with the intellectual.

In traditional stories like *Cinderella* and *The Ugly Duckling*, created by imagination and transmitted by folklore and children's literature, we see that, through comparison and empathy, they are not only entertaining but also transmit implicitly a moral sense and an education of emotions. The same could be said also of religious stories or Jesus' parables in the Bible, like the sower and the prodigal son.

An appeal to fictional situations can be employed also by philosophers and, in this sense, can show how analogy and comparison may help in fostering reflection. An example of this could be the story of Ixion in Greek mythology, an example we used in our philosophical novel (López, Tugendhat & Vicuña, 2001):

(3) Ixion has fallen in love with Zeus's wife, Hera, and wants to seduce her. Realizing this, Zeus transforms a cloud into a woman identical to Hera, to deceive Ixion and to find out how far he is willing to go. Ixion seduces the cloud and makes love to her thinking that he has conquered Hera. Zeus can then laugh because Ixion has made a fool of himself: believing that he has made love to Hera he has only made love to a cloud.

Considering this example may help us understand what it would be like to live under the illusion of a perfect love relationship while one's partner is being unfaithful without one's knowledge. A comparison with Ixion's situation may show that no one would like to live under that kind of delusion.

On the other hand, appealing to fictional situations may not satisfy the pragma dialectical critical rules (van Eemeren & Grootendorst, 1992) mentioned above, in the sense that a controversy ends when the other party withdraws his/her standpoint or doubts, which may not occur in these fictional cases.

Before going further it seems necessary to clarify what we understand by analogy. We think that a useful definition for our pedagogical purposes is given in Lipman's (1980) novel *Pixie*. Pixie asks her teacher what would be called a comparison of things that have the same relationships but different parts. He answers: "I suppose that this would be an analogy". He then asks the students to give examples.

The first example offered is that a wing is related to a bird in the same way as a flipper is related to a fish. This could be expressed as: "a wing is to a bird as a flipper is to a fish". This obviously doesn't mean that a bird and a fish are the same, but that both in a bird and in a fish these elements satisfy the same function: direct the movement. This makes it a good analogy. If we said instead that the game of chess is analogous to the game of checkers, this wouldn't be a good analogy, because the rules of these games are very different, and rules are essential game features.

Nevertheless, fictional situations involving analogies may help to look at things from a different perspective, moving away from our personal convictions. This is crucial in Philosophy for Children, where the most important goal is not to convince the interlocutor but to lead him/her to a point where he/she has to reflect and question previous beliefs and think further. If the difference of opinion is not resolved, the discussion stays open and can be resumed later.

Another example of a philosophical use of fictional situations can be found in Plato's myths. Let's consider the myth of the ring of Gyges told by Glaucon in Plato's *Republic* (*Rep.* II, 359d). (Extracted from the English translation by Jowett, no indication of year, p. 47-48):

> (4) Gyges was a shepherd in the service of the king of Lydia and, one day after an earthquake, he found a hollow brazen horse and, inside it, a dead body with nothing on but a gold ring. He took the ring from the finger of the dead and later, when the king's shepherds met, he came to the assembly having the ring on his finger, and as

he was sitting among them he realized that when he turned the collet of the ring inside his hand, he became invisible and when he turned it outwards he reappeared. He then contrived to be chosen one of the messengers who were sent to the court; where as soon as he arrived he seduced the queen, and with her help conspired against the king and slew him, and took the kingdom.

The purpose of this myth is to lend support to the sophists' standpoint that human behavior is not motivated by the idea of what is right, but by self interest and fear of punishment. According to this view, man is 'naturally' selfish and acts in his/her own convenience, except when he seeks to avoid punishment or to prevent becoming the victim of someone stronger than himself. The idea of a magic ring that turns the wearer invisible intends to show that no one with that power would choose to act against his/her own self interest.

This conception has been questioned by many other thinkers, for instance, MacIntyre (1966, p. 28) suggests that this is not a "natural" idea, but the sophists took it from Homer, more precisely from Homer's portrayal of Agamemnon as a selfish and authoritarian character. This idea's origin then would be in very ancient Greek culture. Our interest however is not in deciding about this matter, but to consider Plato's use of fictional situations. As mentioned, Plato seems to be asking for the reasons anyone would have for acting in a morally right way if he/she had a power like that granted by the ring of Gyges. The sophists' answer would be that everyone would act just as Gyges.

Plato, however, had already made Socrates object to Thrasymachos in the *Republic* (*Rep.* I, 351e-d) that all people need to collaborate with each other in order to obtain their goals; they cannot be totally selfish, even a band of thieves needs justice in order to reach its objectives. Rather than refuting the sophists, Plato seems to be raising questions that foster reflection about our personal mutual relationships and moral sense.

After all, the proposed analogy may not be altogether convincing, since it may seem obvious that there are many circumstances in which we are forced to act against our own

interests, although it may be rather difficult to establish whether we do it motivated by a moral sense or for other reasons.

In our view, Plato wants to induce the other party or the reader to place him/herself in a situation that leads him/ her to wonder what it means to act justly or, as we say now, morally. There is no resolution of the controversy, we cannot demand from people who would act like Gyges to withdraw their standpoint. However, in the *ring of Gyges* we encounter a tool that permits us to provoke reflection about human relationships, empathy and respect. In the end our interlocutor will decide, and his/her decision may not be the one expected by Plato, but this might change through time and reflection.

Another example of a philosopher who recurs to analogy is Descartes.

(5) Descartes' hypothesis of an *evil demon*:

> I shall suppose, therefore, that there is, not a true God, who is the sovereign source of truth, but some evil demon no less cunning and deceiving and powerful, who has used all his artifice to deceive me. (Descartes, 1968, p. 100).

Descartes had questioned all beliefs in order to find an unquestionable truth in which to found philosophical thinking. At some moment in his inquiry he comes to ask whether we should doubt our own consciousness, not only the things to which our consciousness refers to, the external world, but our consciousness itself. In Descartes' reasoning, even if we doubt that we are observing a real object, we cannot doubt that we who doubt exist, which leads to his célèbre *cogito ergo sum*. This seems unquestionable, evident. But Descartes wants to go farther and explore whether even this can be questioned.
To follow this inquiry he presents the hypothesis of an 'evil demon'.

Let's suppose that instead of having been created by a benevolent god we had been created by a deceitful one, someone who might have created us with a defective consciousness, so that each time that we believed something with certainty we would be mistaken. In this case, when we saw something that we believed to be so and we were conscious of experiencing this state of mind of being certain, we would have to doubt. For instance, concerning the fact that we are awake, no matter how strong our subjective certainty, we cannot trust it.

Although the analogy is not that clear, the appeal to the fictional image of an evil demon allows us to place ourselves in a position otherwise hard to maintain: that our internal consciousness might be wrong. By means of the analogy of this "great deceiver", the *evil demon*, Descartes gets us to move away from our everyday certainties.

Through this mechanism of considering fictional situations, although we do not achieve a definitive resolution of the controversy, we may stimulate reflection and the ability to consider different perspectives. The precedent examples intend to show how fictional cases may lead to wonder whether it is satisfactory to live deceived by an illusion, whether we would still act morally even if we had the power to avoid being caught and being punished, and finally whether we should doubt our own consciousness.

We turn now to a more actual case, the present controversy in Chile concerning a law proposal, now under discussion in parliament, to take away the penalty of abortion in three circumstances (danger to the woman's life, no viability of the fetus and rape). Until now, abortion is illegal in Chile and it is considered a crime in all circumstances. One of the most difficult issues that prevent the resolution of the controversy lies in the belief that many people hold that the fetus is a human being and therefore has a right to live, as granted by the constitution. This belief is based on the idea that the fetus, since its conception, has the genes that make a human being. Consequently, abortion is considered homicide.

An objection to this position is that it only displaces the problem, because it does not explain why only the human species should have such an absolute right to life. Why don't other species, for instance dolphins, have the same right? In our view, in this extreme position about abortion that leads to its absolute prohibition is implicit the catholic idea of the soul's *infusion* by God in the fertilized ovule. Since this is a religious idea, it is not made explicit in a philosophical or for that matter *layman's* parliamentary discussion.

In this context, the argument by Judith Jarvis Thomson seems relevant. Considering the impasse produced by the belief that the fetus is a human being, she proposes to defend abortion by conceding that the fetus is a person and cannot be aborted: "I propose, then that we accept as established that the fetus is a person, from the moment of its conception." (Thomson, 1983, p. 11).

Next, instead of questioning the opposite standpoint, she takes an alternative path that is similar to the fictional situations that we have been discussing and proposes the following analogy:

(6) Suppose you wake up one morning and find yourself in bed with an unconscious person. This turns out to be a renowned violinist who has been found to suffer from a terrible kidney disease and the Society of Musical Lovers, after having researched all medical records has found that you are the only one who has the matching blood type to help him. So, they had kidnapped you and during the night they had connected the violinist's circulatory system to yours, so that your kidneys could purify the violinist's blood along with your own. The hospital Director says to you: 'Listen, we are very sorry that the Society of Musical Lovers has done this to you. If we had known, we would never have allowed it, but they have. So, now the violinist is connected to you and to disconnect him would be to kill him. In any case, do not worry; it is only for nine months. By then, he would have recovered from his illness and he could be disconnected from you without risk.'

What is the meaning of this example? Later on, Thomson (1983, p. 12) makes the analogy explicit: a woman, who has been raped and, as a result of it, is pregnant, is in the same situation of the woman to whom the famous violinist has been connected without her knowledge and consent. Both situations are perfectly similar: both the fetus and the violinist depend on her to continue living.

What we should ask ourselves then is whether it is morally incumbent upon the woman to continue connected to the violinist (and, consequently, to the fetus). Of course, if this were a voluntary act, there wouldn't be a problem; it would be an act of generosity. But, if it were an act against her will, it wouldn't be morally incumbent upon her.

Since some people don't want to make this distinction between voluntary and non voluntary acts, Thomson (1983, p. 23) introduces another comparison:

(7) If a burglar enters a person's house, the owner has the right to prevent his remaining there; the burglar has no right to stay against the owner's will. The same would be true if the window bars had a minor defect that would make it possible for someone to enter. Even in this case, the intruder has no right to remain there. The situation would be even more serious if the woman's life was at stake.

Another consideration made by Thomson concerns the duration of the process. If the connection to the violinist required lasting only for an hour, the woman might reconsider her decision, and the same would happen in the case of pregnancy if it only lasted one hour, but even in this case she would be under no obligation to reconsider it.

In order to clarify this, Thomson (1983, p. 25) introduces another comparison:

(8) Suppose a child gets a chocolate box as a present and he/she is not willing to share it with his/her sibling. The child could be deemed selfish, cruel, egocentric or despicable, but he/she should not be considered unjust. Since the chocolate box is a present, it belongs to him/her and he/she is under no obligation to share it.

Next, she introduces yet another comparison, relating the pregnant woman's obligation to continue her pregnancy: the difference between a Good Samaritan and a minimally decent one.

(9) A Good Samaritan, as in the Bible's parable, is someone who does an extraordinarily generous act on behalf of others. It is something that is done out of love of God and, consequently, is a voluntary and gratuitous act. In fact, if it were done in view of a reward, such as eternal glory or to escape hell, it would lack moral value. We are under no obligation of being Good Samaritans. On the other hand, there are certain minimal obligations we have towards others which would be a serious moral offense not to comply with: these would be the minimally decent Samaritan's obligations.

In this connection, Thomson (1983, p. 28) mentions the case of Kitty Genovese who was assaulted and murdered while 38 other people were watching without doing anything to help her, not even call the police. These people did not even qualify as minimally decent Samaritans. Consequently, they acted in a morally incorrect way, failing to lend a very small service to someone who needed it badly. This conduct, although morally wrong, is not legally wrong, but some legal systems are considering changing this.

In relation to abortion, then, the comparisons seem to show that the fetus has no right to occupy the woman's body, since it belongs to her only, as the examples of the burglar and the chocolate box imply. Therefore, she would neither break the precept of a Good Samaritan nor a minimally decent one, because the first would require a voluntary act that she doesn't want to do and is under no obligation of doing, and the second would require her to be pregnant for nine months, which cannot be considered an obligation for a minimally decent Samaritan.

Thomson's position has been criticized by pointing out that a woman's relation to her fetus involves important emotions derived from mother child relationship, which would deny the comparison of the fetus with an intruder. This objection, however, seems to imply that maternal feeling is instinctive and disregards the fact that at least some women are disposed to abort, especially in rape derived pregnancy. To them, the fetus is an intruder living in their bodies. In this case, at least, Thomson's argument seems convincing and would support the Chilean proposal in the third causal.

4. CONCLUSION

To sum up, analogical argumentation provides a fresh look on the problem of a controversy's resolution. It may foster reflection about the interlocutors' personal convictions by helping them see things from different perspectives. This is the role of comparison and fictional situations in philosophical discussions and, more generally, in literary fiction.

The main purpose of argumentation is, of course, to find a reasonable solution of a controversy. Nevertheless, in many cases this is not possible, for instance, when we lack the information that could decide the situation in favor of the protagonist or the antagonist.

Reaching a solution is not so important in teaching argumentation and in Philosophy for Children, because the main purpose here is to encourage the student's personal reflection on the topics under discussion and, therefore, to solve the controversy is not the predominant aim.

We consider that teaching argumentation and Philosophy for Children are complementary tools for developing students' thinking. Philosophical dialogue must include argumentation; otherwise it would not be more than conversation and exchange of opinions without purpose, and without challenge of our and the others' prejudices.

On the other hand, if reaching a reasonable solution of a controversy becomes impossible, either because we touch upon principles or values that cannot be abandoned, or because there is no sufficient evidence to incline the result one way or another, philosophical dialogue as practiced in Philosophy for Children may help to invite the other party to stop and think out of his/her usual system of beliefs. This is not persuasion, but an invitation to reflect on difficult issues and eventually become aware and critical of our own presuppositions and prejudices. To propose a fictional situation analogous to the one that hinders the discussion may not contribute immediately to resolve the impasse, the other party may insist in the initial standpoint, but he/she is challenged to think harder and to reflect more about the assumptions involved. This is the main purpose of Philosophy for Children: to enable everyone to think for himself, which is the basis of critical thinking.

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Strategic maneuvering in philosophy: The charge of committing a genetic fallacy

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ABSTRACT: Around the middle of the twentieth century, some controversy about the genetic fallacy arouse. This paper intends to analyse and reconstruct such a controversy in order to throw light on some difficulties regarding the use of fallacies in philosophical dialogues. Moreover, it is argued that a suitable analysis of it must appeal to the concept of strategic maneuvering. To conclude, some remarks are made regarding the way in which such maneuvering could be derailed.

KEYWORDS: genetic fallacy, philosophical dialogues, strategic maneuvering

1. INTRODUCTION

> The future historian of "thought and expression" in the twentieth century will no doubt record with some amusement the ingenious trick, which some of the philosophical controversialists of the first quarter of our century had, of labelling their opponents' views 'fallacies'. He may even list some of these alleged fallacies for a certain sonority which their inventors embodied in their titles: the fallacy of initial predication, the fallacy of simple location, the fallacy of misplaced concreteness, the naturalistic fallacy. (W. K. Frankena, 1939)

This communication attempts to contribute to a deeper understanding of philosophical controversies as critical discussions. As it is commonly assumed within the pragma-dialectical theory of argumentation, the ideal model of critical discussion is based on a philosophy of reasonableness. According to van Eemeren, such philosophy "takes the fallibility of human reason as its starting point and elevates systematic critical testing to the guiding principle of problem solving by means of argumentation in all areas of human communication and interaction" (van Eeemeren, 2010, p. 32). This explains a striking feature of philosophical discussions: as the very idea of reasonableness is usually -if not always as Habermas claims (1992, p.1)- its subject-matter, or at least a point at issue, those discussions tend to be meta-discussions in van Eemeren's sense, that is to say, discussions about the procedural starting-points that should be accepted by the parties (2010, p.241-242). This meta-discursive character is brought to the fore in Frankena's words which focus on the use of fallacies within philosophical controversies. In describing such use as an ingenious *trick*, he draws attention to the fact that, as philosophical evaluative strategies, fallacies can be effective but misguided moves: if those alleged fallacies are indeed inventions one of the controversialists came up with, it may as well be that the charge of committing one is fallacious.

In order to gain a better understanding of the use of fallacies in philosophical critical discussions -and to illustrate some of its problems- this article addresses the case of the genetic fallacy. To begin with, a preliminary characterization of this fallacy is provided, noting some difficulties in distinguishing between correct and fallacious uses of what can be

considered genetic argumentation. In the second place, some historical evidence is presented in favor of this grasp by revisiting the controversy given rise to over the genetic fallacy around the nineteen fifties and sixties. Thirdly, an account of charging the other party of committing a genetic fallacy as strategic maneuvering is presented along with some ways in which such maneuver could derail. To conclude, some general remarks will be made regarding the use of (certain) fallacies in philosophical controversies.

2. A CHARACTERIZATION OF THE GENETIC FALLACY

The genetic fallacy could be described in several ways. One may, for instance, conceive it as a defective genetic *explanation* of the origin of a phenomenon (see Goudge, 1961). Nevertheless, since this paper is concerned with philosophical argumentation, the genetic fallacy is understood as a move aimed at supporting a *point of view*. Establishing such understanding, as observed with other fallacies, is no easy task. For instance, according to Douglas Walton, a genetic fallacy is:

> The tactic of attacking the origin or original context of some practice, concept or argument that is instrumental to an opponent's point of view, in an attempt to discredit that point of view unfairly. For example: "The wedding ring originated from the ankle chain used by men to confine their wives; therefore, wearing a wedding ring is a sexist (bad) practice (2010, p.393).

In this characterization, the fallacy is committed in a context in which a viewpoint is criticized. For that reason, and provided that people are at least an important factor in the original context of ideas, this fallacy is sometimes classified as a type of *ad Hominem* whereby a point of view is rejected on the basis of some negative trait of the person putting it forward (Cf. Copi, 1980 p. 84 and Walton 1998, p. 18). However, this kind of argumentation could be used not only to question a point of view but to support it. Indeed, in his *Logic* (1973), Wesley Salmon states that, "The error of treating points of the discovery context as if they belonged to the context of justification is called 'genetic fallacy.'" (1973, p.11) According to this definition, the genetic fallacy could be committed in criticizing as well as in justifying a point of view and it is an infringement of the Relevance rule: the origin of an idea, its discovery and its history, are irrelevant with respect to its truth or falsehood. However, as Salmon's definition makes use of Reichenbach's well-known but not always accepted distinction between contexts, it is preferable to present a more neutral characterization. Consequently, the genetic fallacy is understood here as the use of the genesis or history of a point of view as a reason to prove or disprove it, a seemingly *wrong* move due to lack of relevance.

This definition faces another difficulty: as Walton mentions, "arguments based on origins are not always fallacious." (ibid.) For instance, his own example can be modified to thereby lose its fallacious character:

> (1) The wedding ring originated from the ankle chain used by men to confine their wives; for that reason, wearing a wedding ring could be a sexist (bad) practice and should be revised.

Here, a practice is undermined or dismissed due to its origin. Still, it remains unclear why this should be understood as fallacious. The origin of a practice or an idea, its history and its function in specific contexts can be, and perhaps should be, something to be taken into account when being assessed. Otherwise, *a priori* principles or God's will would be the only resource.

This problem has been noticed and attempts have been made to formulate criteria for distinguishing the genetic fallacy from correct uses of genetic argumentation (Ward, 2010, Crouch, 1993). In a recent article, Boudry, Paglieri and Pigliucci (2015) address this problem in a general way and consider the genetic fallacy among others. In their opinion, even current pragmatic and dialectical approaches of fallacies fail in giving a proper account of the problem of the demarcation between fallacious and non-fallacious arguments. Furthermore, they maintain that those approaches either characterize fallacies in a simplistic, non-realistic and non-persuasive way or in a more sophisticated way which makes it almost impossible to distinguish between fallacious and non-fallacious arguments. As a consequence of this destructive dilemma, they argue in favor of "the intractable nature of fallacies" (p. 433). Although it is not clear whether this conclusion can be extended to all fallacies, it does seem to apply to the case analyzed here.

At this point, it is possible to wonder whether the very idea of genetic *fallacy* should be completely rejected. It is certainly a possibility. Nevertheless, the concept of fallacy and the genetic fallacy in particular, play an important part in philosophical controversies and sometimes lead to clearer argumentations. In this vein, Boudry, Paglieri and Pigliucci suggest that,

> instead of being wielded like the sword of judgment against opponents, [the concept of fallacy could be] employed for more amicable purposes, e.g., suggesting ways to clarify arguments that, without being necessarily flawed, stand in need of substantial elaboration (2015, p.452).

This is an interesting suggestion which points to the fact that, in general, fallacies are seen as logical or communicative *neutral* errors in argumentation and, consequently, when a fallacy is identified in someone's argumentation, it looks like the discussion has reached its end. Indeed, this could be the reason why, in a highly controversial field as philosophy, the charge of committing a fallacy is so common: it seems to provide a neutral departure point that must be shared by all the parties engaged in the argumentation. In other words, this charge has an important rhetorical function. For that reason, the concept of strategic maneuvering, which introduces a rhetorical dimension without neglecting the dialectical normative facet of argument evaluation, provides some fruitful conceptual tools for understanding the charge of committing a fallacy.

3. THE CHARGE OF COMMITTING A GENETIC FALLACY.

In order to better understand the charge of committing a genetic fallacy and its aftermath it is worth looking into what philosophers have written about it. Around the middle of the twentieth century, in the context of North American philosophy, controversy arouse on the topic and different authors analyzed it. Since then, most of the articles which address the issue are intended to defend a philosophical point of view against what is understood as an attempt to block some philosophical research, such as naturalist ethical stances (Kahane, 2011), feminist studies (Crouch, 1991, 1993), Freudian studies (Pashman, 1970; Kleiman, 1970) or genealogical nietzschean critiques (Kim, 1990), to mention a few examples. These replies share a similar strategy: instead of showing that their arguments cannot be considered as an instance of the genetic fallacy, they maintain that such form of argumentation need not be a fallacy and they question the assumptions upon which the charge of committing this fallacy is made (see Feuer, 1983; Crouch, 1991; Klement, 2002).

The expression "genetic fallacy" in the context of American philosophy traces back to the 1920s and 1930s. Its first occurrence in a logic textbook is in Cohen and Nagel's 1934 book -*An introduction to Logic and Scientific Method*- but it was probably a common

expression before that date. Indeed, John Dewey refers to the genetic fallacy in 1928, in a way that assumes that it was a well-known concept. The expression also appears in an article by Cohen, "History Versus Value", published in 1914. In that context, pragmatism and specially Dewey's version of it was an influential philosophy in the United States. This is an important fact, provided that Dewey had been insisting, since the beginning of the twentieth century (see Dewey, 1902, 1902a), on the need to use what he called the "genetic or historical method" in ethics and both Nagel and Cohen were familiar with, and critical of, Dewey's work. In fact, in Cohen's aforementioned article, the expression genetic fallacy is used in a footnote in which a position similar to Dewey's is vehemently objected. Consequently, it is no far-fetched to assume that pragmatist ethics was one of the first targets of the proponents or inventors of the genetic fallacy.

The partisan character of this fallacy is also suggested by the fact that the genetic fallacy is more commonly used by philosophers in argumentative exchanges than by logicians. Indeed, the idea of there being something like a genetic fallacy is frequent in the context of philosophy lectures in the United States and primarily in those contexts where analytical philosophy is the prevailing tradition. This is what can be inferred from the articles in which the fallacy is analyzed. For example, in an article by Thelma Lavine we read: "Detection and censure of the genetic fallacy is one of the most securely established of contemporary philosophic practices." (1962, p.321) In the same vein, in a 1959 article it is stated that "Frequent references to the genetic fallacy are encountered in philosophic literature" and that "naturalists, pragmatists and materialists are thought to be the chief offenders." (Handy, 1959, p. 25) More recently, Margaret Crouch (1993, p.227) and Kevin Klement (2002, p.383) refer to the importance of fallacies and the genetic fallacy in philosophy learning environments.

In these articles and others where this fallacy is addressed, different forms of genetic argumentation are defended against a seemingly unjustified attack trying to invalidate and block a whole philosophical approach. For example, Lavine (1962) criticizes how the genetic fallacy is used to invalidate contextual approaches within social sciences. Moreover, referring explicitly to Dewey, she states that the genesis of beliefs and valuations has a bearing on their validity. On his part, Handy suggests that

> It may be suspected that some writers are opposed to a scientific and developmental approach to ethics, and that this has led them to raise charges of the genetic fallacy in order to undermine such endeavors (1959, p. 32).

Finally, Norwood Russell Hanson, in a 1967 article entitled "The Genetic Fallacy Revisited" questions the use of the genetic fallacy aimed at keeping history and philosophy of science apart.

So far, three main conclusions can be established as regards this controversy. In the first place, it seems that the concept of genetic fallacy was and still remains an available resource for philosophers. Second, the genetic fallacy was mainly a criticism against specific philosophical stances, pragmatist ethics being one of the most important in the context analyzed. Finally, the strategy of some genetic argumentation advocates was to consider the genetic fallacy not as an objection to a specific argument or move but as an attack against the entire approach they adopt. In this sense, the fallacy was not understood as a logical or argumentative error, but as a *partisan* strategy which already assumed the invalidity of the opponent's view. This is particularly clear regarding philosophical ethics since those who use the fallacy as a criticism are committed to aprioristic and transcendentalist conceptions of moral values.

However, what has been said does not imply that there are no actual cases of arguments or argumentative moves which can be considered instances of the genetic fallacy but rather that such cases should be analyzed in view of the concept of strategic maneuvering.

4. THE CHARGE OF COMMITTING A FALLACY AS STRATEGIC MANEUVERING

In this section, the charge of committing a genetic fallacy is described as strategic maneuvering following the analytical model presented by van Eemeren (2010). In a general way, strategic maneuvering "refers to the continual efforts made in all moves that are carried out in argumentative discourse to keep the balance between reasonableness and effectiveness" (2010 p. 40). This means that arguers try to have their point of view accepted, that is to say, to be effective in convincing the other party,[1] but in a way that maintains their own image as "people who play the resolution game by the rules." (2010, p. 42) This characterization perfectly matches with the charge of committing a fallacy to the extent that it makes use of an alleged normative concept to point that the opponent's move disregards a reasonableness rule. If the charge is fair, then the move is also functional with respect to the rhetorical aims of its proponent.

Using the pragma-dialectical theoretical frame (see van Eemeren 2010), the maneuver can be described as follows:

1. It is a move typically performed by the *antagonist*, that is to say, by the participant who expresses critical doubts regarding the protagonist's point of view.

2. It is a move performed in the *argumentation stage*. According to van Eemeren the dialectical and rhetorical aims of this stage are, respectively, the following: "To achieve clarity concerning the protagonist's argumentation in defense of the standpoints at issue and the antagonist's doubts concerning these standpoints and the argumentation in their defense" and "To establish argumentation that constitute an optimal defense of the standpoints at issue (by the protagonist) or to establish critical doubts that constitutes an optimal attack on the standpoints and the argumentation (by the antagonist)" (2010, p.45). In this way, the charge of committing a fallacy would be dialectically useful to clarify the antagonist's doubts and rhetorically convenient to the extent that it is an optimal attack which reveals a logical or argumentative error.

3. Considering the three aspects of strategic maneuvering presented by van Eemeren, it can be said that the charge of committing a fallacy involves the following choices:

3.1.   As regards topical potential, it can be said that the different approaches and classifications of fallacies offer the antagonist a large range of counter-arguments that can be used to clear up doubts and to establish objections. It might even be said that the reason why fallacies have been so popular among philosophers and logicians rests on the great topical potential that they have.

3.2.   Regarding moves adaptation to meet the audience's demand, the idea of fallacy is particularly suitable. Indeed, the period characterized by Frankena as a moment of expansion of the practice of labelling the opponent's views as fallacies coincides with a moment of fruitful development of logic. Logical positivism and thereafter analytical philosophy were characterized by holding logic in high esteem, considering it as philosophically neutral and, what is more, as an unavoidable tool for overcoming metaphysical issues and improving philosophy. The importance of fallacies and of the genetic fallacy in particular in philosophy teaching environments makes the charge of committing one a very effective move in accordance with the audience's demand. On the other hand, the idea that genesis

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[1] The idea of effectiveness is however broader than the idea of persuasiveness: "the term *effectiveness* is not exclusively applicable to argumentative moves made in the argumentation stage (as at least the term *persuasiveness* is), but also to argumentative moves made in the other dialectical discussion stages (which are not aimed directly at gaining acceptance of a standpoint)." van Eemeren, Garssen, & Meuffels, 2012, pp. 51-52)

and validity should stand as completely different issues, thoroughly extended in those contexts, further accounts for the importance of the genetic fallacy in particular.

3.3. Finally, the third aspect of strategic maneuvering is "the exploitation of 'presentational devices,' which involves a choice as to how the argumentative moves are to be presented in the way that is strategically best" (van Eemeren, 2010, p. 94). As said, the idea of logic as an impartial starting point and of fallacies as logical errors makes them very effective presentational devices. This neutral character is also reinforced by the fact that fallacies are usually understood as procedural mistakes and not as mistaken premises or departure points.

As a consequence of this description, the charge of committing a fallacy and its importance in the mentioned philosophical contexts can be understood as a profitable strategic maneuvering which offers already-made procedural and logical tools, as opposite to ad hoc stratagems, in a context in which logic was supposedly the keystone of philosophy.

Be that as it may, strategic maneuvering can derail. Following van Eemeren words:

> The conditions that need to be fulfilled in order to ensure effectiveness do not necessarily always agree with the conditions that have to be met to guarantee reasonableness. (…) The pursuit of effectiveness may in some cases get the better of the simultaneous pursuit of reasonableness. Then the combination of effectiveness and reasonableness is out of balance. Making use of a railway metaphor, it can be concluded that the strategic maneuvering has derailed. (2010, p. 41)

This derailment is produced after some rule for critical discussion is violated. When such a thing happens, the move must be considered fallacious despite its effectiveness. For genetic argumentation advocates, some problems arouse in relation with the charge of committing a genetic fallacy. In the first place, what is a seemingly argumentative maneuvering, that is, a maneuvering within the argumentation stage, is indeed a derailed confrontational maneuvering violating the Freedom Rule (Rule 1, "Discussants may not prevent each other from advancing standpoints or from calling standpoints into question") for it is an attempt to block an entire approach. In other words, in such case the genetic fallacy is wrongly applied since it is not used against a *particular advanced argument* in the argumentation stage, but against a stance presented in the confrontation stage. On the other hand, the charge of committing a genetic fallacy is derailed or fallacious when it violates the Starting Point Rule (Rule 6, "Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point"). As it is usually understood by most of the authors mentioned in section 3, the genetic fallacy depends on a previously assumed premise according to which genesis and validity are mutually irrelevant. However, the approaches they adopt try to show how the genesis and the history of a belief can throw light on its validity. Consequently, the genetic fallacy cannot be considered as a shared procedural tool. It is, from this point of view, a partisan move which presents a starting point as if it were already accepted by the other party.

Finally, it is worth mentioning another way in which the charge considered can derail. As mentioned before, the examples in which the genetic argumentation is held to be fallacious are usually cases of deductive argumentation which turn out to be defective. However, the genetic argumentation used in different contexts is usually a reasonable non-deductive move or argument based on symptomatic relations (see van Eemeren, & Henkemans, 2017, p. 84). In this way, the charge of committing a genetic fallacy can indeed be a case of the straw man fallacy (violation of Standpoint rule 3, "Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party"). This is an important point because deductivism as an evaluative and interpretative strategy, is generally the ground on which the charge of committing a genetic fallacy and other similar fallacies is made.

5. CONCLUSION

In this paper the genetic fallacy has been characterized and its use as strategic maneuvering in philosophical discussions has been interpreted. Such grasp is indeed an attempt to understand the way in which genetic argumentation advocates have dealt with the charge of committing that fallacy. Besides, some ways in which said maneuver can derail have been stated. It is worth mentioning that similar interpretations concerning other *philosophical* fallacies could be offered (López, 2015; 2018). For instance, the naturalistic and the *ad consequentiam* fallacy have received similar treatments by philosophers. Strikingly, those fallacies have also been used against naturalistic and pragmatist stances on ethics in the same context that the genetic fallacy has, usually in derailed ways. Indeed, they can altogether be seen as a derailed discussion strategy, that is to say, as coordinated modes of strategic maneuvering "that are methodically designed to influence the result of a particular stage of the resolution process, or the discussion as a whole" (van Eemeren, 2010, p. 47). More specifically, it was and it continues being the discussion strategy, *par excellence*, of aprioristic and transcendentalist, in some cases even emotivist philosophers against non-transcendental fallibilistic and cognitivist stances on ethics.

To conclude, an interesting point to emphasize is the value of the concept of strategic maneuvering as a tool in the analysis of philosophical argumentation. It is a remarkable fact that philosophers and especially analytical philosophers tend to assume very strong criteria to decide if an argument is cogent or not: prove or perish seems to be their motto. In other words, deductivism is the prevailing theory of argument evaluation among them. This is clearly seen in the uses of fallacies outlined before. For instance, the naturalistic fallacy is often presented in a deductive jargon: an "ought" cannot be *derived* from an "is." However, since its revival in the twentieth century, argumentation theory has tried to broaden those criteria and with them, the very concept of rationality. The idea that charging someone of committing a fallacy is a strategic move that must combine effectiveness with reasonableness, and not a final word, could serve to enrich the philosophical practice of identifying and analyzing fallacies since it throws light on other functions of them.

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Recognizing argument types and adding missing reasons

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ABSTRACT: The article develops and justifies, on the basis of epistemological argumentation theory, two central pieces of the theory of evaluative argumentation interpretation: 1. criteria for recognizing argument types and 2. rules for adding reasons to create ideal arguments. Ad 1: The criteria for identifying argument types are a selection of essential elements from the definitions of the respective argument types. Ad 2: After presenting the general principles for adding reasons (benevolence, authenticity, immanence, optimization), heuristics are proposed for finding missing reasons, for deductive arguments, e.g., semantic tableaux are suggested.

KEYWORDS: adding missing reasons, authenticity, charity, deductive minimum, definitions of argument types, enthymemes, immanence, indicators for argument types, recognizing argument types, semantic tableaux

1. TOPIC OF THE STUDY: RECOGNIZING ARGUMENT TYPES AND ADDING REASONS AS STEPS IN ARGUMENTATION EVALUATION

The aim of this paper is to develop a theory of recognizing argument types and supplementing missing reasons or premises. This theory, in turn, is part of a broader theory of argumentation interpretation for the purpose of evaluating arguments in terms of their validity and situational adequacy (Lumer, 2003). The basis for the theory to be developed here as well as the source of the criteria for argumentation assessment is epistemological argumentation theory, or more precisely: the version of this theory known as "Practical Argumentation Theory" (Lumer, 1990; 2005; 2011a).

2. PROBLEMS WITH THE RECOGNITION OF ARGUMENT TYPES AND THE APPROACH TO THEIR SOLUTION: LISTS OF CHARACTERISTIC FEATURES

The need to determine the argument type first in order to be able to evaluate the argumentation only exists because there are different argument types in the first place, which also differ as to their criteria for the validity of an argument. In order not to measure an argumentation against the wrong standards, the corresponding argument type and therefore, also the corresponding list of criteria must be determined beforehand.

Various argumentation theorists share the idea that for the epistemic assessment of an argumentation one must first identify the argument, then recognize the argument type, and add missing premises; only then one is able to assess the argumentation (e.g. Govier, 1999, p. 85). However, there are several major difficulties when it comes to implementing this idea, and in particular identifying the type of argument.
1. There is still no agreement on the types of non-deductive argument types; and the lists of argument types proposed by various theorists differ greatly. This paper is based on the classification of argument types developed in the epistemological approach to argumentation theory, which distinguishes argument types according to their respective underlying epistemological principles (Lumer, 2011a).

2. The problem of the previously required lists of argument types is exacerbated by the fact that many existing arguments are molecular, i.e. composed of several elementary arguments, usually in such a way that subordinate parts of the overall argument justify premises of the central argument. The elementary arguments can be of different types. In the literature, certain more frequently occurring types of molecules, such as arguments to the best explanation or justifications of actions, are often conceived as a separate, irreducible types of argument. This shows how poorly understood these molecules are. For the classification, the fact that these arguments can then fulfill the criteria of several argument types is particularly confusing.

3. The arguments themselves usually do not contain any explicit indication of which type they are or which type of argument the arguer intended to produce.4. Even recourse to the arguer's intention does not help any further, firstly, because this intention must usually first be inferred from the argument text – because often one cannot ask the arguer beyond the text of the argument – and, secondly, because the vast majority of arguers argues only intuitively and, therefore, does not entertain explicit thoughts about the type of argument, and does not have theoretical knowledge to indicate the type of argument.5. Most argumentation theories distinguish between ideal and non-ideal but still valid arguments. For example, the latter contain linguistic impurities or variations, which, however, can usually be corrected relatively easily. But, above all, valid non-ideal arguments are mostly enthymematically abridged; thus, along with the lack of reasons, central characteristics of ideal arguments on the basis of which one can relatively easily identify the argument type are often also missing. The problem is aggravated by the fact that non-ideal arguments account for the overwhelming majority – over 99% – of the available arguments.

6. In addition to valid non-ideal arguments, there are also invalid ones. And these deviate even further from the ideal, making it still more difficult on average to assign them to a particular type of argument. If one also wants to assess these arguments afterwards according to certain argumentation standards – in order to then find out or to show that they are not valid – then one must be able to assign them to a certain argument type beforehand. The sense of the whole enterprise of argument assessment presupposes that the vast majority of arguments can be assigned to a certain type of argument.

The real reason why Ennis' attempts to determine the argument type before the assessment (Ennis, 2001) fail is, I think, that he has no more or less complete list with precise validity criteria for the various argument types (see problem 1 above). Ennis is gradually compiling a list of argument types with their characteristics; and this list is excellent when compared to others in the literature. But this list is a bit ad hoc and therefore not complete and systematic enough, e.g. without attempts at reduction, thus without differentiating between elementary and molecular types or between general types and more specific variants thereof. Furthermore, the validity criteria for the individual argument types are incomplete, vague and often incorrect.If, instead, one has an independent and elaborated positive theory of argument types with precise and complete criteria for the validity of the individual types arguments, then it should be possible to compile lists of characteristics of the individual argument types, which in the vast majority of cases leads to a correct classification of the argumentation. The basic idea of such a list is then to take the structural characteristics of the respective argument type as the characteristic features and thus capture the essence of this type. The epistemological approach in argumentation theory comprises such a positive theory of argument types (Lumer, 2011a). It is the basis for the following list of characteristics of the individual argument types, which are then used to classify individual arguments. In order to do justice to the problem of non-ideal, especially invalid arguments (problem 6), this list of characteristic features, of course, cannot always contain all the conditions for the validity of arguments of a certain type. Rather, a selection of particularly conspicuous characteristics, which show either all or nevertheless most of the arguments of this type, has been made here.

In a certain sense, the characteristics that, according to this list, are fulfilled by all the arguments of the respective type define the argument type; if an argument does not have these defining characteristics, it cannot be assigned to this type.

3. A LIST OF CHARACTERISTICS FOR IDENTIFYING ARGUMENT TYPES

The starting point for creating a list with the characteristics for recognizing argument types are the criteria for valid – ideal and non-ideal – arguments of this type (Lumer, 2011a; 2011b; 2014). With regard to these criteria, in each case it is necessary to decide which of them should constitute defining or at least very characteristic features for the argument type, and which should not: Are they striking, conspicuous and central? Are they still sufficiently broad to leave many fallacies which can still be assigned to this type? Are they sufficiently narrow to define the different argument types without overlaps? etc. (see the discussion above). I made such an analysis in a working paper that I use in my courses. However, that paper is far too comprehensive to be presented here in full. Instead, I will only present the core of the result of this analysis, the summary list.

A few explanations are required beforehand. The practical theory of argumentation, i.e. the variant of the epistemological approach I created, develops argument types on the basis of so-called epistemological principles; these are general statements about when certain types of propositions are true. For example the deductive epistemological principle, says: 'A proposition is true if it is logically implied by true propositions'. These epistemological principles in turn originate from branches of epistemology in the broad sense: deductive logic, probability theory and rational decision theory. Accordingly, there are three basic argument types: deductive, probabilistic and practical. In addition to these three basic types, however, several derived argument types are dealt with below. Some of them are frequently occurring *specializations* of these basic types. For probabilistic arguments, for example, arguments from authority are such specializations. Another part of the derived arguments are frequently used *molecular arguments*, such as arguments to the best explanation or justifications of actions. The following list contains the characteristics for the basic forms and only those for the most important derived argument types. But following the principle recognizable from this list, the list can be readily extended by characteristics for the other argument types contained in the classification of valid arguments (Lumer, 2011a). – In addition to the characteristics necessary for a particular argument type, the list includes some, not necessary but characteristic, features that facilitate recognition. Therefore, the descriptions of the single indicators are always preceded by a qualification stating whether the indicated feature must necessarily be present or, if not, how often it is present: "necessary", "frequent", " fairly frequent", "occasionally".

D: DEDUCTIVE ARGUMENTS:

1. Occasionally: deductive argumentation indicator: Deductive argumentation indicators: 'from this follows'; 'by implication it holds'.

2. Necessary: Repeating terms: If the singular and general terms of the argument have been made uniform (which, according to the rules of argument interpretation, should happen in the step to be worked through beforehand (Lumer, 2003, pp. 717-718: steps 4 and 10)), then singular or general terms from the thesis are also repeated in the reasons and possibly also from one reason to another.

3. Necessary: deductive inference structure: The structure of the argument's judgments, constituted by the logical operators, 3.1. in the ideal case corresponds to one of the (known or also less known) deductive inference schemes or 3.2., with valid but not ideal deductive reasoning, corresponds to a shortened version thereof, or 3.3., with invalid deductive reasoning, the structure resembles at least one of these abridged versions.

L: PROBABILISTIC ARGUMENTS (IN GENERAL):

1. Necessary: probabilized thesis: The thesis is probabilized. This is a necessary and sufficient condition for probabilistic arguments.

2. Frequently: probabilistic or statistical reason: In ideal probabilistic arguments at least one of the reasons is a statistical or probabilistic judgment. Mostly – but not always – this reason is also contained in abridged but still valid probabilistic arguments.

Le: GENESIS OF KNOWLEDGE ARGUMENTS (arguments from authority, arguments from testimony, quotations from historical sources, ...):

1. Often: probabilized thesis: The thesis can have very different contents, but should actually be probabilized. If it is not probabilized, the argument is invalid.

2. Necessary: description of the genesis of knowledge: The reasons are, first, excerpts from a narrative of how and by whom the thesis was examined with a positive result and, second, how this thesis then progressed from examination to being uttered by the arguer. These excerpts can be extremely fragmentary, e.g. a reference to a historical source (descriptions of the verification as well as the tradition from the verification to the production of the source text are missing) or to a statement by an authority or a witness.

3. Frequently: reliability assessment of the genesis of knowledge: Ideally, the reasons also include probabilistic assessments of the correctness (truth conformity) of the verification and transfer of the thesis. However, these reasons can be missing even in valid genesis of knowledge arguments; and they are missing quite regularly in invalid ones.

Li: INTERPRETIVE ARGUMENT:

1. Necessary: thesis about past event(s): The thesis is a (probabilistic) judgment with a description of a (past) event or state or a set of such events or states. This description can also be concealed, for example as a statement about the meaning of an object, especially a text, in which case the associated event is the author's intention.

2. Necessary: explaining a fact with the thesis: The main reason is 2.1. a hypothetical explanation 2.2. of a known fact; in this explanation the event or state mentioned in the thesis occurs as a (partial) cause. This hypothetical explanation can be very short, containing only central elements.

3. Fairly common: alternative explanations: In more complex interpretive arguments there are several such explanations of the known fact as further reasons. 3.1 Then, for each of the additional explanations, these additional reasons state that this explanation is inconclusive (pseudo explanation which is incompatible with certain known facts) or 3.2. that it is less likely than the explanation by the event mentioned in the thesis.

P: PRACTICAL ARGUMENTS:

1. Necessary: value judgment as thesis: The thesis is a value judgment (but this alone is not enough to be a certainly distinguishing feature).

2. Necessary: implications of the value object and / or their valuation: The most important reasons are pairs of 2.1. judgments about the implications (mostly causal consequences) of the value object and 2.2. value judgments about these implications. One of these judgments is often omitted. There are often several such pairs.

Pa: JUSTIFICATION OF AN ACTION:

1. Necessary: the thesis is an optimality judgment about action: The thesis is an optimality judgment about an action *a* or – in impure forms, which are often not valid – a proposal for action: '*s* should do *a* / let's do *a*!'

2. Often: evaluation of the action(s): The main reasons are 2.1. evaluations of *a* and 2.2. – in valid justifications of action – of at least one alternative *b*. This comparative evaluation is often lacking in invalid justifications of action.

3. Necessary: practical argument for the evaluation: The evaluation or the evaluations from 2 is / are justified in a practical argument. Pairs from 3.1. judgments on the implications of action *a* (or alternatives b_1, ..., b_n) and 3.2. evaluations of these implications are given as further reasons.

4. A THEORY OF ADDING REASONS

Most normative theories of argumentation require that possibly missing reasons must be supplemented for the assessment of an argument (e.g. Ennis, 1982; Govier, 1999; Hitchcock, 1985; 1998; 2003); but not all require this. For example, Walton's argument schemes (e.g. Walton, Reed & Macagno, 2008; critique: Lumer, 2016), even if they are supplemented by the answers to the "critical questions", do not contain all the reasons that other argumentation theories would add. So why is it necessary to add reasons at all? 1. As explained at the beginning, the aim of supplementing reasons is generally to make it possible to assess the argumentative validity (and situational adequacy to convince) of the argument. And this assessment has the following sense: Argumentation theories, and the epistemological approach in particular, have set standards for ideal arguments. In the epistemological approach, these standards are constructed in such a way that they are based on underlying *epistemological principles*, i.e. very general epistemologically justified principles which specify conditions under which a thesis (perhaps of a specific type) is acceptable, i.e. true, truth-like or probably true. Therefore, if an argument fulfills these standards it is guaranteed that: *i.* the argument's thesis is acceptable, and *ii.* the thesis can be recognized as acceptable by an addressee on the basis of the reasons contained in the argument (Lumer, 2005, in particular pp. 215; 221-222; 225-228; 233). Hence, if the assessment of an argument can show that the argument meets these standards, then the thesis is also acceptable, and this acceptability of the thesis can be recognized by checking the reasons. 2. For various reasons, the arguments to be found in everyday life, science, politics etc. are generally not ideal in this way. Nevertheless, they often work quite well in these practices and fulfill their argumentative function. Therefore, the theory of argumentation should also acknowledge that they are good arguments, but at the same time not renounce its standards (*i* and *ii*). The usual way to do this, which also enables an argument assessment according to standards *i* and *ii*, is: to bring the found arguments into an ideal form, in particular to add missing reasons. Since prior to the assessment one cannot assume that the found argument is really good, more precisely, the aim of adding missing reasons is: to bring the argument found into an ideal form as far as possible – meaning that it is practically as close to ideal as fulfilling a number of conditional permissions permit.

What is my own proposal for adding missing reasons? I will set out the conditions for adding missing reasons in the form of '*principles for supplementing reasons*'. These principles in turn are specifications of the general principles of argument interpretation (Lumer, 2003, pp. 716-717) for the particular purpose of adding missing reasons.

In the theory of text interpretation, this basic way of finding out a somewhat bounded but still as ideal as possible reading of a text is generally called "*benevolence*" or "*charity*". This is then the name of the first principle of the theory of argument supplementation developed here. Further principles will limit the idealization to a certain extent.

P1. Benevolence, charity: The completed arguments should transform the argument into an ideal argument as far as possible, i.e. a complete argumentatively valid and situationally adequate argument, without violating the other principles of argument supplementation. To this end, the additional reasons should (i) be as true or acceptable as possible, (ii) be accepted by the addressee, and (iii) contribute to the argument's conclusiveness.

The aim of charity is, for one, to recognize the good core, the central idea of an argument in a cooperative manner. For another, charity is a concession of argumentation theorists who have introduced relatively formal criteria for the validity and adequacy of arguments that cannot be expected to be fulfilled in everyday life. (Lumer, 2003, pp. 716-717)

As the phrase "without violating the other principles of argument supplementation" already suggests, benevolence has its limits. One of these limits is that the idealized argument must still be that of the author, i.e. attributable to her. Unfortunately this idea cannot be specified as some standard approach to text interpretation does, namely by the requirement that the author must have intended the idealized version. This requirement would be mistaken, because authors of arguments usually think as they write or speak, they jump to conclusions; i.e. they did not first imagine the missing reasons and then omit them (perhaps for stylistic reasons). The requirement to allow only reasons intended by the author would therefore mean that almost no additional reasons should be added. A weaker operationalization of the idea that the supplemented arguments must be accepted by the author is:

P2. Authenticity: The reconstruction has still to be a reconstruction of the *original author's* argument. Therefore, impute only such implicit reasons, types of inferences, argument schemes and steps to the author which she accepts or for which holds that she plausibly would accept them when her attention were drawn to them!

Another restriction for the reasons to be added is that the idealized argument must still be an idealization of the initial argument. In extreme cases, a mathematical argument, for example, could simply contain the axioms of the mathematical theory and then the theorem, without any intermediate step. So the real proof would be missing. To ask the interpreter (and addressee) to construct this proof in the course of interpreting the argument would be an imposition for the interpreter and addressee; and an argument so incomplete could not guide the addressee in recognizing the thesis, which however is its main function. In short, to allow for additions of too many reasons would mean that an argument, which should actually contain the proof as a guidance for recognizing the truth of the thesis, would also be regarded as proof although it contains nothing of the proof. Therefore, the essential elements of the complete proof, of the complete argument must already be contained in the existing argument. For the missing reasons to be supplemented, this means that they must be accessible from the material contained in the found argument.

P3 Immanence: The given argument must already contain the most important contential elements of the additions in the sense that the reasons necessary for the ideal version must be constructible from the existing components by means of standard reconstruction procedures. (Such reconstruction procedures are presented below.) – The following concretizations are only a few examples: *All arguments:* The essential predicates and singular terms of the reasons to be supplemented must already be contained in the existing ones. *Practical arguments:* In any case, at least one element of the pairs from consequence assumptions and their evaluation must be contained in the argument found.

That the missing pieces must be extracted from the existing pieces does not mean that a layman can do this or that an expert can do it without much work. The completion of enthymematic *deductive* arguments together with the elimination of their ambiguities is often extremely laborious, because a multitude of different combinations of premises have to be tried out (Lumer, 1990, p. 83).

It is possible that no supplement to the arguments fulfills the conditions of the above principles. However, the opposite is also possible: several sets of additions may fulfill the conditions of the previous principles of argument supplementation. In this comfortable situation, the ideal version of the argument, in the spirit of benevolence, should be as good as possible beyond argumentative validity and adequacy – stronger, more elegant, simpler etc.

P4. Optimization: strength and simplicity: If several sets of additions meet the previous conditions, choose the one that makes the argument strongest and simplest!

5. HEURISTICS FOR FINDING FITTING REASONS

The principles just mentioned for adding premises only formulate conditions for the end product, i.e. criteria by which a proposal for adding reasons can be assessed. They do not say anything about which method can be used to construct the reasons to be added. Unfortunately, there is no real algorithm by which one can simply construct these missing reasons. The only fundamental method here is trial and assessment, i.e. a hypothesis as to which set of reasons could meet the above criteria is developed followed by a critical examination of whether the hypothesized set of reasons fulfills the conditions. If the assessment is negative, i.e. the hypothesis for a suitable supplement does not meet the above criteria, then the procedure must be repeated, possibly several times.

Although we do not have algorithms, there are some heuristics for finding fitting reasons; these heuristics change with the respective argument type. Because of the strong structural requirements of *practical arguments*, adding reasons with this type of argument is usually not very difficult. Especially if one of the elements of the pairs of consequence judgment and valuation is missing, the given element already contains a denotation for the event or state that occurs once in the *description* of the thesis' value object *o*'s consequence and the other time as the object of the *value judgment* on *o*'s consequence.

Because of the polymorphism of *deductive arguments*, finding the missing reasons for deductive arguments is often much more difficult. However, some methods proposed by argumentation theorists as *the* method of adding premises – even if this claim is far too strong – can at least be used as *heuristics* for finding missing premises of deductive arguments. With these methods, *hypotheses* can be created about which premise is missing. However, as already mentioned, these hypotheses must then be reassessed as to whether the proposed addition fulfills the above conditions. The simplest heuristics is the *deductive minimum*:
Deductive minimum: If the argument consists of the premises p_1, ..., p_n, and the thesis t, then the missing premise is the material implication connecting these two components: '$p_1 \& \ldots \& p_n \rightarrow t$'.

Adding the deductive minimum definitely makes the argument deductively conclusive; and the deductive minimum must also be true if the premises and the thesis are true; and because this premise is simply obtained mechanically, the immanence condition is also fulfilled. But the premise so constructed often does not fulfill the pragmatic subcondition of charity that the premise is also accepted by the addressee (P1.ii).

Hitchcock (1985; 1998; 2003) has proposed an alternative method for adding premises to deductive arguments, the "*covering generalization*": First, as with the deductive minimum, the premises are again linked with the conclusion to a material implication. A universal generalization is then formed from this: At least one contentual expression occurring in the premise and in the conclusion (i.e. not the logical particles) is replaced by a universal generalization; in addition, other contentual expressions occurring several times can also be replaced by universal generalizations. Also this method always leads purely mechanically to an addition, which makes the argument conclusive; but, unlike the deductive minimum, this covering generalization is not necessarily true if the premises and the thesis are true. Therefore, in each case it is necessary to check whether this premise is true. The heuristics of the covering generalization works quite well with arguments of the classical form of the Toulmin scheme (i.e. with the data expressed and the warrant missing). But yet it does not work with arguments reconstructible as Toulmin arguments but where instead of the data the

warrant is made explicit (e.g. 'All humans are mortal. Therefore, Socrates is mortal.'). And it fares still worse with deductive arguments of a completely different form (e.g. *chaining*: '$a{\rightarrow}b$; $c{\rightarrow}d \Rightarrow d$' with the missing premises: a and $b{\rightarrow}c$).

Semantic Tableaux or *Beth Calculi* (Beth, <1955> 1969; Smullyan, <1968> 1995; von Kutschera & Breitkopf, <1971> 1979, pp. 108-127) are better heuristics for determining the missing premises of deductive arguments.[1] The basic idea of semantic tableaux is to examine the logical conclusiveness of logical inference forms by systematically trying, by decomposing the formulas, to find possible cases/worlds where the premises are true but the conclusion is wrong. In the tabular form of these calculi (Beth, <1955> 1969; von Kutschera & Breitkopf, <1971> 1979, pp. 108-127) a panel is divided vertically into two colums, called "tables", one (left) with true and one (right) with false formulas. The premises are entered on the left (true), the conclusion on the right (false) to check under which conditions the conclusion perhaps is invalid, i.e. the premises are true but the conclusion is nonetheless false. The formulas are then decomposed step by step into elementary formulas according to the semantic rules of the logical operators. A subtable is called "closed" if it contains a contradiction, i.e. if it contains a formula in both the true and false halves of the subtable. A table is "closed" if all its subtables are closed; and this means that all attempts to construct a counterexample against the conclusion lead to contradictions; so the conclusion is valid. If at least one subtable cannot be closed despite all possible decompositions, then there are possibilities, possible worlds, in which the premises are true, but the conclusion is false; thus the conclusion is logically invalid.

Now the latter case is interesting for enthymemes and premise supplementation because enthymemes are logically inconclusive – due to missing premises. The special thing about the semantic tableaux is that the open subtables describe the possibilities by which the conclusion can be refuted. And this in turn means that the premises to be supplemented must be such that they exclude these possibilities. In this way, semantic tableaux provide valuable information as to which conditions the premises to be supplemented must fulfill from a logical standpoint. They thus help in the construction of the premises to be supplemented. But they are only a heuristic, not an algorithm for finding these premises: 1. The open subtables of the semantic tableaux only indicate those cases which must be excluded by the additional premises. However, this can happen in several ways (e.g. by a singular conditional (e.g. $Fa{\rightarrow}Ga$) or instead by a general conditional ($\forall$x($Fx{\rightarrow}Gx$))), whereby the existing premises can still simplify these possibilities of exclusion and, vice versa, in order not to beg the question the truth of the conclusion cannot simply be assumed. Thus the creation of interesting possibilities of exclusion sometimes requires creative intelligence. 2. The premise set (or perhaps various premise sets) constructed in this way, which hence would make the argument conclusive, must again be checked "manually" as to whether the other conditions of premise supplementation are also fulfilled.

Semantic tableaux provide very good hints for the construction of missing premises, they work very well as heuristics, where e.g. the heuristic of the covering generalization has problems (e.g. Socrates enthymeme of the second form, chaining). But they do not help much with the simplest deductive arguments with exclusively elementary formulas. Concerning the Socrates enthymeme in the first form (Socrates is a human, therefore he is mortal), for example, they essentially say only: Add a premise which excludes that 'Socrates is a human being' is true and at the same time 'Socrates is mortal' is false – thus hardly more than what one knew before.

Even with the principles set out above and the heuristics just discussed for finding good supplemental reasons, the supplementation often remains a laborious business. But at

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[1] Erik Krabbe reminded me of this possibility.

least the principles provide clarity about what is a good addition, and the heuristics and structural hints help somewhat in finding suitable additions.

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ABSTRACT: This paper analyzes the popular online debate show in China called *Qipashuo*. *Qipashuo* is unique in many ways. It demonstrates typical Western debate features such as true debate and new rhetoric, but also resurrects Chinese debating tradition, breaks the rigid format of formal college debate competitions, and illustrates four kinds of entertainment: alea, agôn, mimicry, and ilinx. In neo-liberal China, *Qipashuo* is a window for public education, participation, and discussion.

KEYWORDS: China, debate, entertainment, game, *Ming Bian,* new rhetoric, Qipashuo, true debate

1. INTRODUCTION

The word *qipa* literally means "weird and beautiful flowers" in Chinese. Its meaning has changed over time. In contemporary China, *qipa* means "weird folks," with a negative connotation. However, the online debate program *Qipashuo* (奇葩说, literal translation: weird folks talking) has subverted people's perception of the word. Because the show has become the most popular online talk show in China, the concept of *qipa* is associated with the courage to express stereotype-breaking opinions.

Qipashuo has run for four seasons (Li, June 6, 2016), generating several million views (Sohu, April 1, 2017). The latest season of the show received ¥140 million (about US $20 million) from the cooperate sponsors (Koetse, April 26, 2017). On Weibo (the Chinese version of Twitter), *Qipashuo*'s topics and debaters frequently appear on the "Hot Search Topic List" (Koetse, April 26, 2017). The debaters have also become opinion leaders in online communities. China has the largest netizen population, 88% of which watch online video content. For young people born after the 1990s, the percentage is even higher—90.6% (Koetse, April 26, 2017). *Qipashuo* has a tremendous influence among young people. One of the show's slogans is "please watch the show in the company of people born after the 1990s," a satirical comment on the movie rating system, specifically its "PG-13" designation.

Academic articles and industry reports have analyzed *Qipashuo*'s success (Koetse, April 26, 2017; Sohu, April 1, 2017; Wu, 2017; Shao, 2015). Media express many tensions in China. One is between government control and the uncontrollable algorithms of online platforms. Another is between the media's market-orientation and the policy requirement to act as ideological tools. China's media, both mass and online, are more or less struggling with these dilemmas. Despite *Qipashuo* encountering friction with the official values advocated by the government, its commercial and social success serves as a roadmap for other online shows to follow.

Beyond the perspective of the media and industry, *Qipashuo* strives to improve Chinese society by debating relevant social issues and leading public discussions. Topics in this program are not necessarily political, but rather bottom-up. The debate topics cover a wide range including relationship, technology, education, career, gender discrimination, LGBTQ rights,

and so on (Koetse, April 26, 2017). In an authoritarian country, *Qipashuo* encourages the debaters to express their personal opinions, to form a professional community proficient in rhetorical practices, and to open opportunities for public participation. Therefore, the show has created loci that can be circulated among private, professional, and public spheres (Goodnight, 2012).

 Qipashuo mixes four features. As an entertainment show, it deformalizes the format of college debate competitions. As a mediated debate program, it provides a place for professional and amateur debaters using rhetorical skills to speak and persuade. As a debate competition, it demonstrates classic Western rhetorical theories and techniques. Finally, as a Chinese debating event, it resurrects the debating tradition from 2,000 years ago, making it accessible and admirable to the public. The synthesis of these four components has not only popularized the show with the public, but has also highlighted debate as a true art form in addition to a public and social practice. This paper analyzes the features and discusses the relevance and the significance of debate and the debate show format for Chinese audiences.

2. CHINESE AND WESTERN, DEBATING AND ENTERTAINING

For a long time, Chinese rhetoric has been understudied by mainstream rhetoric and argumentation studies (Lu, 1993; Lu, 1997; Lu & Frank, 1993). A simplistic logic held: since harmony is appreciated by Chinese people, debate is not valued (Lu & Frank, 1993). However, this position denies the possibility that conflict and harmony can exist together. As the title of Branham's book *The Harmony of Conflict* (1991) indicates, debate seems to be conflictual. Nevertheless, it creates not only a clash, but also a sense of harmony more profoundly—not competing for the victory and personal interests, but forming a balance of the two sides and collaborating on seeking truth.

 Branham (1991) instead uses a culturally sensitive approach to study debate. He introduces debate traditions in different cultures. In China, debate is an essential part of religion, theology, logic, and philosophy, appearing in many forms throughout different dynasties. For instance, in the Han Dynasty, debate was an ideological engine to protect Confucianism advocated by the government (Branham, 1991; Kroll, 1985). In the Wei and Jin Dynasties, debate was called *qing tan* (清谈 meaning pure talk) and primarily assumed an educational role.

 Some scholars misrepresent the nature and features of Chinese rhetoric. It is argued that logic and deductive reasoning are not appreciated in Chinese culture (Jensen, 1992). Even some Chinese scholarship supports the idea that Chinese rhetoric does not emphasize reason and logic, but "figures of speech" (Eemeren et al, 1996, p. 349). The purpose of Chinese rhetoric was believed to be not persuasion but "how to write beautiful phrases and sentences" (Eemeren et al, 1996, p. 349). This viewpoint denies the co-existence of aesthetics and function. As Perelman argues, figures and tropes are not only ornaments but also function substantially in argumentation (Eemeren et al, 1996). Mao (2003) also addresses that it is necessary to pay attention to the differences of Chinese and Western cultures, but, instead of simply paralleling the descriptions, scholars should conduct a comprehensive analysis.

 The misunderstanding springs from problematic research methods and a lack of awareness about Chinese rhetoric's features. First, rooted in European training, Western modes of inquiry emphasize disjunction and isolation (Lloyd, 1966; Moore, 1967). They lead to decontextualization when studying Chinese rhetoric. Second, some Western scholars cannot read Chinese and thus refer to inaccurate translations. For example, in *Tao Te Ching*, "*shan zhe bu bian, bian zhe bu shan*" (善者不辩, 辩者不善) is mistranslated as "a good person does not argue; he/she who argues is not a good person" (Lu & Frank, 1993, p. 4). The wrong translation prompted the belief that Chinese culture does not regard arguing as a good behaviour. But if

one pays close attention to the context, the sentence should be translated as "a good person does not speak with high-sounding words; one who speaks with high-sounding words is not a good person" (Lu & Frank, 1993, p. 4). Third, Chinese rhetoric is not an organized and systematic discipline. Theory and practice are often intertwined with "philosophy, religion, ethics, psychology, politics and social relations" (Lu, 1997; Lu & Frank, 1993, p. 4).

China's tradition of rhetoric, argumentation, and debate started 2,000 years ago. The time was called the era of "The Hundred Schools of Thought." Confucians, Taoists, Mohists, Legalists, *Ming Jia* (名家, meaning the school of *Ming*)*,* and other schools debated with one another to advocate their positions (Jensen, 1992; Kroll, 1985; Lu, 1993; Lu, 1997). Scholars, philosophers, artisans, and people in other professions argued their opinions (Kroll, 1985). *Youshui* (游说, meaning the activity of persuasion) was prevalent. *Bianshi* (辩士, meaning debaters) actively participated in events to persuade powerful elites. In the political realm, debating was central to officials solving problems and crafting policy. Debate in that era had an egalitarian nature in which rulers did not necessarily always come out on top (Kroll, 1985).

Among all schools, *Ming Jia* specially focuses on debate. *Ming Jia* is often interchangeably used with other descriptions such as *bian zhe* (辩者, debaters) in Chinese culture. The school was regarded as *gui bian zhe* (诡辩者, deceitful debater), the equivalent of sophists standing against the rhetorician and the wise man. Although *Ming Jia* was put down by other schools, it has its distinct philosophy: "*Ming* refers not only to argumentation, but to a theory of expressing thoughts and confirming truth. It is the method of setting up an argumentation" (Lu, 1997, p. 41). The school has three major contributors: Deng Xi, Hui Shi, and Gong-sun Long. Although they did not espouse systematic theories and left few writings, some of their thoughts have been recognized and studied. Deng Xi was engaged in *xing ming zhi bian* (形名之辩, argument over forms and names), and was known for *li kou zhi ci* (利口之辞, sharp-tongued speech). He distinguishes *da bian* (大辩, big arguments) from *xiao bian* (小辩, small arguments). Big arguments refer to arguments concerning social well-being while small arguments mean those about personal interests. Hui Shi was good at using analogies, which he calls *pi*, (譬, meaning using what people know to convey what people do not know) (Lu, 1997, p. 140). All of them believed a person should examine both ends of an arguable topic for their mutual influences, which is called *liang ke* (两可, dual possibility) and *liang shuo* (两说, dual interpretation). *Ming Jia* and *xing ming zhi bian* reflect their thoughts on "correspondence between names and actuality" (Lu, 1997, p. 145), similar with the semantic theory on linguistic entities, conceptual entities and real world entities (Eemeren et al., 1996).

Western scholars have developed a more organized discipline of debate. Branham (1991) defines debate as "the process by which opinions are advanced, supported, disputed and defended" (p. 1). He also points out that debate is not necessarily formal or arbitrary. The goal for debate is to test opinion. In many cultures and eras, debate symbolizes the advancement of individual intelligence and human civilization. Debate is an activity and an attitude. True debate reflects "personal growth and independence" (Branham, 1991, p. 21). True debate has four characteristics: development (to bolster and improve argument with reasonable evidence), clash (to refute argument appropriately), extension (to defend argument against disputes), and perspective (to move argument from personal to a larger landscape).

Under the frame of true debate, many techniques and theories have been introduced by Branham (1991). For instance, fact, value, and policy are the three types of propositions. The concepts such as definition, research and evidence, argument anticipation, refutation and hypothetical acceptance, and counterpositions and counterplans have been applied to debate competitions. He has also introduced a debate format comprised of four characteristics. First, debate should start and end with the affirmative side. Second, both sides should speak alternatively. Third, speeches should be either constructives or rebuttals, and constructives

should be given more time than rebuttals. Finally, debate should be constrained under a time limitation. Currently the format is widely used in college debate competitions in China. The techniques of debating and cross-examination and the style and delivery requirements such as clarity, emphasis, and organization are also employed formally by Chinese debaters.

Debate has a close relation with argumentation. Argumentation is "social, dialectical and pragmatic in nature" (Eemeren et al., 1996, p. 164). It opens opportunities for not only democratic but also public participation. As a test for validity, it reflects critical thinking and Dewey's idea of "reflective thought" (Eemeren et al., 1996, p. 165). A good argument should be relevant, acceptable and sufficient (Johnson & Blair 1977; Govier, 1985; Damer, 1987; Freeman, 1988; Little, Groarke & Tindale, 1989; Seech, 1993; Eemeren et al., 1996).

Argumentation is a social practice open to the public. The audience is an essential part of argumentation. Perelman and Olbrechts-Tyteca's new rhetoric theory places much importance on audiences (Eemeren et al, 1996). From their perspective, argumentation is oriented by different audiences. New rhetoric uses ordinary language that is more accessible to the general public. An argument does not have to be valid, but at least plausible. Perelman and Olbrechts-Tyteca develop the idea of "argumentation based on the structure of reality" to describe the relation between what has been accepted and what the arguers hope to be accepted (Eemeren et al, 1996, p. 111).

Rhetoric has three purposes: to inform, to persuade and to entertain. Debate, if viewed from an interdisciplinary perspective, relates to games. Like debate, playing is a social practice and a driving force that refines culture. In his book *Man, Play and Games*, Caillois (1961) introduces four types of games: agôn, alea, mimicry, and ilinx. Agôn means physical or cerebral competitions in which the opponents have equal chance to win such as football or chess. Alea, the Latin name of dice, describes games based on luck. In other words, the players do not have control over the result. Money often plays an important role in alea such as in gambling. Mimicry's best examples are the role-playing games which provide players with an alternative reality. The role-playing behaviour is for gaining the pleasure of having different lives and identities and escaping from reality. Finally, ilinx are games designed to break stability and pursue vertigo. A roller coaster is a typical example.

The four types do not simply exist independently. Caillois (1961) indicates they come in pairs. While agôn emphasizes responsibility, professional training, experience, and effort, alea negates human agency and "signifies the favor of destiny" (p. 17). If agôn involves playing games with a visible rival, alea wrestles with the invisible—fate. While mimicry is playing within rules, order, or scripts, ilinx is breaking principles, creating "spasm, seizure, or shock" (p. 23). The two pairs are not the only way the four types connect. For example, mimicry has relation with agôn in some conditions. For example, in sports, agôn incorporates the action of mimicry in that audiences imagine that they are the athletes on the field. Spectators lionize the players and imitate their behaviors (Caillois, 1961).

Besides the four different kinds, there are several universal features of games such as "free (not obligatory), separate (within limited space and time), uncertain (result-wise), unproductive, governed by rules, and make-believe (second reality against real life)" (Caillois, 1961, pp. 9-10). Caillois (1961) also addresses a game's social function. Playing is often done not as individuals but as a group; it is "not solitude but company" (Caillois, 1961, p. 40) and involves the formation of communities. The nature of games is corrupting and destroying in that they attack mundane life. "Above all, play is a parallel, independent activity, opposed to the acts and decisions of ordinary life by special characteristics appropriate to play" (Caillois, 1961, p. 63).

Caillois (1961) also measures play with two concepts: paidia and ludus. The former refers to unrestricted playfulness, while the latter means following a certain order. Human society tends to develop from paidia to ludus, but the construction of rules also faces the

tendency of collapse. By forming and reforming the order, a culture moves forward. Interestingly, the scholar cites *wan* (玩, meaning play), to further clarify paidia and ludus. The original meaning of wan is "the act of indefinitely caressing a piece of jade while polishing it in order to savor its smoothness or as an accompaniment to reverie" (Caillois, 1961, p. 33). That explains why antiques such as jade are called *gu wan* (古玩 literal translation: ancient play) in Chinese. From Caillois's perspective, play with jade is paidia in its nature due to its general idleness, but shares some features of ludus because of its patience and calm, which are often related with obeying rules.

Entertaining does not simply mean making people laugh; it is a way to create hospitality among audiences and circulate the argument more thoroughly. Western and Chinese debate theories as well as Caillois's analysis shed light on features shared by debate and games and the possibility to merge the two activities together. Undoubtedly, debate is an agôn following certain rules (O'Keefe, 1988). Although the goal of it is not to let individuals win, but to find the truth. Like games, debate is free, separate, uncertain, sometimes unproductive, and governed by rules. Debate is also make-believe, a persuasion against reality, i.e. the beliefs of audiences and adversaries. It is also a social activity between at least two groups of people. To some degree, to say debate is destroying and corrupting is not wrong. After all, it is a process of constructing certain opinions as well as undermining the opposite opinion.

3. A CASE ANALYSIS OF QIPASHUO

As a debate show, *Qipashuo* applies the basic competition format introduced by Branham (1991). Debaters are separated into two teams, those in favor and those opposed. In an episode, each team sends forth three debaters to speak individually. The time of their speech is limited, but not in a rigid way. Each team also has a coach. After the three debaters speak from different perspectives of a loci, other debaters on the team can also be given a chance to speak to provide additional perspectives. Coaches in the end summarize the team's arguments. The debate starts from the affirmative side and also concludes with it (the rebuttals are sandwiched between the constructives). Then the host and the invited guest (usually a celebrity) comment on the performance of the debaters and express their opinion on the topics. To test opinions, the show also allows the two sides to switch the positions occasionally, which demonstrates the true spirit of debate (Branham, 1991).

The true judge of this show is the audience, which applies new rhetoric theory. Every episode, 100 people are invited to the show. Before the debate starts, the host asks the audience to support either side with a red or blue button. Then, the debaters need to appeal to the logos, ethos, and pathos to make good arguments that are relevant, acceptable, and sufficient. Their arguments should demonstrate their critical thinking. After the debate ends, the host asks the spectators to vote again. The team that successfully changes more opinions in the audience wins.

Debaters of *Qipashuo* can be generally classified into two categories: professional and amateur. Professional debaters are former domestic and international college debate competition champions or previous Best Debater winners. For instance, Huang Zhizhong, the champion of the third season of the show, is the only person who won the Best Debater for International Varsity Chinese Debate Competition twice. The professionals often appeal to logos. They can accurately locate the fallacies in their rivals' speech and dispute it, leading the audience toward sound logic that generates empathy. Audiences trust the professionals and are attracted by their charismatic style and delivery, which is the appeal to ethos. But the professionals, in contrast to their performance in formal college debate competitions, often use

middle-register or low-register language and a conversational style to cater to the laypeople in the audience.

The other debaters are amateurs. Although they lack experience in formal debate competitions, they have advantages due to their various backgrounds such as journalist, writer, online program host, policeman, actress, teacher, female singing group member, student, fashion model, entrepreneur, etc. They often share their rich experiences and life stories, appealing to pathos, to find faults in the logic of the professionals. For example, former actress Fan Tiantian does not have strong logic. But she appealed to the audiences' empathy by sharing her rich experiences. When debating the topic "Should we stick to stable jobs or pursue our dreams when we are 30 years old?" she explained how she started acting at 16, then had a career failure and became a receptionist (*Qipashuo*, February 01, 2015). But she did not allow this setback to be permanent. She worked hard to rise to a director position in a company. Eventually, when she was 32 years old, she gave up her stable job and came back to the stage of *Qipashuo*. She said she had such a difficult time that she did not have time to fall in love with someone, get married, and raise children. Under immense stress, she attempted suicide. Now, however, she uses her struggles to ensure other girls do not suffer like her. When she divulged these intimate details, the audience felt sympathetic with her and some of them even cried. This is only one instance in which an amateur debater was able to win over the audience through personal experience alone.

As Branham (1991) said, debate is not only a process but also an attitude. The goal for *Qipashuo* is not only to decide which side's opinion is superior, but for the exhibition and clash of different opinions as well as one's will (even duty) to speak. The debaters in *Qipashuo* give voice to subcultures that often go unnoticed in general society. They debate over topics such as "Should I be with my wife when her income is three times mine?"; "Are parking spots that are reserved for women discriminatory?"; "Should women approach men for dates?"; "Should a woman with a higher education ever become a full-time housewife?". Such questions direct public attention to the demand of rights and the changing status of women in China. *Qipashuo* has also become a place for LGBTQ communities to find a voice for themselves. Since LGBTQ content is not welcome in China's mainstream legacy media, online media has become the major space for the content to be circulated. Several debaters on *Qipashuo* are lesbians or gays. For instance, Jiang Sida, a college student from the Communication University of China, came out publicly at the very beginning of joining *Qipashuo* (*Qipashuo*, July 11, 2015). He said he is *qipa* because of his different sexual orientation. He wants to be who he is. The senior coach, Cai Kangyong, is also a gay activist. In the show's second season, the topic of one episode was "Should LGBTQ children come out to their parents?". In that episode, Cai Kangyong argued, "We are not monsters" with tears in his eyes. His emotional plea generated a heated discussion on social media about the LGBTQ community's hardships. The episode was forced by censors off of the video platform, which generated even more attention to LGBTQ's marginal status in Chinese society (Shenzhenzhichuang, August 25, 2015).

Besides using Western debating techniques, *Qipashuo*'s debaters also apply traditional Chinese debating skills. They are good at "using what people know to convey what people do not know" (Lu, 1997, p. 140), which is the *pi* strategy used by *Ming Jia.* For instance, when debating "Does the person at the center of a scandal deserve to be abused orally by thousands of people?", Qiu Chen said, "Everyone has a tyrant inside his mind. If we tame the tyrant, we can be a compassionate human. If not, we are nothing different from animals." She compares the evil thoughts in people's mind to a tyrant, a specific figure to whom people know to demonstrate the importance of kindness (*Qipashuo*, September 05, 2015). In addition, when preparing for the debate, both sides examined the other end of the topics, applying *liang ke* and *liang shuo* of *Ming Jia.* By constantly participating in public debate activities, debaters formed their professional communities and resurrected debater community in ancient China.

The debaters have also developed their own styles based on historical styles. Huang Zhizhong represents *jian zong* (剑宗, the school of jian), which is the opposite school of *qi zong*, (气宗, the school of qi) in debating (Lianhecanmouxueyuan, February 15, 2014). *Jian zong* and *qi zong* are originally Chinese *wu xia* (武侠, swordsman) concepts. In the novels of Louis Cha Leung-yung, a renowned novelist, *jian zong* and *qi zong* are two different approaches in a famous swordsmanship school. *Jian zong* mainly practices sword techniques while *qi zong* mainly practices the inner strength to control swords (Cha, 1980). Chinese debaters borrow this dichotomy to describe different characters of the two debating styles. *Jian zong* focuses on language and interpretation while *qi zong* focuses on logic and evidence; *jian zong* starts with values, while *qi zong* emphasizes facts. Huang Zhizhong was the debaters' coach before joining the show in the second season. His style has been integrated into other debaters' delivery as well.

As an entertainment show, *Qipashuo* embeds the features of games in debate. Two sides debate on certain topics following rules and procedures, forming an agôn. But since audiences are not professionals, their vote may be subjective. Sometimes the result of the debate competition is due to chance. It happens when a debater demonstrates marvelous skill and eloquent speech, yet the audience feels more empathy towards the other side. Therefore, the debate can also be regarded as an alea. To enhance suspense and amusement, the show adds money, which often plays an important role in alea. The winning team can win ¥100,000 (about US $15,600) in each episode. Alea at this show may hurt the professionalism of debate built by agôn—the most professional performance does not always get rewarded. Nevertheless, to let amateur audiences decide is consistent with the show's tenor.

The show also features mimicry. Debaters are ordinary people coming from different professions. They have their daily routines and roles. But when gathering on the stage of *Qipashuo*, they have second lives. They assume a different role than who they are in their daily lives, away from the spotlight. Some debaters have completely different characteristics on the show. For instance, Yan Rujing, a shy girl from Malaysia, could barely speak when she was not debating. But, when the time came, eloquent speech erupted from her mouth, stunning the audience (Zhang, November 28, 2016). She was socially awkward, but debating changed her life. Debate provides a place for the participants to disregard their routine lives and even personalities, creating new identities of *qipa*—people who dare to talk differently in public. The costumes they wear also illustrate mimicry. Senior professional debaters often wear formal clothes. For example, Huang Zhizhong often wears dark suits. But young and amateur debaters wear colourful and even flamboyant clothes to distinguish themselves from the drab attire they wear in their ordinary lives.

The holistic setting and apparatus of *Qipashuo* illustrate ilinx. The colorful boards, floor, furniture on set, and flamboyant costumes mark major differences from traditional college debate competitions. The symbol of *Qipashuo*, a big mouth with thick red lips and tongue, is eye-catching. *Qipashuo* breaks people's expectation about debating activities, creating a spiral of visual attraction and intellectual stimulation. In addition, satire is often used in the show. Ma Dong, the host of the show, often knocks a *moktak* (a Chinese temple block), but not a judicial mallet to contrast the show with serious court debate. He often comments, ironically, that, "This is a serious debating program" (Kuang, February 11, 2015, p. 1).

Above all, *Qipashuo* builds a field with ludus, and then breaks some of the rules creating paidia. Occasionally when the debating procedure is interrupted by debaters' spontaneous inspiration and performance, Ma Dong allows them to continue, claiming that there are not rules in the show. The show demonstrates and integrates the common features of games and debate: free, separate, uncertain, sometimes unproductive, governed by rules, make-believe, corrupting and destroying. The entertainment features of *Qipashuo* are not special. Many other entertainment programs use at least some features in Caillois's game theory. But the innovation

of *Qipashuo* lies in its combination of game and debate. It bridges two seemingly incompatible activities and demonstrates the common characteristics of the two.

4. CONCLUSION

Debate, entertainment, Western debate skills, and Chinese rhetoric are the four aspects that have popularized *Qipashuo*. But identifying features is not enough. For Chinese society, the true contribution of *Qipashuo* lies in its call for people to become publicly engaged. The entertainment feature is just a "shell" used by the show, but the rational training and public education are the pearls inside.

With the high viewership, massive social media exposure, and heated online and offline discussions, the effects of *Qipashuo* are undoubtedly strong. But there are more profound changes *Qipashuo* brought in three spheres. First, in the personal sphere, *Qipashuo* has changed people's attitudes on certain issues such as women rights, the LGBTQ community, family communication relationships, technology, education, and so on. These value changes may not be temporary – Chinese societal attitudes may be permanently altered in terms of certain social issues. Second, in the technical sphere, more debate activities have been organized. Inspired by *Qipashuo*, multiple offline Chinese debate competitions have been held, such as the Monash University Debate in Australia and *Xing Bian* (星辩, literal translation: star debate) competition in Malaysia. Finally, in the public sphere, debate has been resurrected as a Chinese tradition. Debaters are increasingly respected and appreciated. Young people are more aware of the importance of critical thinking and different voices.

Why has *Qipashuo* emerged and succeeded in this specific period? In the personal sphere, globalization of communication inspires the young generation to join a cosmopolitan trend and express their own identities and opinions. In the professional sphere, college debate competitions have been honing the skills of debaters for *Qipashuo*. In the public sphere, the development of the Internet, especially video content platforms, has provided a space for advocacy and public discussion. The rising status of China internationally has improved its people's cultural confidence about their debate traditions. With the development of individualization, urbanization, and commercialization in society, *Qipashuo* affirms people's need to use information technology to express themselves in China's transition from modernization to neoliberalism (Wu & Yun, 2018).

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Dressed arguments in legal speeches: The use of style formulas[1]

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ABSTRACT: The aim of this paper is to provide an analysis of communication in forensic situations. First, we will define style formulas and brocards as typical linguistic expressions of legal experience, then we will focus on forensic practice. Style formulas are, mostly, used as rhetorical and argumentative presentational means: in fact, their use is not neutral but deceiving for what they do not say.

KEYWORDS: legal argumentation, legal communication, style formulas, rhetoric, forensic cooperation

1. INTRODUCTION

The aim of this paper is to provide an analysis of communication in forensic situations, drawing on expertise from forensic linguistics. Most crucially, the authors will focus attention on linguistic forensic practice of law, which is characterized by the frequent use of style formulas and brocards. They are included in defensive speeches and even in judgments, consisting in terms or concise juridical maxims, often expressed in Latin words or phrases, which correspond to general principles and behavioural norms. Their meaning and their use is understandable only by experts of the field.

Doctrine and jurisprudence have mainly analysed the use of style formulas in contracts, for instance in order to limit parties' obligations; on the contrary, their use in forensic communication does not seem to be of particular interest.

The purpose of this paper will be to highlight the role played by these technical formulas in forensic practice, whose use seems functional to the progressive construction of a common argumentative ground, to which the parties cooperate in the complex dynamic of practical judgment.

Style formulas are, mainly, used as rhetorical presentational means: the authors will explore their use in the judicial context and they will show that their use is not neutral but deceiving for what they do not say.

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[1] This is a multiple authored research article: F. Puppo wrote par. 1 -3; S. Tomasi wrote par. 4-5; M. Manzin wrote par. 6-7.

2. A DEFINITION OF STYLE FORMULA

First of all, it is necessary to give a definition of what we propose to call "style formulas": a type of legal practice's linguistic expressions used in different legal fields (in contracts, in notarial acts, and in trials) by different subjects (by notaries, lawyers, and judges). In the Italian legal order, they are a type of formulas mainly analysed and evaluated in contract law, where they play an important role for contracts' drafting: that is why, as a first insight, it is necessary to refer to the definition given by *Corte di Cassazione*, the Italian Supreme Court:

> Style formulas are generic phrases we usually find in contracts or notarial acts, with a mere function of completion for their excessive indefiniteness: for this reason, style formulas cannot be considered capable of expressing a concrete and given will in connection with the deal in discussion[2].

From this point of view, typical examples of style formulas in contracts, which can assume the form of binomials or trinomials, are formulas like:

... the terms and conditions set forth in this agreement ...
... the same may be amended, supplemented or modified in accordance with the terms hereof ...
...unless the contract provides otherwise...
... in the absence of a provision to the contrary...
... except when otherwise provided by the contract...

Legal scholars and jurisprudence are mainly devoted to discuss the legal value of this kind of expressions in order to understand if contracts (or parts of contracts) with that kind of formulas, considered to be excessive indefinite, could bind the contracting parties or not. This is a real legal topic, but we cannot deal with it now[3]: rather, we would like to underline the fact that, as we are going to see in the next sessions of this paper, we should find examples of style formulas not only in contracts or notarial acts, but also in litigations, lawsuits or processes, in civil, administrative and criminal trials, in speeches by the parties (in this case it is common to speak about the formulaic recitation of a cause of action's elements) or even by the judge.

In fact, in all these kind of legal speeches, jurists usually use expressions and linguistic formulas that we can recognize as style formulas' examples because of their main character: that is the fact that style formulas can be recognized as such for their, so to say, "settled stylistic practice". From this point of view, a linguistic formula can be defined as "style formula" if it faithfully repeats an established and common phrase, again and again repeated in legal speeches or acts (see Bonamini 2016, 5).

3. STYLE FORMULAS AND BROCARDS

From an historical point of view, it could be of some interest to remember that these formulas were used in Roman legal experience and in Medieval times, playing an important role in the development of legal knowledge: they were considered the expression of a sort of common legal wisdom (see Messineo 1961, 820ff.; Bonamini 2016, 15ff.).

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[2] See for example Cass. Civ. nr. 1950/09.
[3] It is sufficent to remember that these kind of formulas are supposed to have stylistic and not legal function: in other words, they are usually considered to be legally invalid and ineffective.

As such, style formulas could be seen as part of a broader set of legal expressions, usually known with the name of "brocards" or "*brocardi*": a noun that

> «from an etymological point of view, […] comes from the French *brocard*, cognate with Medieval Latin *brocarda*, *Brocardicorum opus*, a collection of canonical laws written by the bishop Burchard of Worms (died 1025). A *brocard* is a legal principle expressed in Latin (and often derived from past legal authorities or Roman Law), which is traditionally used to express concisely a wider legal concept or rule»[4].

Examples of brocards are the following ones:

> *Iura novit curia* (The judge knows the law – technically, there is no need to "explain the law" or the legal system to a judge/justice in any given petition).
> *Ignorantia legis non excusat* (Ignorance of the law is no excuse – not knowing that one's actions are forbidden by the law is not a defense).
> *Nullum crimen, nulla poena sine praevia lege poenali* (There can be neither crime nor punishment unless there is a penal law first).

These kind of formulas could mainly have rhetorical function, since they are commonly used to give elegance and strength to judicial and legal speeches, since brocards are able to recall, so to say, a common legal knowledge which is time immemorial (see Velo Dalbrenta, 2007). But brocards could also play an argumentative role, since they can be used as legal discourses' premises, especially when the maxim they express is actually included in legal orders and expressed by legal norms: for example, that is the case of the brocard "*audiatur et altera pars*" (in English: "hear the other side") at first expressed by Aeschylus' *Oresteia* and now formally included in many State's Constitutions (for example in the art. 111 of the Italian Constitution).

At the same time, it is clear that someone could be recognized as a jurist also because she knows brocards and style formulas and she uses brocards and style formulas in a right way: from this point of view, brocards and style formulas can be considered to be the traditional and inner part of the technical legal language. At the same time, brocards and style formulas contribute, in the linguistic practice of law, to the development of homogeneous communities: who wants to be considered to be part of them is expected to speak and understand that kind of specialized language (and, by the way, a part of legal education consist of this kind of linguistic training).

But this is not the only specific character we could recognize in the use of brocards and style formulas in legal speeches. In fact, we should remember that a peculiarity of legal context is that law regulates the cases and forms of the enforcement of justice: so legal opinions follow always a regular template, which also implies recurring style formulas.

4. THE USE OF LEGAL LANGUAGE: GOING BEYOND THE JUDICIAL TEMPLATE

Court practice analysis is a source of information to identify the uses of arguments in judicial communication and to evaluate their effects.

In this section, the research topics arise from the legal reality in Italian jurisprudence: we will present the results of a document analysis, by selecting some case-study and drawing conclusions on how courts apply certain style formulas, shared in legal context, and how they finally manoeuvre their communication.

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[4] «Brocard», availbale at: https://en.wiktionary.org/wiki/brocard.

The court practise analysis is a valuable instrument for legal practitioners: it allows to get information about the court management and to provide support in case of legal appeal. In the course of this analysis, it become evident that the use of recurring formulas, shared by legal practioners, as brocards or style formulas, is not neutral: despite the fact their use is undisputable and their content is steady and permanent, they turn to be strategic arguments to dress.

As known, judicial opinions are written decisions, authored by judges, developed according a legal template. Statute law provides the formal framework for writing the judicial opinion, labelling "frozen" parts and "free" parts. According to the Rule of Law, the legal opinions are subject to such certain constraints, both with respect to content and form.

As for the frozen components, it is possible to recognize the heading, the preliminary stuff, the body, and the disposition. The Heading recalls the constitutional principles concerning the Judiciary, so that Justice is administered in the name of the people and Judges are subject only to the law. In the preliminary stuff, the court, its components, the parties, their lawyers are identified. As for the body of the opinion, the first part is usually devoted to precise the concluding legal requests of the parties involved; then, in the following section, the judge clarifies the "facts" of a case, the events that occurred before the legal case was filed in court, and that led to the judicial the case. Most opinions also include a section on the procedural history of the case: that is, what happened in the case after the case was filed in court. After the opinion has presented the facts, it will then discuss the law. This section of the opinion describes the legal principles that the judge will use to decide the case and reach a particular outcome. Finally, the disposition usually appears at the end of the opinion and reveals what action the court is taking with the case.

The sections, mentioned above, are fixed by statutory provisions (i.e. art. 132 Italian Code of Civil Procedure; art. 118 disp att.) in order to secure the jurisdiction by law.

As for the free component, all judicial decisions shall also include a statement of reasons. Maurizio Manzin, representing the ideal scheme of a judicial opinion (Manzin, 2014, pp. 147-172), makes clear that the duty of motivation has two main function: on the one hand, it regards the internal structure of the text; on the other hand, it is connected to extra-processual and social elements. According to Manzin, the judge is required to check both the topical extent and the coherence among the arguments. The disposition and its grounds are mutual dependant: so, the disposition has to be based on reasonable grounds. Moreover, the duty of motivation is embodied by art. 111 Italian Constitutional Act, according to which all court trials are conducted with adversary proceedings and the parties are entitled to equal conditions before an impartial judge in third party position. That is to say, that all citizens have the right to check the social acceptability. The motivation is first functional to the parties to detect the points of the opinion on which appeal for revision. It is also functional to the appeal court to understand the grounds of the inferior court. It is functional to the Supreme Court in order to ensure the uniform interpretation of the law.

The concern of this research is to explore legal opinions and assess them, going beyond formal accreditation.

As a matter of facts, legal practice reveals many forms of deviation from rule of law formalities, especially in the use of style formulas.

Legal language consists in conservative expressions, established formulas or formulas shared by participants at legal communication. These formulas are generally considered as lexical items commonly recognized as hallmarks of legal discourse.

This study will show that what seems to be an undisputable stylistic, choice in compliance with the Rule of Law and with the common use of legal language, shared by legal practitioners, turns to be a complex argumentative interplay in the decision making process.

In the court practise analysis, the hint is to develop these research questions: are there any patterns in stylistics? What is the effect produced by the use of the style formulas?

5. CASE STUDY: EXAMPLES OF STYLE FORMULAS

Since then we have carried out over 50 analyses, we select three recurring examples of use of style formulas. The database consisted in legal opinions delivered by the Criminal Court of Trento, assessed by local companies of lawyers in the last decade.

More than one judges wrote these formulas, trusting them as knowledgeable as regards the court system and administration of justice. These formulas appear as a 'format' shared in the legal context. We argue that this is not only a stylistic choice but a mode of arguing that invoke implicit entities, that may be defined and conceptualized.

This issue builds on the tradition established by Informal Logic. Ralph Johnson and Anthony Blair characterize informal logic in part as "a focus on the actual natural language arguments used in public discourse, clothed in their native ambiguity, vagueness and incompleteness" (Blair and Johnson 1980, p. x).

Leo Groarke has argued that when we analyse real life arguments, our first task is the dressing an argument, that is the identification of its component parts. In the case of arguments, there is a distinction between "arguments on the hoof" and "dressed arguments": the former are arguments as they appear in their real life contexts, the latter are those arguments after having identified and isolated their key components, for argument evaluation.

We should investigate the use of these formulas and, specifically, the extension of these arguments in the legal opinion. The argument is always a propositional entity but, despite the fact some verbal arguments are common, their argumentative use implies that one would dress.

In order to have a comprehensive account of style formulas in legal opinion, let's consider some examples.

Example (1)
Considered art. 133 Criminal Code, the final punishment can not exceed 10 years of imprisonment.
The Italian Criminal Code provides for maximum and minimum of imprisonment. Art. 132 provides that judicial discretion must be exercised within the legally established penalty ranges. Art. 133 defines the criteria that should guide the judge in exercising the discretionary power under 132. These criteria concerns the type of offense but also the offender (the previous conduct, the criminal record, the family status).

The style formula mentioned above is a recurring expression which rests on the formal adherence of the opinion of the provision. No statement of reason is added. It delivers the final measure of the punishment.

We need to isolate the premises in order to evaluate the penal decision.

Example (2)
Even according to the most authoritative jurists interpretation,...
As known, in Italian legal system there are no general rules directly concerning precedents in the proper meaning of the word. In some rules of the code of civil procedure there are only indirect references to precedents. According to art. 118 disp. att. Code of Civil Procedure, which define the criteria for legal motivation, in deciding a case judge may make a reference to corresponding precedents in the opinion that justify the decision. About legal sources in deciding the case, the provision specifies that no direct authority can be cited from books.

This statutory provision in Italian Legislation forbids a judge to quote the opinions of jurist. But what appears in text is different.

The style formula reveals the awareness that a judge does not decide based exclusively on statutory law: the decisions do not automatically sprout from the statutes.

This formula is compatible with the statutory provision but covers a pattern of argument from authority. Who is the doctrine? Is that doctrine all about the issue? The questions regards the premises of the argument.

The formula respect the formal interplay of academics and judges in the decision making process as required, but conceal the real concurring source of judging.

Example (3)
Judicial costs will be balanced considering the originality of the issue at dispute.
In Italian legislation, the costs of a case depend on its final outcome. According the statutory provision, the party who has lost the case is supposed to pay the courts feed and the feed charged by the lawyers of the parties. The losing party will support the prevailing party's lawyers 'fees. The other costs (i.e., expert costs, fitness costs) must generally be borne by the losing party (according art. 92 Code of Civil Procedure)

If there are exceptional reasons, the costs may be compensated by the parties. But the judges may explain the reasons of exceptions.

In the final part of motivation, the Court often wrote the recurring formula of justification "*considering the novelty, originality of the issue*". It turns to be a presumptive argument to dress: what is new? new regarding what (facts/law)?

In all these cases, beside the adherence to statute law, these expressions, familiar to judges and lawyers, are arguments to dress. Legal practitioners have a feel for these formulas because they belong the their habits: their use could be deceiving as they hide implicit premises and conclusions.

6. DRESSED ARGUMENTS IN JUDICIAL CONTEXT

When speaking about things like style formulas, it should be taken into consideration the fact that all of these "arguments on the hoof"/"dressed arguments" are used in legal speeches and that these speeches are made in peculiar contexts. In this regard we could distinguish either between private, tort, penal, administrative, constitutional, international etc. legal domains or between the degrees of judgement (first degree, appeal, supreme court etc.) – and, actually, each of these contexts has its own specific standards. Nevertheless all different linguistic uses (and all possible implicatures) of "arguments on the hoof" dealing with such contexts are in the very end conditioned by the possibility of a legal controversy. In this sense we could say that, implicitly or explicitly, the target of "arguments on the hoof" is always the (occurring or eventual) judicial context.

Communication in the judicial context communication is characterized by some pragmatic features which can be sketched as follows:

a. the judicial communication is *controversial:* the dialogue between the parties is not aimed at an exchange of information, feelings etc. but it is a sort of match in which every party wants to win the case;

b. the judicial communication is *triadic*: none of the parties supposes to persuade the opposing one, but both aim at persuading the decision-maker (the judge or the jury) which is 'third' and stranger to the parties;

c. the judicial communication is *linguistically vague*: strict legal terms (which anyway are just a part of the terms used in legal speeches) are expressed in natural language and they are not formalized in the way scientific terms like "point" or "zero" are. They are at most technical terms, meaning that they are used by and within a linguistic community of experts who know what were things like "adverse possession" or "complicity" even though there are no axioms or demonstrations dealing with them;

d. the judicial communication is *institutionalized*: the procedural rules of the judgment are not established in advance by the parties but they simply exist as a part of the legal system in which the parties act. This fact implies the acknowledgment and effectiveness of a number of social phenomena like "rule following" (Hart 1994, Poscher 2015), pre-establishment of a scene (the trial) with its own actors (judges, lawyers etc.) and some precise expectations (acquittal, punishment etc.).

According to the Gricean "principle of cooperation" all participants in a communication should know the implicatures of the terms and utterances used in the conversation. In the contexts of common conversations, public discourses, media etc. this clarity about the meaning of the words is usually obtainable also when "dressed arguments" are used.

Let us think for instance to a very common expression like *all in all* and imagine a conversation like the following between John and Mary:

> – John: I've got a new smartphone!
> – Mary: All in all my mobile still works well

In this conversational exchange it should be sufficiently clear to John that her friend has considered some evaluation elements dealing with her smartphone (state of conservation of the hardware, battery life, updating of the software, things that can be still done with it etc.), and she has concluded that in the end positive elements are more numerous than the negative ones, so it is not the case to waste time and money to buy a new mobile.

All in all in this conversational context is a "argument on the hoof" which can be easily "dressed" by the participants, thus it is not necessary to provide further information in order to reach the communication goal – nothing has been hidden by anyone.

On the contrary in the judicial context style formulas and *similia* could stay "on the hoof" without revealing their hidden implicatures. Let us think for instance to an expression very familiar (in Italy) to administrative lawyers like: *all presupposed, consequent and connected acts*. It is obvious that *all* is a dramatically wide category and that there could be desirable as well as undesirable acts (for one or both parties) implicated by the established action(s) which is/are presupposing or producing or somehow connecting some others.

That is the reason why there have been (in Italy) many legal decisions by administrative courts of different degrees according to which "such style formulas are neither effective nor legally valid, not being able to specify". The ratio decidendi of all of these decisions[5] was that

> the style formula "all presupposed, consequent and connected acts" on the ground of which such acts have become objects of a legal controversy cannot be used to indicate acts that are not specifically declared in the appeal, for the fact that this formula is not appropriate to determine a specific object of appeal, whereas only a clear indication of petitum allows the counterpart to fully exercise her right of defence.

Thus, the question at this point is: given the fact that style formulas which are not (or cannot be) specified have been considered by the courts neither effective nor legally valid, is it the

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[5] See Italian courts rulings: T.A.R. Piemonte Torino, Sez. II, 14 gennaio 2010, n. 200, T.A.R. Lazio Roma, Sez. III, 26 luglio 2007 n. 7013, Consiglio Stato Sez. V, 16 settembre 2004 n. 6018, Consiglio Stato Sez. VI 07 luglio 2003, n. 4037, T.A.R. Lombardia Milano, Sez. I, 6 ottobre 2010 n. 6879.

case to keep on using them in legal discourses? More roughly: are style formulas good or not for law?

Before answering this question it would be appropriate to deepen some aspects of the contemporary legal scene which could affect the use of style formulas. We must remember that formulaic expressions and brocardi have a long tradition – substantially uninterrupted – in legal speeches dating back to the age of Roman and medieval law. There is a number of reasons to justify such a long life: philosophical (as the capability to find the common in the different – Velo Dalbrenta, 2007), historical (the 're-descovering' of the *corpus iuris civilis* and the birth of the universities in the Middle Ages), sociological (their use distinguishes a social group of learned people), even psychological ones (it strengthens the sense of belonging). It is not our aim to analyse now all these reasons and the connected ones, but only to notice that, regardless of the effectivity degree in our day, style formulas operate in a context which has some remarkable peculiarities if compared to the previous one in the last decades. These peculiarities could be very generally summarized this way:

a. *legal system.* Today we have to take into serious account the phenomenon of the s.c. "fluidization" of the (once) system of legal sources as it is going on especially in the European Union, where the new paradigm of governance has modified the rigid hierarchy of legislation established by constitutional rules;

b. *new legal sources.* Then we must consider the connected occurrence of legal sources different from the national legislatures (s.c. "legal pluralism"): international and transnational treaties, declarations and charters on various specific rights, lex mercatoria, "soft law" by EU officials, legal opinions by foreign supreme courts – all of which have a certain strength over judicial decisions;

c. *principles and rules*. Besides that it should be stressed the influence of ideas coming from "constitutionalism" and "new constitutionalism" in contemporary jurisprudence. Meta legal values (or "principles") are acknowledged today as the benchmark for either general or individual legal norms, whereas in the past legal positivism had maintained a strict divide between *sola lex* and moral criteria;

d. *moral pluralism.* Finally, we face nowadays a growing 'axiological multiplicity' caused by epochal events like globalization, migrations and multiculturalism. Rapidity and pervasiveness of information, economic exchanges and social mobility, intertwined with expectations on individual rights and positive actions, make available a lot of moral criteria (or "values") not infrequently at odds with each other.

7. CONCLUSION

In conclusion, if we are planning to use "arguments on the hoof" like style formulas, we should pay attention to the possibility of very different implicatures coming from the kind of legal system, legal source, constitutional principles and moral criteria which are at stake. In other words, there could be various and even opposite ways to "dress" style formulas, with a consequent injury to the certainty of law.

Let us try to make an example for clarification.

When speaking about a *presupposed, consequent or connected act* dealing with the obligation to exhibit an identity document if requested by a policeman we could refer: to a legal system where such condition is peremptory (as in Portugal) or to another in which, for instance, it is sufficient to declare one's personal details (as in Italy); to a document that is valid or expired (validity of ID card, in Italy, is necessary to go abroad but not to go to vote); to an exhibition of personal data which could be intended as confidential (if connected to the right of privacy) or not confidential (if connected to public security). The simple presupposition of having a

valid ID document in our pocket is therefore depending upon the implicatures of the formula. This is why, as mentioned above, we should seriously wonder if using style formulas in legal discourses were appropriate or not.

In our opinion arguments like formulaic expressions and *brocardi* are typical rhetorical tools. As such they are so to say 'double-sided': they can be exploited in order to create a shadow area from which the party could take out favourable elements for her strategic manoeuvring, or otherwise they can be used as *topoi* in a critical discussion. In the former case the arguer would act against the principle of cooperation, and the formulas would be mere presentational devices. In the latter the arguer would be committed to "dress" the formulas, identify its elements and avoid trickery. So before getting rid of style formulas insofar as they are considered deceptive, it would be challenging to find a way to "dress" them – in other words, to work out a normative model for argumentative moves based on style formulas.

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On the many logical ways to counter an argument

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ABSTRACT: My aim here is to give an adequate definition of counterargument, establishing a suitable typology
of counterarguments grounded on Toulmin's model. This typology is based on a double criteria: the target of
criticism and the force or strength of the attack as expressed by the appropriate argumentative connector. I thus
distinguish four main kinds of counterarguments: dismissals, objections, rebuttals and refutations.

KEYWORDS: argument strength, counter-analogy, counterargument, dialectics, dismissal, objection, rebuttal,
refutation, Toulmin's model

1. INTRODUCTION

Elsewhere (Marraud 2015) I have distinguished two conceptions of dialectic. Dialectic can be
conceived of as the art of controversy or debate, with confrontation of opinions and hence of
arguers. The focus of dialectics thus understood is the conventional rules and procedures
governing such confrontations. This is what I call *arguers' dialectic*. But dialectic can also
mean the study of the oppositions between arguments. This *arguments' dialectic* is historically
linked to the notion of argument strength, and can may even be defined as the study of argument
strength. Argumentative connectors are the main device for expressing relations among
arguments. These are words or phrases that link two or several statements, assigning them a
particular argumentative role.

The concept of counterargument lies at the heart of argument's dialectic. The
importance attached to the relations between arguments – especially those of opposition-
establishes a clear distinction between the theory of argument and formal logic. My purpose in
this paper is twofold. First to give a suitable definition of counterargument; second, to establish
a typology of counterarguments. I will confine myself to *logica*" counterarguments: arguments
criticizing another argument on account of its logical properties. Thus, ways of attacking an
argument for being ineffective for a given audience, or for procedural matters will not be taken
into account.

Let us begin with some preliminary definitions. To argue is to present to someone
something as a reason for or against something else. An argument is a reason for (Pro argument)
or against (Con argument) some claim. Hence a con argument is a reason to reject some claim.
These are more or less standard definitions, though many scholars define argument either in
terms of its purported aim (justify, persuade, etc.) or of its structure (premises and conclusion).

According to the *Merriam-Webster Dictionary* to counterargue is to give (reasons,
statements, or facts) in opposition to an argument or in support of an opposing argument. Hence
a counterargument is a reason to reject some argument.

Therefore there is a clear difference between a con argument, a reason against a claim,
and a counterargument, a reason against the cogency of an argument.

2. MAIN KINDS OF COUNTERARGUMENTS

To argue is to present something to somebody as a reason for (or against) another thing. Hence the minimal autonomous unit of argument is a compound of one or more premises, the "something" in the above definition, and a conclusion, the "another thing" in the same definition.

When a reason for a conclusion is presented to someone but she does not endorse it, there are four possible moves.

1. She might reject the argument as a whole, alleging that there must be something wrong on it.
2. She might challenge some of the premises: "Where do you get that from?".
3. She might also question that the reason offered is a good reason for that conclusion: "How do you get there?"
4. Finally she might try to show that the conclusion should still be rejected, offering an opposite reason: "Yes, but…".

Therefore there are four main strategies for attacking an argument: challenging the argument as a whole, challenging some of its premises, challenging its warrant, or challenging its conclusion. But counterarguing requires more than challenging some of the parts of an argument: one has to give reasons for rejection. Thus one can either meta-argue that the offered argument is not cogent, or one can argue some of the premises are not true or acceptable, that the warrant is not valid or cannot be applied to the case, or that the conclusion is nonetheless false. Accordingly I shall distinguish four main kinds of counterargument, which I term, respectively, dismissal, objection, rebuttal and refutation.

3. DISMISSAL

An argument can be rejected as a whole for a variety of reasons; for instance, it can be adduced that argument A has been rejected for most philosophers, that A it is not a scientific argument, that A it leads to an unreasonable conclusion, etc. The rationality of such holistic counterarguments has been advocated by Daniel Cohen (2001). Here is an example:

> […] as we saw before, states and corporations differ in one crucial respect. The shareholders of a corporation voluntarily take on the obligations of the corporation when they purchase shares; indeed, the corporation's obligations are reflected as a discount in the price of a share. People who are born into citizenship of a state do not consent in a similar manner to take on the obligations that others have acquired in the name of the state. Although Locke argued that people give implicit consent to their government by not emigrating, no one takes this argument seriously anymore. Consent requires more than the ability to choose an extremely disagreeable alternative." (Posner, 2003: 1906).

For our present purposes Locke`s argument can be summarized thus:
    A. People give implicit consent to their government by not emigrating, so people have an obligation to live up to the state's obligations.
The corresponding counterargument then runs as follows:
    CA. No one takes this argument seriously anymore
Thus a dismissal is an argument whose-conclusion is an assertion to the effect that a given argument is not cogent. Since a meta-argument is "an argument about one or more arguments or about argumentation in general" (Finocchiaro 2013:1), dismissals are meta-arguments.

4. OBJECTION

An argument A is an objection for an argument B when A's conclusion is incompatible with some of the premises of B'. This is obviously the case when they are mutually contrary or contradictory, but in argumentation there are also less stringent forms of incompatibility. A successful objection suspends the conclusion. Here is an example:

> A. This patient has a streptococcal infection, so presumably this patient needs penicillin treatment.
> CA. Infection diagnosis is only based on symptoms, no clinical tests have been performed.

5. REBUTTAL

I am using "rebuttal" in a sense close to Toulmin (2003). To prevent possible confusions, notice that Pollock (2007) uses "rebutting defeaters" and "undercutting defeaters" for something close to what I call refutations and rebuttals, respectively.

The question "How do you get there?" can be answered in either of two ways: (a) Resorting to analogy: step from P to C is like (is analogous to) the already accepted step from P' to C'; or (b) Providing a warrant, i.e. a general, hypothetical statement, which can act as a bridge, and authorises the sort of step to which our particular argument commits us (Toulmin 2003, p.91). *Mutatis mutandis*, the inference proposed by an argument can be rejected arguing either that that it is analogous to another already rejected inference (counteranalogy or rebuttal by comparison), or that the warrant is problematic (warrant rebuttal). Rebuttal is similar to objection in that a successful rebuttal suspends the conclusion.

Let us illustrate first counteranalogy or rebuttal by comparison (example retrieved from https://undark.org/article/assisted-suicide-physician-health/).

> A. As a physician and medical ethicist, I am opposed to any form of physician assistance with a patient's suicide. The Hippocratic Oath — arguably, the most important foundational document in medical ethics— clearly states: "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect."
> CA. There was a time and place for the Hippocratic oath to work, it doesn't mean it's always appropriate for all situations far into the future. That would be like the idiots who argue that we should always be allowed to keep guns just because it's in the Constitution.

A warrant in turn can be held to be problematic by one of two reasons: either the warrant is in general invalid, so that C cannot be inferred from P through W (*Plain rebuttal*), or the warrant cannot be applied in the case at hand, so that C cannot be inferred from P through W (*Exception*). There are weaker forms *(disclaimers)* of these, since the validity or applicability of the warrant may be controversial, so that C can only be inferred with reservations from P, "at your own risk". Thus we have four kinds of rebuttals: plain rebuttal, exception, warrant disclaimer and disclaimer by possible exception.

> Plain rebuttal.
> A. Since you want to live comfortably, you must attend university, for university graduates usually have higher incomes.
> CA. The reason why university graduates usually have higher incomes is that they normally come from wealthier families and they are more cleaver than the average.
> Exception.
> A. Polls give small advantage to candidate White over candidate Brown, so probably White will win the election.

CA. The advantage of candidate White over Brown is under the margin for error for these polls.

Warrant disclaimer (retrieved from https://www.indiewire.com/2014/06/the-fall-festival-50-our-wishlist-for-the-venice-telluride-and-toronto-film-festivals-84321/).

A. Primed for a November 7th release and coming from British powerhouse stable Working Title, the new film from James Marsh is a likelihood for a fall festival bow. Its biopic structure and potential crowd pleaser appeal hints at Toronto rather than Venice.

CA. Well, perhaps. But that's a pretty unreliable rule of thumb, and changing all the time.

Disclaimer by possible exception.

A. With the falling of the pound, Germany, for instance, will be a more attractive place for Spanish, Portuguese, Polish and Greek emigrants than the UK.

CA. Unless British companies raise wages to prevent the loss of labor force.

6. REFUTATION

I distinguish three kinds of refutation, associated with the phrases *A but B*, *A but also B*, and *Although B, A*.

In many cases when someone utters *A but B* she means that (1) she accepts *A*, (2) she accepts *B*, (3) *A* is a reason for some conclusion *C*, (4) *B* is a reason for some conclusion *C'* incompatible with *C*, and (5) in the situation of utterance, *B* outweighs *A*. When *A but B* is used in this way, the addressee is invited to infer *C'* from the joint consideration of *A* and *B*. In these cases I will say that the argument *B, so C'* is a *contradicting refutation*.

A. This patient has a streptococcal infection, so presumably this patient needs penicillin treatment.

CA. But this patient is allergic to penicillin.

The utterance in the appropriate circumstances of *A but also B* carries commitments similar to those in the former two cases. Yet the implicature is now that *A* and *B* are similar in force, so that they cancel each other out. When *A but also B* is a reply to *A, so C*, it is an attempt to suspend the inference of C from A. I will speak then of *cancelling refutation*.

A. Biofuels bring a number of environmental benefits, so production of biofuels should be promoted.

CA. However, it is also true that their production can have some adverse effects on the environment.

The difference between *but* and *although* in their relevant uses has to do with the suggested weighing. While *but* presents the second term as a stronger reason, *although* flags the weaker term. When someone utters *Although B, A* in the appropriate circumstances, she conveys the indication that *B* is insufficient to defeat the argument *A, so C*, so that, after weighing up *A* and *B*, the conclusion still remains *C*. Some authors contend that even if *B* lacks the force to defeat *A*, it still lowers the strength of the argument *A, so C*. Borrowing the term from Pollock (2010:11-12), in such a case I will say that *B, so C'* acts as a *diminisher* for *A, so C*.

A. It is impossible not to refer briefly to the Brahimi report and some of its main recommendations. The report clearly contains guidelines that, even almost 10 years after they were developed, need to be taken into consideration.

CA. Although the Brahimi report does not answer all of our questions.

7. WEIGHING

Notice that any refutation involves the weighing of pros and cons, since the conclusion is reached from the joint examination of positive and negative considerations. This feature relates refutation to Wellman's third pattern of conduction (Wellman, 1971:57).

Weighing is characteristic of refutation as a distinctive kind of counterargument. While objection and rebuttal look for flaws or faults in arguments, refutation starts from the acceptance of the argument under examination, as the previous analysis of such argumentative connectors as "but" and "although" shows. There is nothing wrong on a refuted argument, except that there is a stronger argument to the contrary.

The distinction of different kinds of counterarguments is important to limit the scope of weighing. Some authors seem to consider weighing as an all pervasive phenomenon in argumentation. Thus Robert Pinto writes: "In short, we can identify ´exceptions' to a qualified generalization only if we are already able to compare the strength of arguments licensed by that generalization to certain other arguments." (2011:117). Although this issue deserves a more detailed discussion, the unbounded spreading of weighing promoted by such argumentation theorist as Pinto is the result of mixing together the degree of acceptability of the premises and the robustness or strength of the link between premises and conclusion. To borrow an example overused in AI, there is no point in comparing (if it is possible at all) the strength of the argument *Tweety is a bird therefore Tweety flies since birds typically fly* with the strength of the rebutting argument *Tweety was watched in Peninsula Valdés, where there are important colonies of penguins, so probably it is a penguin*. In order to asses the later the sensible thing is to compare its strength with that of *Tweety was watched in Punta Loma, so it is more likely a rock shag than a penguin*.

Of course the possibility exists that the force of two arguments with incompatible premises be incomparable. So far as arguments are concerned, force defines in the best case a partial order. My conjecture is that when two such arguments are conjoined the sensible thing is to suspend judgement on the issue at stake. This skeptical position can be contrasted with a credulous one, according to which both conclusions are tenable, and in order to decide which argument is in force in some particular argumentative situation one has to resort to procedural rules. I take the terms "skeptical" and credulous" from related discussions in IA (*Cfr*. Prakken & Vreeswijk 2002, § 4.1).

8. OTHER CLASSIFICATIONS

Blair y Johnson (1987) propose a classification of counterarguments based on the RSA (*Relevance*, *Sufficiency*, *Adequacy*) criteria of good argument: an argument is *cogent* if and only if it has acceptable premises, its premises are relevant to its conclusion, and the premises provide sufficient grounds for the conclusion. Hence it can be argued that an argument is not cogent for one of two reasons: either its premises are unacceptable, or the move from its premises to its conclusion is problematic. In turn, the step from premises to conclusion can be problematic either because the alleged reason is irrelevant (i.e., it is not really a reason at all), or because it is a weak reason. Thus Blair and Johnson make no room for refutation, even if this is a quite common strategy for attacking an argument.

An examination of counter-argumentative procedures in polemic dialogues leads Apothéloz, Brandt y Quiroz to propose a quadripartite classification.

1) Counterarguments concerning the plausibility of the reason: they challenge the plausibility of some of the premises of the argument at issue; these correspond to my objections.

2) Counterarguments concerning the completeness of the reason: they offer a stronger reason for a conclusion incompatible with the conclusion supported by the contested reason; these are what I have called "refutations".

3) Counterarguments concerning the relevance of the reason: they dispute the relevance of the premises to the conclusion; thus these counterarguments amount to plain rebuttals.

4) Counterarguments concerning the argumentative orientation of the reason: they contend that the reason given is really a reason for a different, opposite conclusion; these seem to be a special sort of refutations.

Douglas Walton (2013: 27-62) offers a more complex (though not necessarily more clarifying classification).
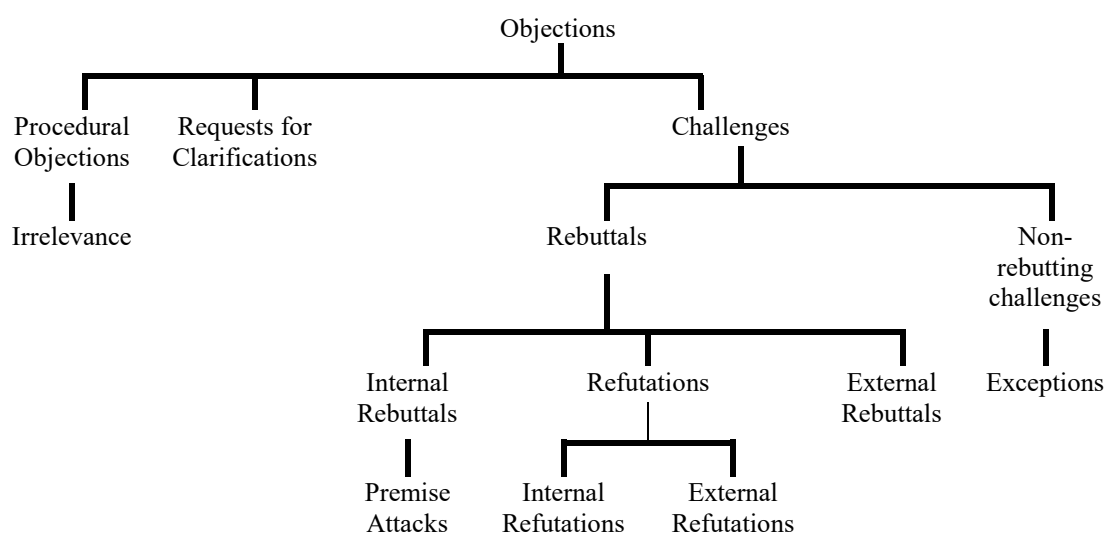

Table 1. Walton classification of counterarguments.

Walton defines an objection as any way of questioning the use of an argument on a given occasion. However, in fact, he only considers dialectical (procedural) and logical objections (challenges), letting aside rhetorical objections referred to audience reception (save perhaps requests for clarifications). A challenge is an expression of critical doubt about whether a reason supports the argument

Challenges are divided into rebuttals and exceptions. A rebuttal is an argument that is directed against other prior argument, in order to show that it is open to doubt or not acceptable. A refutation is a rebuttal that is successful in carrying out its aim. Now rebuttals are divided into external and internal ones.

Internal rebuttals aim at the premises of the argument under scrutiny. There are two kinds of external rebuttals. First, an external rebuttal can be an argument to the effect that the conclusion doesn't follow from the set of premises that were presented as supporting it. Second, an external rebuttal can be an argument that is stronger than the argument that is challenged and that provides a reason for rejecting its conclusion.

Walton defines an exception as a distinctive kind of premise, brought to light by means of critical questions, and classifies Pollock-style undercutter as an exception. Pollock (2007) makes a distinction between rebutting defeaters and undercutting defeaters. A rebutter of an argument gives a reason to show its conclusion is false, whereas an undercutter merely raises doubt whether the inference supporting the conclusion holds.

9. THE ORDER OF COUNTERARGUMENTATION

Argument criticism is developed following a procedure that seeks to get the maximum effectiveness at the lowest cognitive cost. For this reason priority is given to objection over rebuttal, and then to rebuttal over refutation. Refutation can result in a costly process of weighing pros and cons, the outcome of which is uncertain. Leibniz said that the possession of a balance of reasons would be an even more important achievement than the "fabulous science of producing gold".

To understand why rebuttal is a strategy more onerous than refutation, one just has to think about the different functions of premises and warrants. Premises are presented as data or facts while warrants are rules. Accordingly premises are appraised as true or false, acceptable or inacceptable, etc. and warrants as more or less reliable. Toulmin (2003:98) puts it as follow: a general statement like "Philosophers in their intellectual plenitude are unmarried" (according to Pierre Riffard, 70% of philosophers were unmarried when they published his masterpiece) can be used in two different ways:

- as a datum, and then it can be expressed in the form "It has been observed that philosophers were unmarried when they were in their intellectual plenitude";
- as a warrant, and then it can be paraphrased "If a philosopher is in his intellectual plenitude, he may be presumed to be unmarried".

To demonstrate the falsity of a universal statement is easier than to demonstrate that it is not a reliable guide to making inferences, if only because a false statement is false in any circumstance, while a guide to inference can be reliable in some circumstances and unreliable in others.

A pragmatic effect that confirms what has been said is that if someone attempts in the first place to rebut or to refute an argument, this can be taken as a sign of her acceptance of the premises.

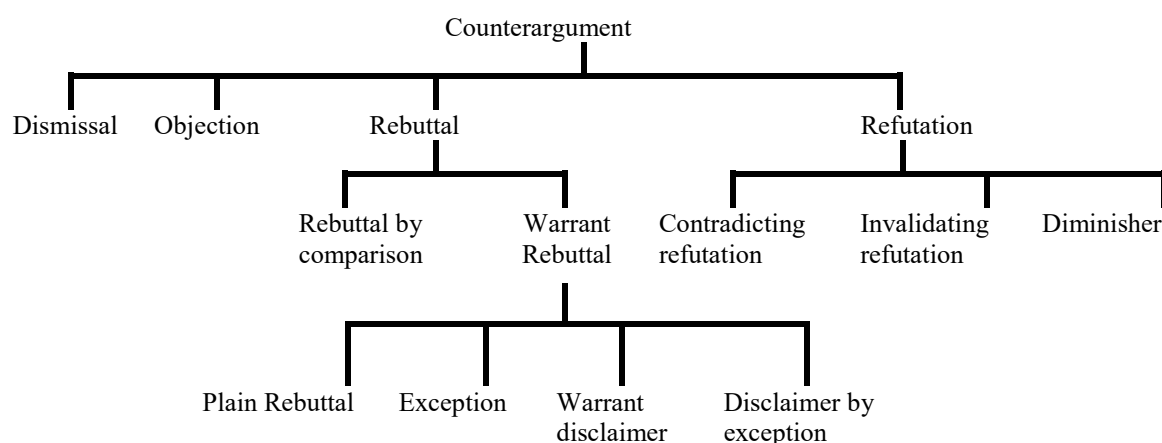## 10. FINAL PROPOSED CLASSIFICATION.

Table 2. Proposed classification of counterarguments.

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A typology of Donald Trump's *Ad Hominem* in the 2016 presidential election

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ABSTRACT: Many of the leading argumentation textbooks discount *ad hominem* attacks as a fallacy of relevance that should be avoided. It is surprising, therefore, that at American politician, Donald J. Trump, achieved considerable electoral success while delivering blistering personal attacks directed at the character, personality, or physical appearance of his rivals. This analysis, which develops a typology of Trump's *ad hominem* attacks, concludes that this form of political argument can serve as a powerful rhetorical strategy.

KEYWORDS: 2016 presidential election, *ad hominem*, campaigns, rhetoric, presidency, presidential rhetoric, Donald Trump

1. INTRODUCTION

Donald J. Trump's ascent to be president of the United States was extraordinary. An unlikely candidate, Trump had no political or military experience prior to his election to the presidency. His qualifications came instead from his experiences in business and media, including the successful NBC primetime television show "The Apprentice," which pitted would-be moguls against one another, vying for a position in one of Trump's businesses. Trump's campaign rhetoric was also unexpected, with free-wheeling campaign rallies and aggressive attacks on his opponents during both the Republican primary and the general election. His discourse violated many traditional campaign norms, as candidates typically will attack their opponents but still try to appear "presidential" in their demeanour. Trump showed no such concern, and instead used aggressive rhetoric to dismiss anyone or anything he viewed as a serious threat to his candidacy.

One of the most important strategies used by candidate Trump during the 2016 Republican primary and general election was the *ad hominem* attack. Commentators often referred to Trump's *ad hominem* as "giving nicknames," citing his ability to label his opponents with short, pithy attacks, including Lyin' Ted for Republican Senator Ted Cruz, Little Marco for Republican Senator Marco Rubio, and Crooked Hillary, referring to Democratic presidential candidate Hillary Clinton (CNN 2016). When asked about Trump's nicknames for her during an ABC "This Week" appearance, Clinton dismissively replied, "I don't respond to Donald Trump and his string of insults… He can say whatever he wants to say about it… I really could care less" (quoted in CNN, 2016). But despite Clinton's attempts to downplay Trump's rhetoric, the nicknames given by Trump were significant, and illustrate Trump's reliance on, and skill in using, argument *ad hominem*.

In this essay, we explore how Donald Trump was able to use argument *ad hominem* to effectively attack his opponents. We argue that Trump's use of *ad hominem* is better understood through rhetorical analysis that takes into account the broader context of the argument, rather than formal argumentation and logical proofs. In what follows, we briefly review the literature on argument *ad hominem*, then analyse Trump's *ad hominem* during the 2016 Republican primary and general U.S. presidential election. We propose a three-part typology to explain how Trump's *ad hominem* functioned in the campaign. Trump's *ad hominem* functioned to attack opponent's character, personality, and appearance, and in each case, drew attention to a significant critique present in the broader discursive field of the campaign. Finally, we suggest future pathways for argument scholars to further research the important role argument *ad hominem* plays in contemporary public discourse.

2. UNDERSTANDING *AD HOMINEM*

The standard treatment of the *ad hominem* fallacy, van Eemeren and Grootendorst (2015) observe, generally recognizes three distinct forms of the fallacy: (1) the abusive variant, (2) the circumstantial variant, and (3) the *tu quoque* variant. The most common variant, *abusive ad hominem*, can be characterized as an attack targeting a person rather than their ideas. van Eemeren and Grootendorst explain, "By portraying the opponent as stupid, dishonest, unreliable or indicate otherwise negative aspects, an attempt his made to undermine his credibility" (616). In contrast, the *circumstantial ad hominem* attempts to undermine an opponent's argument by asserting it is supported by self-interest, not by good evidence. Finally, the *tu quoque* variant attempts to expose an inconsistency in a position that an opponent has used on different occasions. "As a matter of fact," van Eemeren and Grootendorst conclude, "the difference between the three variants are so great that there might be some validity in regarding them not as different variants of the same fallacy but as separate categories" (617).

Of the three variants of *ad hominem*, the abusive form is generally regarded as the most questionable. Abusive *ad hominem*, Copi (1972) observes, "is clearly fallacious" (76). Echoing this sentiment, Rescher (1964) notes, "Any argument of this sort is of course highly improper and thoroughly fallacious" (81). According to the standard treatment, the abusive *ad hominem* can be discounted as a fallacy of relevance. While it may seem that there is a connection between the premises and the conclusion, under closer scrutiny, Rescher finds, the premises "fail to provide sufficiently relevant evidence for the conclusion" (70). "It is," Cliff (2017) continues, "an attempt to distract from the matter at hand by introducing irrelevant details aimed at discrediting the individual" (10).

Over time, however, a growing body of scholarship has emerged suggestion that *ad hominem* in public discourse is worth reconsideration, and even rehabilitation. For example, Hinman (1982) has argued, "there is a wide variety of situations in which *ad hominem* arguments are not fallacious" (p. 338). More recently, Johnson (2009) suggested that "intellectual virtues, moral virtues, and non-moral character traits can all be legitimate factors" when dealing with public argument and "deciding contentious public issues" (p. 252). He suggests, for example, that in the courtroom, *ad hominem* could be used to undermine a witness who is morally corrupt by suggesting they are a hypocrite. In political argument, *ad hominem* may serve similar functions: to reveal or highlight a relevant argument to voters about a particular candidate's character or past.

In the 2016 campaign, Donald Trump used all three types of *ad hominem* identified by scholars: abusive, circumstantial, and *tu quoque*. However, his most vicious and effective attacks were abusive *ad hominem*. Trump employed these arguments through multiple venues, including campaign rallies, presidential debates, and social media. We contend that Trump's

abusive *ad hominem* functioned as relevant evidence to his audience, suggesting a need for argumentation scholars to incorporate the rhetorical context into the evaluation of argument *ad hominem*.

3. STUDYING TRUMP'S *AD HOMINEM* IN THE 2016 ELECTION

To study the varied mediums of candidate Trump's *ad hominem*, we focused on the 2016 Republican primary and general election. Our goal was to identify and classify abusive *ad hominem* to understand more about candidate Trump's strategies. We began with a record-keeping website from the *New York Times* entitled "The 472 People, Places, and Things Donald Trump has insulted on Twitter," which as suggested, archives a list of links to Trump's tweets since Donald Trump declared his candidacy (Lee & Quealy, 2018). This website's focus is appropriate given that Trump himself has acknowledged that he used Twitter and Facebook to establish his message, convey information, and influence the public during his 2016 election campaign (Trump, 2016e), and early scholarly accounts of the 2016 campaign demonstrate the significance of social media to Trump's success (Ott, 2017; Azari, 2016).

Using the *New York Times* website, we first looked at Trump's attacks on the 16 Republican candidates and 5 Democratic candidates in the 2016 primary. We read all of the tweets for these 21 candidates listed on the website, noting the presence of *ad hominem*. This provided a sense of the field of campaign discourse as a whole, and also demonstrated the prevalence of abusive *ad hominem*. Since we wanted to expand beyond Twitter, we then used Trump's own words to guide our searches through the broader landscape of campaign discourse, expanding our scope to include rally speeches, debates, and media appearances. Analysing this discourse, we then developed a three-part typology of Trump's use of abusive *ad hominem*: (1) character; (2) personality; and (3) appearance.

4. *AD HOMINEM* OF CHARACTER ATTACKS

The abusive *ad hominem* often appears as an attack on a person's *ethos*, or character (Govier, 2013; Brinton, 1986). In this sort of attack, labels are used as the evidence for inferences being drawn. Character attacks can be effective because, as Zarefsky (2002) notes, "personal character is intrinsic to argument" and "one cannot simplistically dismiss it as a fallacy because it is a personal attack" (sect. 7). This is especially true for contemporary political campaigns, which often focus on the candidate's ethos as a part of the campaign platform. Trump's *ad hominem* character attacks were exemplified in arguments against Ted Cruz in the Republican primary and Hillary Clinton in the general election.

Trump's *ad hominem* against Cruz featured versions of Trump referring to his opponent as "Lyin' Ted." This attack functioned as an implied, ethotic argument against his opponent's character and credibility, since it attacked Cruz's platform that he was a moral, Christian candidate. Trump often deployed this *ad hominem* at rallies, with cries of "Don't want to vote for a liar. You have Lyin' Ted Cruz. I call him, I nicknamed him, Lyin'" (Los Angeles Times, 2018), sometimes even going so far as to spell it out: "How would ya spell that? L-Y-E-N— Lyin'!" (CNN, 2016). Trump often paired the nickname with the accusation that Cruz would "hold up the Bible," and then "put it down" and lie, further suggesting the duplicitous—or in Trump's words, "terrible"—nature of his opponent (Schwartz, 2016). He also used the *ad hominem* frequently to attack Cruz on Twitter, for example, tweeting on May 3, 2016, "Wow, Lyin' Ted Cruz really went wacko today. Made all sorts of crazy changes. Can't function under pressure – not very presidential. Sad!" (Trump, 2016f). This tweet extends the *ad hominem*,

suggesting that not only is Cruz a liar, but that this character flaw makes him impulsive and unpresidential.

In the case of Trump's *ad hominem* character attack on Democratic opponent Hillary Clinton, "Crooked Hillary" functioned as an enthymematic connector for voters to fill in pre-held biases and concerns about Clinton's past decisions and performance as a Senator, Secretary of State, and even former First Lady. Trump used "Crooked Hillary" as a character attack against her effectiveness in public office, tweeting on August 26, 2016 that "Crooked Hillary will NEVER be able to solve the problems of poverty, education and safety within the African-American & Hispanic communities" (Trump, 2016g). Trump turns Clinton's past experience as a government official against her, suggesting that her way of doing business in the government is "crooked," and that her actions would be more likely to be criminal or nefarious rather than helpful to marginalized communities. In another tweet, Trump cast her as "crooked" for her hidden intentions: "Crooked Hillary wants to take your 2nd Amendment rights away. Will guns be taken from her heavily armed Secret Service detail? Maybe not!" (Trump, 2016h). Both of these tweets suffer from flaws in factual misrepresentation; in the case of the first, no evidence is given and the "crooked" attack functions purely as an attack on her character, while in the second tweet, misleading evidence is given to suggest that Clinton is in favour of elimination (rather than restriction) of the right to bear arms. Additionally, the second tweet also ignores the potential difference in context between individual citizens and state security forces. But for Trump, the "crooked" *ad hominem* functions to amplify beliefs amongst some conservative voters that Democrats want to eliminate the 2nd Amendment of the United States Constitution, a belief that is at times, substantiated by members of the Democratic party or by liberals (Blake, 2018). All of this serves as evidence that Clinton's character is untrustworthy.

Trump's *ad hominem* character attacks took arguments against his opponents' *ethos* to the extreme. They functioned to destroy trust in the opposition, whether Trump's challenger was "Lyin' Ted" Cruz or "Crooked Hillary" Clinton. Arguing against such *ad hominem* was difficult because refutation, particularly when done by the opposing candidate who is being attacked, could then be used by Trump—and potentially by voters hearing the refutation—as further evidence of the lack of character in Cruz and Clinton.

5. AD HOMINEM OF PERSONALITY ATTACKS

A personality focused abusive *ad hominem* attacks the agency and demeanour of the opposing candidate and layers these attacks within the high expectations of the U.S. presidency. Trump's *ad hominem* personality attacks tended to take the form of criticizing someone's personal demeanour, suggesting that the way they behaved on the campaign trail was flawed. This is a classic *ad hominem* strategy, because it poses an argument that is accepted or rejected based on a characteristic, rather than on a rationale or more formal argumentation strategy. Trump's personality attacks centered around two candidates: "low energy" Jeb Bush and "crazy" Bernie Sanders.

Trump's personality attacks against Jeb Bush became an extended *ad hominem* about the tired, belaboured, and disconnected nature of the establishment Republican party. Given that Bush was related to *two* U.S. presidents—his father George H. W. Bush and his brother George W. Bush—he was able to be framed by Trump as the perfect example of why the Republican party was too traditional and unable to represent the people of the United States. Trump used the strategy of "parallipsis" to craft his *ad hominem* of personality against Bush; parallipsis being one of Trump's well documented rhetorical strategies when he would talk about something while saying he was *not* going to reference something (Merceica, 2016). For example, Trump proclaimed, "But I won't talk about Jeb Bush. I will not say—I will not say

he's low energy. I will not say it" (Los Angeles Times, 2016). In tweets, he referred to Bush as "weak and low energy," calling his campaign a subsequent "disaster" (Trump, 2015c), and suggested "@JebBush is a low energy 'stiff' who should focus his special interest money on the many people ahead of him in the polls. Has no chance!" (Trump, 2016a). While "low energy" was an attack on Jeb's delivery and performance, the *ad hominem* of personality functioned to call attention to the lack of coordination, enthusiasm, and dedication in the establishment Republican party when compared to Trump's own free-wheeling, energetic rallies and campaign.

Trump also used *ad hominem* against Democratic primary candidate Bernie Sanders, referring to him as "Crazy Bernie." However, in this case, while the *ad hominem* criticized Sanders's presidential capabilities, it did so in a way that was not as critical as some of Trump's other *ad hominem* against his opponents. Trump suggested that "wacko Bernie Sanders allies" would come "over to me because I'm lowering taxes, while he will double and triple them" (Trump, 2015b). He confessed on Twitter that "I don't want to hit Crazy Bernie Sanders too hard yet because I love watching what he is doing to Crooked Hillary. His time will come!" (Trump, 2016bb). Trump's *ad hominem* formation almost affords Sanders some respect—he uses Sanders' full name, not just an adjective and first name, and he suggests that Sanders is effective at attacking "Crooked Hillary." In some rallies, Trump even praised Sanders, saying he did not want to run against him and saying, "Crazy Bernie, he's a crazy man, but that's okay, we like crazy people" (Associated Press, 2016). However, in the end, Trump's *ad hominem* against "Crazy Bernie Sanders," as it played out in tweets and rallies, implied that Sanders is too unpredictable and illogical a candidate for the presidency.

The *ad hominem* of personality subtly reinforced Trump's own narrative that he would be the best leader for the president, and that he would be a president who would actively work to fix problems and make deals. Someone like Jeb Bush was too "low energy" and therefore unable to handle the high demands of the Oval Office, whereas someone like Bernie was just a little too unpredictable and inconsistent. Instead, these arguments subtly reinforced Trump's own narrative that he was high-energy and strategically unpredictable, able to best opponents, whether in his business dealings or, as Trump hoped, from the Oval Office.

6. *AD HOMINEM* OF APPEARANCE ATTACKS

Trump's *ad hominem* took its most brutal form in the third type, namely *ad hominem* of appearance attacks on his opponents. The *ad hominem* of appearance functioned in a gendered, sexist way to argue for strong masculinity in the Oval Office. The arguments emphasized Trump's appearance as a dominant male leader, and criticized his opponents—Republicans Carly Fiorina and Marco Rubio, as well as Democrat Hillary Clinton—for not being strong, masculine presidential candidates.

One of the most striking examples of Trump's *ad hominem* of appearance came in his hostile, biting comments to Fiorina's physical appearance. In the September 9, 2015 edition of *Rolling Stone* magazine, Trump was quoted making negative comments about Fiorina's "face":

> When the anchor throws to Carly Fiorina for her reaction to Trump's momentum, Trump's expression sours in schoolboy disgust as the camera bores in on Fiorina. "*Look* at that face!" he cries. "Would anyone *vote* for that? Can you imagine that, the face of our next *president*?!" The laughter grows halting and faint behind him. "I mean, she's a woman, and I'm not s'posedta say bad things, but really, folks, come on. Are we *serious*?" (Solotaroff, 2015; emphasis in original).

The quotation attributed to Trump suggested that a female face—and perhaps an unattractive female face—cannot be presidential. Trump eventually had to walk this comment back in a

Republican primary debate, but even then, he maintained that what he meant was her "persona, not [her] appearance," and only later when challenged in the Republican primary debate said that he thought she had "a beautiful face" (CNN Debate, 2015). Trump's fixation on Fiorina's face—whether critiquing it or praising it—as well as his discussion of her "persona" served as an attack and drew attention to her feminine demeanour as unfit for the presidency of the United States.

Trump also attacked Marco Rubio for his physical appearance, referring to him as "Little Marco." In this case, Trump's tweets through March 2016 are illustrative of how the abusive *ad hominem* of appearance developed. First, Trump (2016b) tweeted that "Lightweight choker Marco Rubio looks like a *little boy* on stage. Not presidential material!" The argument here is more explicit—Rubio's short stature suggests that his character is not fit to contend with the masculine work of being president. Then, his tweets evolved, referring to "little Marco Rubio" as a "lightweight" (Trump, 2016c; Trump, 2016e) and "Little Marco" was "set to be a puppet" (Trump, 2016d) for special interests. The use of the terms lightweight and puppet draw on a physical comparison that Trump is the strong boxer, or that Trump is his own master whereas other politicians are weak and controlled by special interests. As Trump reiterated "Little Marco, Little Marco" in his rally stump speech (CNN, 2016), the *ad hominem* functioned enthymetatically to reinforce that Trump's opponents represented a weak version of leadership as opposed to Trump's own masculine and dominant persona.

Trump's masculine dominance was further emphasized in the third example of *ad hominem* of appearance, which implied that Clinton did not have the right "look" for the presidency. Commenting on Clinton's campaign events, Trump (2015a) tweeted that "Black Lives Matter protesters totally disrupt Hillary Clinton event. She looked lost. This is not what we need with ISIS, CHINA, RUSSIA etc." This was a particularly cutting critique of appearance, because looking "lost" suggested a lack of willpower and force, even with groups who traditionally would be aligned with Democrats. It implied that Clinton was weak with her allies, and would be even weaker with foreign adversaries. A second tweet boldly laid out the underlying argument of Trump's *ad hominem* of appearance: "Hillary Clinton does not have the STRENGTH or STAMINA to be President. We need strong and super smart for our next leader – or trouble!" (Trump, 2015b). *Strong* is an attribute for Trump that becomes synonymous with good leadership, which in turn is about overpowering and controlling one's foes. Furthermore, Trump's *ad hominem* of appearance against Clinton continued in the first presidential debate. When asked by debate moderator Lester Holt what he meant by his statement that Clinton did not have the right look for the presidency, Trump replied:

> She doesn't have the look. She doesn't have the stamina. I said she doesn't have the stamina, and I don't believe she does have the stamina. To be president of this country, you need tremendous stamina (Politico, 2016).

When asked to clarify about his comment that Clinton "did not have a presidential look," Trump elaborated:

> Wait a minute, Lester. You asked me a question. Did you ask me a question? You have to be able to negotiate our trade deals. You have to be able to negotiate. … Wait, you have so many different things, you have to be able to do, and I don't believe that Hillary has the stamina (Politico, 2016).

In his response to the moderator's question about Trump connecting Clinton's "look" with the presidency, Trump connected to stamina. The "look" here suggested that Clinton is female, and stamina implied a robust masculinity—negotiation through force, through *strength*. Trump's implied argument underneath this *ad hominem* of appearance is that only men possess the brute force to be president of the United States.

Whether critiquing Republican challengers Fiorina and Rubio, or challenging Clinton in the campaign and presidential debate, Trump consistently used his *ad hominem* of appearance to attack candidates for weakness, femininity, and lack of strength. By criticizing female candidates' faces and looks, and nicknaming Rubio "Little Marco," Trump was able to advance his argument about masculine leadership without having to openly declare his preference for brute force.

7. CONCLUSION

Trump's example of argument *ad hominem* demonstrates the referential—and persuasive—power of so-called nicknames and the subsequent attacks on character, personality, and appearance. Scholarship on argument may be quick to dismiss this sort of argument due to the lack of logical evidence and warrants; *ad hominem* are seen as fallacies. However, we challenge that *ad hominem* can and must be taken seriously as political argument in our current public discourse. Trump's candidacy in 2016 demonstrated that *ad hominem* can be an important means of persuasion for audiences when the *ad hominem* connects to larger arguments through references, enthymemes, and other rhetorical forms. We advocate, therefore, for treating *ad hominem* as both fallacious reasoning and as a powerful rhetorical device.

Analyzing *ad hominem* rhetorically means adopting the framework of not judging logical/fallacious or right/wrong, but rather utilizing Chaim Perelman's conception of stronger or weaker arguments, that appeal as relevant or irrelevant to contingent rhetorical circumstances (see Minot, 1981). Understanding the impacts of *ad hominem* means examining "whether an *ad hominem* argument is relevant within its context" (Minot, 1981, p. 228), particularly considering the *ethos* of the speaker, the circumstances of the broader issues at hand, and the contingent nature of public discourse.

In reference to the context of contemporary campaign discourse, we advocate expanding Woods' (2007) notion of "slanging." Slanging, Woods explains, "is a rhetorical device, as old as the hills," and the objective is to "expose, embarrass, ridicule, mock, calumniate or humiliate one's opponent" (p. 109). Trump's *ad hominem*, when viewed as slanging, fulfilled a variety of functions, including entertainment for his base, diverting the audience away from evidence, and enhancing Trump's own *ethos* while embarrassing his opponents. In the case of Trump, slanging *ad hominem* became an effective way of undermining traditional politics and career politicians, critiquing an *ethos* that usually would be a strength in a campaign and instead promoting Trump's own brand of outsider committed to "#DrainTheSwamp" (Trump, 2016i). Slanging not only diminished Trump's opponents, it also challenged and undercut democratic institutions and norms.

This doesn't mean that *ad hominem* and slanging should be encouraged or accepted in public discourse. As argument scholars, we have a particular responsibility to call attention to the logical content, as well as the quality of discourse. Our task is to understand how *ad hominem* functions, and then use that knowledge to demonstrate the dangers "slanging" can pose to democracy. *Ad hominem*, even "slanging" or amusement, seems to drive out meaningful political discourse. As *ad hominem* becomes more common, politics becomes even more about attacking the character of one's opponents, drawing attention to the negative and fueling suspicion about political candidates, elected representatives, and the government itself.

The example of Trump demonstrates a particularly powerful three-part typology for *ad hominem* attacks during his 2016 presidential campaign, focusing on character, personality, and appearance arguments. These forms of abusive *ad hominem* must be seriously considered, and future research should expand our understanding of how *ad hominem* can function effectively from a rhetorical context. Argument scholars are well positioned to evaluate both the form—

the logical flaws and lack of evidence—as well as the rhetorical function—the significance and strategy—of *ad hominem* arguments. We would do well to seriously consider and expand our understanding of the intersections of form, function, and impact in the future.

NOTE: Any opinions, findings, recommendations, or conclusions expressed in this material are those of the authors and do not reflect the views of the author's places of employment.

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Managing argumentative potential in the networked public sphere: The anti-#MeToo manifesto as a case in point

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ABSTRACT: The controversy around the Anti-#MeToo Manifesto is undoubtedly a reflection of 'a central rift within feminism' today. Nevertheless, a closer look reveals that the divide has also been deepened by a series of clumsy discursive choices and misunderstandings. This paper offers an argumentative analysis that highlights the controversy's unfortunate turns, sheds light on the divide, and shows how important and yet how arduous a task it is to manage the argumentative potential of one's discursive choices in today's networked public sphere.

KEYWORDS: agency argument, argumentative associate, argumentative potential, disagreement network, feminism, #MeToo, rape apology, standing standpoint, networked public sphere

1. INTRODUCTION

In October 2017, a tweet reignited a movement set to raise awareness of the pervasiveness of sexual abuse in society. In the tweet, actress and activist Alyssa Milano called on women who have been sexually harassed or assaulted, to tweet back 'me too' (Milano 2017). The phrase, which had been used by civil rights activist Tarana Burke already in 2006, was now becoming the viral hashtag #MeToo. By Monday morning, tens of thousands had already used it, many of which sharing stories too. Responses came from activists, celebrities and ordinary people alike: On Facebook, the hashtag was used by more than 4.7 million people in 12 million posts during the first 24 hours. Soon, the phrase spread beyond social media: Columnists in major news and media outlets all over the world were using and discussing it. The hashtag trended in at least 85 countries, with local alternative hashtags such as #أنا_كمان in Arab countries, #MoiAussi in French-speaking Canada, #我也是 and #WoYeShi in China, #QuellaVoltaChe in Italy, and #balanceTonPorc in France. A mass movement was reigniting to spread awareness of the magnitude of the problem and to empower women through empathy.

As the #MeToo movement was gaining momentum by the day, unsurprisingly, critical voices were mounting too. One of the strongest critical reactions came in the form of an open letter published in the French newspaper *Le Monde* in January 2018. The letter, signed by 100 French women, was presented as a statement in favour of the agency of women against "enslaving them to a status of eternal victim" and "reducing them to defenseless preys of male chauvinist demons".[1] What became known as the Anti-#MeToo Manifesto rejected the movement's 'naming and shaming' of men, defended the 'freedom to pester' and urged women to respond to it in "ways other than closing off in the role of the prey" (Le Monde 2018). The manifesto provoked outrage and was described as a clumsy and shocking rape apology. As criticism and counter-criticism were exchanged, it became clear that the charge, though obviously rejected by the signatories, could not be laid off as baseless. The resonance

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[1] The letter was written by Abnousse Shalmani. Most famous among its 100 signatories are actress Catherine Deneuve, radio host Brigitte Lahaie, feminist activist Caroline De Haas, art critic and author Catherine Millet.

between (parts of) the manifesto and arguments that undermine the seriousness of sexual assault could not be dismissed. A few of the signatories, including actress Catherine Deneuve, felt compelled to clarify and apologise. In a new letter, published in *Liberation* a week after the manifesto appeared in *Le Monde*, Deneuve eventually apologised to rape victims who might have been offended by the manifesto (Liberation 2018).

Undoubtedly, the controversy around the manifesto is a reflection of a *central rift within feminism* today: a divide between "two distinct understandings of sexism, and two wildly different, often incompatible ideas of how that problem should be solved" (The Guardian 2018b).[2] Nevertheless, a closer look at how the controversy developed reveals that the divide, undeniably serious, has also been deepened by a series of clumsy discursive choices and misunderstandings. Through its unfortunate turns, the controversy indeed shows how important and yet how arduous a task it is to manage the argumentative potential of one's discursive choices in today's networked public sphere. In the web of entangled issue, arguers often fail to prevent their own arguments from being interpreted as support for positions other than the ones they wish to support. When this happens, they are compelled to clarify and apologise.

In this paper, I analyse the controversy aiming to explain how the manifesto ended up being interpreted as a rape apology. I examine the manifesto's arguments as well the reactions to it and the subsequent apology. The analysis will highlight the failure to curb the argumentative potential of manifesto's arguments, how it came about and its consequences. It will reveal how, in the manifesto's case, by dint of its maladroit craft as well as other clumsy statements made later by some of its signatories, the manifesto was (mis-)interpreted as defending a position that undermines the seriousness of alleged sexual assaults and excuses the assailant or blames the assaulted for it. It will also explain how, subsequently, the apology seeks to reinstate an understanding where the support the manifesto could give to these positions is denied.

The paper is divided into five sections. After this introduction, I present a brief exposé of the methods and theoretical tools used in the analysis (Section 2). Following that, I reconstruct the manifesto and present its main arguments (section 3). Then, I analyse the reactions and subsequent apology (Section 4). Finally, I discuss the implications of the analysis and further research.

2. THEORETICAL FRAMEWORK

In analysing the controversy unfolding, I reconstruct the arguments of the manifesto, following the reconstruction method developed by van Eemeren, Grootendorst, Jacobs and Jackson (1993), and analyse the reactions to it and the subsequent apology using the concepts of *standing standpoint* and *argumentative associates* (Mohammed, 2018b).

The reconstruction following van Eemeren, Grootendorst, Jacobs and Jackson (1993) highlights the role different premises play in support of the different claims made, while focusing on the disagreement that gives rise to argumentation. Accordingly, argumentation is understood as the exchange of reasons in the context of disagreement (Jackson & Jacobs 1980, Lewiński & Mohammed 2016). Applying dialectical transformations to the text will reveal the underlying argumentative structure maintaining a dual commitment to usefulness and adequacy in description (van Eemeren et al. 1993). The method is well suited for the

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[2] As the analysis of Moira Donegan shows, the #MeToo movement represents an approach that is "expansive, communal, idealistic and premised on the ideals of mutual interest and solidarity", while the Manifesto represents one which is "individualist, hard-headed, grounded in ideals of pragmatism, realism and self-sufficiency".

analysis of argumentation occurring under less-than-ideal conditions and conducted by less-than-ideal participants (ibid), that is of naturally occurring argumentation (Jackson 2018).

Among the concepts used in the analsyis, two concepts are crucial for making sense of the way the controversy unfolds and the (mis-)understanding of the manifesto as a rape apology emerges. The concepts are tailored to the open-endedness typical of the networked public sphere (Benkler 2006, Kaiser et al. 2017, Pfitser 2014) and characteristic of the #MeToo controversy.

Firstly, the concept of *standing standpoint* (Mohammed 2018b) is used in order to highlight the argumentative potential that argumentative choices have in the networked public sphere. The concept refers to standpoints not expressed explicitly by arguers and yet justifiably attributable to them in virtue of premises that are have become publicly associated with them. Think of premises such as the second amendment to the US constitution, when invoked in the context of discussing gun policy. The premise has become associated with defending opposition to gun control that it suffices that one invokes the amendment for one to be attributed that position. As long as there is no evidence to the opposite, the position may be attributed as a *standing standpoint* to an arguer who asserts the premise. The standpoint is *standing* just as in a standing declaration (Searle, 1995): it takes effect only once a certain context is in place. The attribution of a *standing standpoint* is presumptive: it can be reversed if an arguer advances what may count as evidence that denies the arguer's commitment to the standpoint. For example, an arguer invoking the second amendment may make it clear that what they oppose is total ban of gun ownership rather than gun control in general.

Secondly, the concept of *argumentative associates* (Mohammed 2018b) is used in order to capture the collective and polylogical (Lewiński & Aakhus 2013) nature of arguing in the network public sphere. Roughly speaking, *argumentative associates* of an arguer A as those arguers who share with arguer A general positions. Argumentative association may be based in the membership of an institution (Government, committee, … etc), but may as well form on the basis of collective action. The signatories of the manifesto are good examples of *argumentative associates* emerging voluntarily out of collective action. An important consequence of the association is a defeasible transferability of commitments (Mohammed 2018a, b). An arguer may be attributed the position of her *argumentative associates*, in the area where they are *associates*, as long as she does not distance herself from these positions. As the analysis below will show, the concept provides a crucial tool to make sense of the controversy over the anti-#MeToo manifesto.

3. THE ANTI-#METOO MANIFESTO: THE ARGUMENTS

The manifesto makes three main claims.[3] Firstly, the manifesto argues that *The #MeToo movement has gone too far*. In support of this claim, three main lines of arguments are advanced. Each of the lines concerns an area harmed by the movement: women, men and the arts. The manifesto argues that the movement which had begun as an attempt to free women up to speak "has today turned into the opposite": "instead of helping women, this frenzy to send the male chauvinist 'pigs' to the abattoir actually helps the enemies of sexual liberty". Furthermore, the movement has 'named and shamed' men without giving them the chance to respond or defend themselves, the manifesto claims. Men are named and shamed, "while the only thing they did wrong was touching a knee, trying to steal a kiss, or speaking about 'intimate' things at a work dinner, or sending sexually-charged messages to women who did not share the attraction", the text reads. Finally, the movement has caused a 'purging wave' in

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[3] The summary of the arguments is based on the analytic reconstruction on the manifesto following method of van Eemeren, Grootendorst, Jacobs and Jackson (1993).

the arts, the manifesto laments: #MeToo proponents have called for the removal of a Balthus painting from a museum, Cinémathèque Française is told not to hold a Roman Polanski retrospective … etc.

The second main point defended in the manifesto is a call for protecting 'the freedom to pester' (or to bother, in French *importuner*). *The freedom to pester needs to be protected* for it is *indispensable to sexual freedom*, the text argues. Protecting sexual freedom is a strong concern for the manifesto signatories. This isn't surprising considering that many of them come from a generation which fought for sexual liberation in the sixties and seventies. The text argues that "the freedom to say no to a sexual proposition cannot exist without the freedom to pester". In defending the freedom to pester, the manifesto seeks to distinguish between 'an awkward attempt to pick someone up' from 'sexual attack'. In a rather boastful manner, the signatories assert that they "are clear-eyed enough not to confuse" one with the other.

Finally, the manifesto expresses opposition to "a certain feminism that takes the face of a hatred of men and of sexuality". Here, the signatories seem to be defending a French version of feminism in opposition to an *Anglo-Saxon* one. The main argument here is that *there is no need for the (false Anglo-Saxon) dichotomy of feminism and femininity*. This is, as the manifesto explains, because:

> a woman can, in the same day, lead a professional team and enjoy being the sexual object of a man, without being a 'promiscuous woman,' nor a vile accomplice of patriarchy. She can make sure that her wages are equal to a man's but not be traumatised forever by a fondler on the metro, even if that is regarded as an offense. She can even consider this act as the expression of a great sexual deprivation, or even as a non-event.

Consequently, women are urged to respond to the freedom to pester "in ways other than by closing ourselves off in the role of the prey". In another attempt to distinguish themselves from the version of feminism they reject, they proclaim that it is 'wiser' to raise "daughters in a way that they may be sufficiently informed and aware to fully live their lives without being intimidated or blamed":

> Incidents that can affect a woman's body do not necessarily affect her dignity and must not, as difficult as they can be, necessarily make her a perpetual victim. Because we are not reducible to our bodies. Our inner freedom is inviolable. And this freedom that we cherish is not without risks and responsibilities.

With such rather moralising tone, the manifesto concludes.

4. THE MANIFESTO AS A RAPE APOLOGY: FAILURE TO CURB ARGUMENTATIVE POTENTIAL

In spite of a few fair points made, it was to be expected that the manifesto is described as provocative, clumsy and shocking. Paying attention to the way it was written, and considering the state of the public controversy, it isn't too surprising that the defence of 'the freedom to pester' was understood as 'standing with those making excuses to torch powerless women' (The Guardian 2018a), a position 'contemptuous of the victims of abuse and harassment' (Franceinfo 2018). In its most extreme version, the criticism called the signatories rape apologists, 'lobotomised' by 'interiorised misogyny' (Argento 2018).

As the name suggests, the rape apologist charge criticises the act of making excuses for rape. The charge is more generally used to include undermining the seriousness of alleged sexual assaults, excusing the assailant or blaming the assaulted for it. Premises typically associated with a rape apologist argument involve shifting the responsibility to the assaulted,

for example by saying that she wore a short skirt; had a reputation; flirted with the rapist beforehand; had previously had sex with the rapist; was friendly towards the rapist afterwards … etc. Other premises undermine the magnitude of sexual assault as a problem: it is infrequent, misreported, over-reported, not that big a deal ... etc.

Needless to say, the manifesto does not offer any such premise directly. Yet, that it has been (mis-)understood as such seems to be to some extent justified. In view of the disagreement space in which it occurs, the manifesto may be interpreted as part of a rape apologist argument. This may not be what its signatories wish to do, yet there seems to be something in the manifesto that has the potential to support such views. Otherwise, the signatories wouldn't be compelled to clarify and apologise.

In her clarification and apology, published in *Liberation* on the 15 of January 2018, Deneuve reaffirms commitments to "the spirit of the manifesto", but clarifies what she takes to be the misunderstanding: she stresses that she does believe sexual harassment and assault are real problems, and apologises to "all victims of unpleasant sexual acts who read the letter and felt hurt by it". Looking at what is it exactly that Deneuve clarifies and apologises for is a good first step for understanding how the (mis-)understanding of the manifesto came about. In what follows, I analyse three particular excerpts from the apology and trace them back to excerpts from the original manifesto.

4.1 Undermining the seriousness of sexual assault as a problem

In reference to the men 'named and shamed' by the #MeToo movement, Deneuve begins her clarification by saying "I'm not making excuses for these men. I pass no judgment on their guilt or innocence". Deneuve feels compelled to deny that she is making excuses for these men because a few passages in the manifesto may be understood just like that. For example, in lamenting the harm the #MeToo movement is inflicting on men, the manifesto text reads:

> This expedited justice already has its victims, men prevented from practicing their profession as punishment, forced to resign, etc., while the only thing they did wrong was touching a knee, trying to steal a kiss, or speaking about 'intimate' things at a work dinner, or sending sexually-charged messages to women who did not share the attraction.

While the manifesto may not be offering excuses for all men accused of sexual assault, the text is clearly excusing those who 'touch a knee', 'try to steal a kiss' … etc. When these are acts of unwanted sexual advances, it is hardly a straw man to take the passage above to be arguing that *men are excused for making some unwanted sexual advances.*

The passage plays into the view that *the problem of sexual assault is exaggerated*, too. Using 'while the only thing they did wrong' assumes considering what follows no big deal, when what follows are in fact acts of unwanted sexual advances. The assumption conveyed, namely that *making some unwanted sexual advances is no big deal*, has been typically associated with the rape apologist view that *the problem of sexual assault is exaggerated.* Furthermore, in another passage, the manifesto may be read as undermining the seriousness of even those which are 'aggressive' among sexual advances. In defending the view that *freedom to pester is indispensable to sexual freedom*, the manifesto argues that:

> […] the sexual urge is by its nature wild and aggressive. But we are also clear-eyed enough not to confuse an awkward attempt to pick someone up with a sexual attack.

Undermining the seriousness of aggressive advances is another position often advanced in support of the view that *sexual assault is over-reported.*

Deneuve may be right, the manifesto does not pass an explicit 'judgment on the guilt or innocence' of men accused of sexual assault. Nevertheless, the text has in it what undermines the seriousness of sexual assault as a problem. The discursive choices made convey premises which are typically associated with this view. The text assumes that *making some unwanted sexual advances is no big deal* which is typically used to defend the view that *men are excused for making some unwanted sexual advances*. Furthermore, the manifesto suggests that *aggressive sexual advances are not sexual attacks* which is a premise typically used to support the claim that *the problem of sexual assault is exaggerated*. In view of the public association between these premises and claims, the claims may be attributed to the manifesto as *standing standpoints*. That is, unless evidence to the opposite is offered, the premises assumed and suggested in the text justify an interpretation of the text as making these claims.

Eventually, the manifesto may be understood as a rape apology as a result of the argumentative potential of formulations that it has. While the intent of the signatories, Deneuve claims, was to defend sexual freedom, the choices made invoked claims related to the seriousness of the issue of sexual assault. An unwanted argumentative potential was not curbed – one way it could have been would have been to argue against the undesired claim. If, indeed, Deneuve et al. did not intend to argue that *men are excused for making some unwanted sexual advances*, nor that *the problem of sexual assault is exaggerated*, then not curbing the undesired potential is a case of maladroit craft. At best, the text was clumsy and failed to control the argumentative potential that its discursive choices have.

4.2 Anything good about harassment?

Another important 'clarification' Deneuve makes relates to whether or not there is anything good about harassment: "nowhere in the petition does it say that there is anything good about harassment, or I would not have signed it", she says. Here again, Deneuve denies commitment to an undesired claim that has been attributed to the manifesto. In this case, there are two bases for attributing to Deneuve et al. the position that she denies, namely that *women can get something good out of harassment*.

Firstly, similar to the position undermining the seriousness of sexual assault as a problem, the position that *women can get something good out of harassment* can be attributed to the manifesto on the basis of its discursive choices. In the vain of promoting *seduction a la Française*, the manifesto asserts that a "woman can […] enjoy being the sexual object of a man". While as such it may be benign, the assertion has been publicly associated with the view that *in spite of what they claim, women do enjoy sexual harassment*. Furthermore, the manifesto makes no effort to avoid association with this view. That could have been done for example by acknowledging the suffering of women who are sexually assaulted. Even to the opposite, as the third item in the apology shows, the manifesto exhibits a total lack of empathy with the women who undergo sexual assault. Here too, the view that *in spite of what they claim, women do enjoy sexual harassment* may be attributed to Deneuve et al as a *standing standpoint*. The attribution may be justified on the basis of discursive choices, public association and lack of evidence to the opposite, but not just that. The clumsy craft is combined with explicit claims made beyond the manifesto.

Indeed, another basis for interpreting the manifesto as claiming that *women can get something good out of harassment* is an explicit claim made by one the signatories, Brigitte Lahaie. In a TV debate a few days after the manifesto was published, the radio talk show host and film actress stated that "One can have pleasure during a rape". Deneuve's apology makes direct reference to this statement: "To state on national television that a woman can climax during rape is worse than spitting in the faces off all women who have had to endure such a

crime". Having signed the manifesto together, Deneuve and Lahaie may be considered *argumentative associates* (Mohammed 2018b), at least when it comes to issues related to sexual harassment and the #MeToo movement. The argumentative association entails a certain *transferability of commitments* between Lahaie and the other signatories. Deneuve et al. may be attributed their Lahaie's position as a *standing standpoint* that takes force in the absence of evidence to the opposite. The transferability is defeasible and can be annulled by dissociating oneself from the arguer assuming the undesired position, which is what Deneuve's apology seeks to achieve.

4.3 Offending the victims

A third position attributed to the manifesto and found undesirable by Deneuve is one of lacking empathy for and solidarity with the victims of sexual assault. To that, she writes: "Let me acknowledge those of my fellow women who have been the victims of abhorrent acts and felt offended by the article in Le Monde. I apologize to them, and to them alone". The lack of solidarity position too is attributed to Deneuve et al. on the basis of the manifesto's discursive choices as well as positions assumed by *argumentative associates*.

Not only does the manifesto lack explicit acknowledgment of the suffering of women who are sexually assaulted, but the text of the manifesto is rife with what may be described as an arrogant language that patronises the women involved in the #MeToo movement, including those who shared their experiences. In distancing themselves from the movement, the 100 women boast:

> We are clear-eyed enough not to confuse an awkward attempt to pick someone up with a sexual attack. Above all, we are aware that […] a woman can […] make sure that her wages are equal to a man's but not be traumatised forever by a fondler on the metro […]. She can even consider this act […] as a non-event.
> […] we consider that one must know how to respond to this freedom to bother in ways other than by closing ourselves off in the role of the prey…

The immodest language may have been well-intended, possibly to affirm the signatories' agency, strength and sovereignty over their bodies, or even better to assert the possibility of empowering other women too. Nevertheless, the contrast it emphasised let away that insolent contempt of the victims of abuse and harassment (Franceinfo 2018).

Here too, it didn't help the signatories that *argumentative associates* of the manifesto have been explicit in assuming an apathetic patronising position. A few days before the manifesto was published, New York Times columnist Daphne Merkin, for example, wrote addressing the women coming forward: "Grow up, this is real life" (NYTimes 2018). The manifesto was no doubt interpreted in view of such statements. The boastful language, a clumsy craft at best, invoked that position of tolerance to sexual harassment as 'real life' and of disdain to women who are 'traumatised forever' by it. The position is definitely not impertinent to the rape apologist inclination to undermine sexual harassment as a problem of vulnerable women who aren't fit for the challenges of modern life.

5. DISCUSSION: THE MANIFESTO IN THE COMPLEX DISAGREEMENT NETWORK

As the three examples above show, analysing the manifesto's argumentative potential is crucial for understanding how the interpretation of the manifesto as a rape apology emerges. The manifesto includes several discursive choices that convey premises typically associated with a relative tolerance of sexual harassment. The discursive choices and the association

between the premises and these views makes such views *standing standpoints* attributable in the absence of evidence to the opposite, i.e., given the lack of effort to curb this argumentative potential. Even more so in view of positions assumed by *argumentative associates* (e.g. fellow manifesto signatories, supporters of it … etc.). All in all, the *standing standpoints* tolerant of sexual assault are by no means baseless. The manifesto was (justifiably) misunderstood, hence the Deneuve apology.[4]

Furthermore, the analysis using the concepts of *standing standpoint* and *argumentative associates* highlights the complexity of the task of managing the argumentative potential of one's discursive choices in today's networked public sphere. Especially when argumentation involves multiple parties in multiple places (Aakhus & Lewiński 2017) pursuing multiple goals (Mohammed 2016a), multiple issues are intertwined and different disagreement lines crisscross and overlap (Mohammed 2016b, forth.). Eventually, arguers may and do fail to prevent their own arguments from being interpreted as supporting positions other than the ones they wish to support. In this controversy, a crucial disagreement overlap occurs around the question of agency - agency broadly understood as the ability to make choices and act accordingly. Ironically, in its general form, women agency is a premise shared between a trend of feminism and rape apologists. Feminists use the premise to empower women and give them back control over their bodies and destiny. Rape apologists use it to blame them for the assault, make excuses for men or to undermine the assault committed by them. That is to say that the agency premise is part of (at least) two already publicly established argumentative patterns which are considerably different, almost opposite: women are agents therefore women deserve more emancipation and women are agents therefore men cannot be blamed if women choose not to say no.

What we have here is clear case of disagreement within a network (Lewiński & Mohammed 2015) rather than disagreement between two consistently conflicting camps. The agency premise is one place where the disagreement lines crisscross and overlap. Looking at the disagreement as a network, it becomes also clear that central to the rift between the #MeToo movement and the manifesto supporters is what each considers crucial: while the #MeToo focuses on the abuse of power and solidarity with its victims, the manifesto cherishes agency and sexual freedom. The issues are entangled, and as the analysis in this paper shows, the manifesto was clumsily crafted, leading to a bumpy path within the complex network. A vigilant arguer who did not intend to excuse sexual assault would have made the effort to curb the undesired argumentative potential of the agency premise once she had used it (see Mohammed 2018b for examples of arguers' attempts to control the argumentative potential of their choices). As the manifesto case shows, arguers may be held responsible for the uncurbed potential of their arguments: when one fails to anticipate and curb the undesired argumentative potential of one's assertions, one ought to clarify and apologise.

Needless to say that by highlighting the clumsiness of the manifesto and the failure of its signatories to manage the argumentative potential of their text, I am not undermining their case nor favouring the cases of their opponents. Not to fall into the same trap myself, let me end with a disclaimer: The analysis in this paper is not intended to compare the

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[4] Needless to say, the analysis makes no assumption of sincerity on behalf of Deneuve. The apology may be genuine: the *standing standpoints* were not intended, and not distancing the manifesto from them was a *faux pas*, a clumsy move. Keeping under control the contribution one's arguments make to the different interrelated issues requires careful craft and is subject to failure. But the analysis holds even in the case of Deneuve's being a fauxpology: the *standing standpoints* were in fact intended but Deneuve could not bear the consequences of assuming them so she makes the effort to deny assuming them. This is a plausible interpretation given that Deneuve's controversial stance on sexual assault is not new. In March 2017, while discussing her support for filmmaker Roman Polanski, who is wanted in the US for the statutory rape of a 13-year-old girl in 1977, she said that she "always found the word 'rape' excessive."

communicative competence of the opponents. The author believes that the #MeToo movement has also had its clumsiness and failures to curb argumentative potential. But, that will have to be dealt with in works to follow.

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Debate as a new mode of oratory: A critical analysis of the controversy over the value of student oratory in post-World War II Japan

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ABSTRACT: To reclaim the social relevance of student oratory in post-war Japan, a group of students tried to promote debate as a new mode of oratory in the 1950s and 60s. By analyzing the format and rules as well as excerpts from an actual round, the paper seeks to identify their characteristics as argumentative discourse. It also explores how the idea of debate as a new mode of oratory was received in the college oratorical community.

KEYWORDS: argumentation in debate, citizenship education, civic education, controversy analysis, Japan, post-World War II

1. INTRODUCTION

This paper examines the controversy surrounding the value of student oratory in Japan during the 1950s and 60s. Student oratory (*gakusei benron*), once a vigorous educational practice and a major medium of political engagement among college students, was rapidly losing its social relevance in post-World War II Japan. Not only did it reflect the decline of platform oratory (*danjyō benron*) with the rise of broadcast media and microphone technology, but the elocutionary style of oratory was also deemed outmoded in an age of democracy. Faced with declining membership and public interest, a group of students set out to transform oratory as a more egalitarian form of communication by introducing debate (*tōron*). Interestingly, just as teachers of public speaking in the United States turned to debate in attempts to revive "the tradition of rhetoric-as-argumentation" at the turn of the 20th century (Keith, 2007, p. 59), the group tried to rejuvenate student oratory by tying argument instruction to oratorical training.

The group's revitalization effort, however, drew mixed reactions and stirred up a debate about debating and, more broadly, the value of student oratory. Proponents of debate argued that student oratory should be primarily a training ground where students developed their thinking and speaking skills. On the other hand, its opponents, especially those who considered student oratory a tool for political engagement, rejected the idea of debate as a new mode of oratory lest it foster spectator attitudes to the world. In the end debate did not

help to improve the status of student oratory in society and on campus. It was not until the early 1990s that debate education began to take hold in Japan.

The goal of this paper is two-fold. First, by analyzing the debate format and rules as well as excerpts from an actual round, the paper seeks to identify their characteristics as argumentative discourse. It then explores how the idea of debate as a new mode of oratory was received in the college oratorical community by perusing archival materials on the debate about debating. All in all, through an analysis of the largely neglected controversy this paper hopes to provide new insights into debate pedagogy, especially a potential tension between political education and political action.

2. STUDENT ORATORY AT THE CROSSROADS (*Benron no Magarikado*)

Although Western-style speech and debate were introduced to Japan in the 1870s, it was only in the 1900s that oratory clubs typically named *benronbu* or *yūbenkai* began to be founded in many schools. Among the oldest college oratory clubs were Jitatsu Gakkai at Chuo University (est. 1901) and Yūbenkai at Waseda University (est. 1902). Their activities included oratorical speech contests (*yūben taikai*), provincial speaking tours or lecture circuits (*chihō yūzei* or *junkai kōen*), soapbox (or street-corner) speeches (*gaitō enzetsu*), campaign speeches for candidates (*ōen enzetsu*), and mock parliaments (*gikokkai*). Many oratory clubs had close connections to the political world. The most notable example was Waseda University's Yūbenkai. The former prime minister Shigenobu Ōkubo became the founding president of the club; Sanae Takada, who would later become an education minister, served as the first faculty advisor. The club has also produced five prime ministers to date. "In prewar Japan, graduates of higher education comprised fewer than 7 percent of the age cohort" (Nakayama, 1991, p. 11). Naturally, they enjoyed privileged status and were expected to lead the society after graduation. Oratory clubs were among the most popular extra-curricular activities until around 1935 (Aizawa, 1989, p. 72) because they not only helped students prepare for future leadership roles but also provided them with ample opportunities to voice their opinions on important political issues of the day. Students in oratory clubs also regularly went on provincial speaking tours, delivered speeches to local audiences, and thereby disseminated new information and ideas across the nation. As written in the mission statement of Waseda University's Yūbenkai, student orators prided themselves on their ability to lead public opinion and move people with their words (Waseda Daigaku Yūbenkai, n.d.). Student oratory functioned as a medium of enlightenment especially prior to the advent of radio broadcasting in 1925. Conversely, the development of radio broadcasting, coupled with the rise of totalitarianism, had eroded the value of student oratory. In a way student oratory had already come to a crossroads by the late 1920s (Inoue, 2010). But as Japan became more militaristic and totalitarian, many student oratory clubs were suspended or terminated before they were compelled to grapple with the impasse.

After World War II, oratory clubs were revived in many universities. In December 1946 the All Kantō Association of Oratory Clubs (Zen Kantō Gakusei Yūben Renmei, henceforth referred to as the All Kantō Association) was established with the goals of realizing social justice and protecting freedom of speech (*Benronbu*, n.d.). As the name suggests, the All Kantō Association was an umbrella organization for college oratory clubs in the Kantō region which consisted of Tokyo and six other prefectures. However, the situation surrounding student oratory had substantially changed from the pre-war era and the traditional style of oratory had become obsolete. Student orators themselves were well aware that platform oration and soapbox speeches had lost much of their social significance due to the development of mass media and the rise in the education level of the population (Keiō Gijuku

Daigaku Benronbu, 1965, pp. 255-256). It was widely recognized by the early 1950s that university students' oratory had reached "a crossroads" (*magarikado*) (Sakai, 1966, p.48).

Among others, oratorical speech contests were subjected to particularly harsh criticism. To begin, most oratorical contests were poorly attended and the audiences were limited mostly to students in oratory clubs, which reflected the lack of public interest in student oratory. To make matters worse, many student orators cared only about winning a contest and practiced oratory for the sake of it. Further, the literary and elocutionary style of oratory was seen as antiquated and not suitable in an age of democracy. The growing concern about the future of student oratory led many oratory clubs to experiment with new approaches and find a way out of the crossroads. One such attempt was to put more emphasis on *inventio*—or the construction of ideas—akin to Guy Carleton Lee's call for content-delivery amalgamation (Sproule, 2012, p. 586). For instance, Yasuhiro Arai (1966), who was an active member of the oratory club at Keio University in the mid-1950s, proposed that oratory should be practiced first and foremost as a "thinking method" (p. 16). Another attempt was to make oratory more interactive. Keio University's oratory club resumed a provincial speaking tour in 1948. For the first two years its primary goal was to enlighten local audiences. But the oratory club began to shift the emphasis in 1950 from speaking *to* local audiences to thinking *with* them and learning from each other (Keiō Gijuku Daigaku Benronbu, 1965, pp. 197). Along this line it incorporated a round table discussion into the 1959 speaking tour and engaged in dialogue with local youths in farm villages (Keiō Gijuku Daigaku Benronbu, 1965, p. 203). By the same token, the oratory clubs at Rikkyo University and Hosei University added question & answer sessions to their respective oratorical speech contests and opened the floor for questions and comments after the speeches (Sakai, 1966, p. 50). Yet another attempt was to transform the traditional style of oratory into a more conversational one. To this end, extemporaneous speech events were held by some oratory clubs. According to Sproule (2012), public speaking instruction in the United States broke with "a long tradition of basing speech on delivery" and came to prioritize "matters of invention and organization" over voice and action by the early 20th century (p. 587). In many ways the college oratorical community in mid-20th century Japan was faced with a similar pedagogical quandary.

3. DEBATE AS A NEW MODE OF ORATORY

Although the history of college oratory clubs dates back to the early 1900s, academic debate was not a popular campus activity prior to World War II. When students at the University of Oregon visited Japan as part of the world debate tour in 1927, they initially challenged Japanese students to debate. However, it turned out that they did not engage in any debates during their five-day stay (Harper, 2003, p. 90) because Japanese students were reluctant to debate in English and proposed an oratorical contest instead (Kiyosawa, 1928). This anecdote illustrates that debate was not widely practiced among college students in the pre-war era.

Japan's first intercollegiate debate tournament was held in 1946 under the auspices of the Asahi Shimbun (Newspaper). Instrumental in organizing this so-called Asahi Debating Contest (*Asahi Tōronkai*) was Toshio Kanchi, a reporter for the Asahi Shimbun and a former member of Waseda University's Yūbenkai. He got acquainted with speech and debate education in the United States while studying political science and journalism at the University of Southern California in the 1930s (Kanchi, 1952; Waida, 2001). It is not clear whether or not Kanchi was aware of the "broad paradigm shift from elocution and oratory to public speaking" that came to fruition in the 1930s (Sproule, 2012, p. 591). But he held a similar view and put forward a communication-centered, rather than an expression-focused,

approach to public speaking, to borrow Sproule's terminology. For example, Kanchi (1952) argued:

> the goal of public speaking in a new democratic society is not to hypnotize, intoxicate, or manipulate the audience; on the contrary, it should aim at calming down the excited audience and persuading them with reason. (p. 152)[1]

He went as far as to say that debate as reasoned discourse was a new mode of oratory suitable in an age of electronic media and essential to effective democratic politics (Kanchi, 1952, pp. 29-31). Although the Asahi Debating Contest ended only in four years, it exerted much influence on the college oratorical community and paved the way for the launching of another intercollegiate debate tournament in 1953 (Sakai, 1966, p. 58). This annual tournament was organized by the All Kantō Association under the sponsorship of the Asahi Shimbun. The All Japan Association of Oratory Clubs (Zen Nihon Gakusei Yūben Renmei) became the official tournament host in 1961, but as the biggest member organization the All Kantō Association continued to play a leading role in administering the tournament.

Since its foundation in 1946 the All Kantō Association had held oratorical speech contests. However, many speeches delivered in the oratorical contests were full of rhetorical flourishes but empty of substance. They were also frequently interrupted with crude jeering and heckling from the floor. A group of students within the All Kantō Association was concerned that participation in the existing oratorical contests was not a worthwhile activity for university students and set out to hold a debate tournament as part of its efforts to revitalize student oratory. The first debate tournament was held in 1953 and apparently ended in success. The following year, the All Kantō Association decided to abolish the Prime Minister Cup Oratorical Speech Contest and to replace it with a debate tournament on the ground that primary emphasis in oratorical training should be placed on critical thinking and judgment skills (Zen Kantō Gakusei Yūben Renmei, 1981, p. 18). The replacement of an oratorical speech contest with a debate tournament can be understood as a shift in emphasis from "emotional oratory" (*kanjyō benron*) to "logical oratory" (*riron benron*). In the inaugural issue of the All Kantō Association's newsletter (1954), Toyonori Tamada, the chair of the All Kantō Association's Debate Tournament Organizing Committee, wrote an article entitled *Dibēto no Honshitsu* ("the Essence of Debate"). In this article Tamada argued that "we, who are committed to the way of eloquence [*yūbendō*]" must "adapt to the new times" by being self-critical of grandiloquent but empty speeches and putting more efforts into making a logical appeal based on facts and reason (Tamada, 1989, pp. 96-97). The All Kantō Association continued to promote academic debate for the next few years as nicely encapsulated in the slogan for 1958: "Debate is a solution to individual oratory which has reached an impasse" (Zen Kantō Gakusei Yūben Renmei, 1981, p. 20).

While academic debate became subjected to more criticism in the 1960s, the intercollegiate debate tournament continued to be held until 1967. The All Kantō Association even held a separate debate tournament in 1964 in order to broadcast its final round on national television. After nearly a year of preparation, elimination rounds were held in November and the final round took place on December 19th, 1964. The debate over revision to Japan's constitution was aired nationally on Nippon Television Network (NTV) two days later. Yomiuri Shimbun, Japan's largest newspaper affiliated with NTV, carried an article the next day, reporting on the changing trend in student oratory from the *sōshi* style (literally, "manly warrior style") to *tōronkai* style (debating contest style) (*Kawaru,* 1964, p. 3). It is not certain if the debate tournament was held in 1968 and beyond. The paucity of remaining

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[1] The translation of all Japanese texts in this paper is the authors'.

documents implies that the All Kantō Association had difficulty conducting its regular events in the late 1960s and 70s.

4. CHARACTERISTICS OF ARGUMENTS AT THE INTERCOLLEGIATE DEBATE TOURNAMENT

This section seeks to delineate the characteristics of argumentative discourse at the intercollegiate debate tournaments hosted by the All Kantō Association. First, each team was made up of 3 persons and represented a different university. The format was based on the so-called revised Asahi debate format. That is, both the Affirmative and the Negative gave two 8-minute constructive speeches and two 4-minute rebuttal speeches. Each constructive speech was followed by a 3-minute cross examination. One distinct feature of the format was the addition of question time at the end in which the audience had the chance to ask each side questions for five minutes. The question time was intended to facilitate dialogue between the speakers and the audience, which was perceived as lacking in oratorical speech contests.

The debate tournament lasted for nearly a month. To take the 1954 tournament as an example, 13 universities entered the competition (Murase, 1966, p. 60). As Table 1 shows, the first rounds were scheduled in the first two weeks, two debates in the first week and three debates in the second (including two forfeit rounds). The second rounds took place the following week and semi-final and final debates were held on the same day two weeks later. Three types of resolution—policy, value, and fact—were used throughout the tournament. While resolutions differed from round to round, they were all announced in advance so that participants had plenty of time to prepare their arguments. Sides of debate were randomly attributed by lot (Tamada, 1989, pp. 97-98). In other words, although debaters did not defend both sides of a resolution, there was no room for their personal convictions to affect in-round arguments (for details about the tournament schedule, resolutions, and participating schools, see Table 1).

Rounds	Dates	Resolutions	Winners	
Round 1	May 21	Bye	Gakushuin University	Kokugakin University
		The tight fiscal policy would destroy the Japanese economy.	Kanto Gakuin University	Senshu University
Round 1	May 29	The present labor movement is illegitimate.	Tokyo Keizai University	Meiji University
		Japan should abolish the death penalty.	Chuo University	Nihon University
		Bye	Toyo University	Waseda Univesrsity
Round 2	June 5	The currency exchange rate should be lowered.	Keio University	Gakushuin University
		Communism deprives individuals of their freedom.	Chuo University	Rikkyo University
		The Chinese market is indispensable to the Japanese economy.	Kanto Gakuin University	Nihon Women's Junior College of Economics
		The House of Representatives should adopt a single-seat district electoral system.	Tokyo Keizai University	Toyo University

Semi-Finals	June 19	International management of nuclear power is possible.	Kanto Gakuin University	Keio University
		Shifting to a communist society is inevitable.	Tokyo Keizai University	Chuo University
Final	June 19	The Japanese family system should be maintained.	Tokyo Keizai University	Kanto Gakuin University

Table 1: The 1954 Prime Minister Cup & Asahi Cup Intercollegiate Debate Tournament（adapted from Murase, 1966, p. 60）

As for judges, three professors from participating schools—one judge from the Affirmative side, another judge from the Negative side, and a third judge from a different school—judged the first two rounds. As far as semi-final and final rounds are concerned, several "experts" served on the judge panel along with professors from participating schools. To take the 1953 debate tournament as an example, five professors, Kanchi and Mitsuru Suematsu from the Asahi Shimbun, and Tadatoshi Ōkubo (the founder of the Japan Language Society) judged the final debate (Sakai, 1966, p. 56). Few of the professors probably had prior debating experience. Nevertheless, the All Kantō Association invited them as judges in order to lend authority to the tournament (Kobayashi, 1975, p. 406). The judge was required to render an objective, impartial, and evidence-based decision (Tamada, 1989, p. 97). This was in contrast with judging criteria used in oratorical speech contests at the time which allocated different points to content, voice, and non-verbal expression (Kobayashi, 1975, p. 404).

To further elucidate the features of argumentative discourse at the All Kantō Association's debate tournament, the paper analyses the first Affirmative constructive speech in the final round of the 1958 tournament. The speech was given by a student representing Chuo University in support of the introduction of a wide-area regional government system called *dōshūsei*. To begin, the speech followed a coherent structure beginning with a short overview and a definition of *dōshūsei*. It then moved on to propose a detailed course of action and articulate six points of contention for demonstrating the benefits of the proposal from multiple standpoints. In addition, first-person pronouns such as "I" or "We" were nowhere used in the speech, suggesting that the speaker was well aware that his personal opinion had nothing to do with the outcome of the debate. Further, the speaker made logical appeals rather than ethical and emotional ones and relied heavily on numerical data. Although the sources of evidence were not cited, it is evident that the team conducted intensive research on the topic. In fact, according to the commentary following the transcript, the speech was "written with our feet" (*Dōshūsei,*1958, p.62), meaning that members of the oratory club divvied up their responsibilities and went everywhere they could to gather supporting materials.

For the purpose of comparison, the paper also looks into the champion speech at the 4th Prime Minister Cup Oratorical Speech Contest in 1951. The speech on the restoration of Japan's independence was delivered by Kaoru Ishiwari, then a student at Chuo University. First of all, in contrast to the speech at the debate tournament, the speaker used "I" or "my" 7 times and "we" or "our" 13 times. This suggests that the speaker's personal opinion came to the fore at the oratorical speech contest. Second, the speech was replete with rhetorical figures and devices such as hyperbole and metaphors. For instance, the speaker chastised the callousness of the dominant class who would not "shed even a single tear on the misery of the people" (Ishiwari, 2001, p. 282). Moreover, Ishiwari (2001) made frequent attempts to evoke emotion in the audience, for instance, by arguing that unless Japan restored independence immediately, its future could be as miserable as "a blindly obedient slave" (p. 280). Lastly, Ishiwari addressed the audience as *shokun* (literally, "everyone" or "gentlemen") and asked a couple of rhetorical questions to engage the audience. On the whole, as Ishiwari (1966) himself later wrote, his speech marked by overblown rhetoric was typical of speeches in

oratorical speech contests at the time (p. 47).

5. THE CONTROVERSY OVER THE VALUE OF STUDENT ORATORY REVISITED

This section revisits the controversy over the value of student oratory in the 1950s and 60s. In a nutshell, student orators were sharply divided over the pros and cons of academic debate. While both proponents and opponents shared the view that student oratory was fraught with problems, they disagreed on how to rejuvenate it. Proponents of debate argued that student orators must appreciate content over style and delivery and therefore learn how to form a rigorous opinion before expressing it in public. Moreover, oratory was considered a one-way street and thus not a suitable form of communication in an age of democracy. As proponents of debate saw it, what was required of student oratory in post-war Japan was not to *speak to* the audience but to *talk with* them. In view of this, debate was superior to oratory as it forced the speaker to listen to opposing viewpoints and engage in rational dialogue with others. Lastly, proponents of debate sought to refigure the role of student orators as "public opinion leaders" (*yoron no kankisha*) by claiming that they could "inform," rather than "enlighten," audiences by articulating both sides of an issue and helping them to form their own opinions (Arai, 1966, pp. 15-16).

On the other hand, opponents of debate, especially those who considered student oratory a tool for political engagement, criticized debate for fostering spectator attitudes to the world. Granted that platform oration was no longer any match for print and electronic media in influencing public opinion. But replacing platform oratory with debate would not make things any better because debate precluded students from advocating their own views. Instead, debate encouraged students to discuss social issues as detached observers. This was antithetical to the founding principle of student oratory, namely leading public opinion and moving people with their words. Student orators should not be content with debating social problems in a tournament setting; rather they should take to the streets, appear in the media, or seize any other opportunities to speak up and intervene in social problems. Further, opponents of debate charged that the argument in favor of debate, taken to its logical conclusion, would lead to the wholesale rejection of oratory; for it idealized a plain, idea-centered, conversational form of communication with little regard for style and delivery. Ideally, student orators should develop both critical thinking and advocacy skills, but debate, opponents contended, was not well equipped to teach them to become forceful advocates.

All in all, the debate over debating did not help to improve the status of student oratory. Membership in oratory clubs continued to decline and many college oratory clubs became defunct in the early 1970s (Okaichi, 1981, p. 138). The debate about debating did not help academic debate to take root in Japan either. Criticism against the idea of debate as a new mode of oratory grew in the early 1960s. Among others, the student movement against the Japan-US Security Treaty and the assassination of Inejiro Asanuma (the then chair of the Socialist Party and a former member of Waseda University's Yūbenkai) in 1960 led many oratory clubs to reconsider the goals of their activities. In 1963 the All Kantō Association pledged to get more actively involved in pressing social issues by adopting the slogan "the Fighting All Kantō Association" (*Tatakau Zenkan*). The following year the All Kantō Association made it a goal to reinvigorate the role of student orators as "public opinion leaders" In fact, the project to broadcast the final round of the debate tournament was one of its attempts to reach a wider audience and influence public opinion. But the college oratorical community continued to struggle. As student protests against oppressive campus policies gained momentum in the mid-1960s, members of oratory clubs were often accused by student radicals of having a lukewarm attitude toward the campus disputes. Confronted with such

attacks, the All Kantō Association had to defend its *raison d'être* by insisting that the association was an academic group not committed to any particular ideology but to learning how to communicate ideas (Murase, 1981, p. 127). However, this argument was hardly convincing to those who confronted political authorities head-on and resorted to direct action. In their view, engaging in a political debate was fundamentally different from engaging in politics. A political speech, regardless of its form and style, was futile unless it was followed up with concrete action. According to the newspaper *Yomiuri Shimbun*, students in oratory clubs were generally seen as too conservative by other college students (*Kawaru,* 1964, p. 3). Ironically, they, the article continued, often had a hard time finding a job because they tended to be perceived as too progressive. On the whole, the article was illustrative of the popular image of student orators at the time.

6. DISCUSSION AND CONCLUSION

The attempt to spread debate as a new mode of oratory in the 1950 and 60s has been largely forgotten. Oratory and debate are now understood as distinct forms of communication both inside and outside the college oratorical community. Although debating events are still held by some oratory clubs, they are not the mainstay of debate education. Nor did academic debate help student orators to regain the status they once enjoyed in the pre-war era. The failure to promote academic debate could be attributed in part to a dichotomous view between social practice and education. By defining oratory as a training ground for developing thinking and speaking skills, proponents of debate failed to see that debate itself could be a form of social engagement. On the other hand, opponents of debate had a narrow view of social practice, equating it with political action and pitting it against education. After all, what was missing from the controversy over the value of student oratory was the notion of debate as civic education. That is, unlike the controversy over competitive debate in the early 20th century United States (Keith, 2007, p. 71), student orators in mid-20th century Japan did not appreciate the civic implications of academic debate. Both proponents and opponents of debate strove to "charg[e] academic work with democratic energy," but not "by linking teachers and students with civic organizations, social movements, citizens and other actors engaged in live public controversies beyond the schoolyard walls" (Mitchell, 1998, p. 45). As noted earlier, oratory clubs historically functioned as a breeding ground for future politicians. Student orators were even paid to give speeches in support of candidates in election campaigns. This indicates that student orators were more inclined to align themselves with established political powers than civic organizations, social movements, and citizens. This may partly explain why both proponents and opponents failed to link debate (or oratory for that matter) to social or civic engagement.

Seen in this light, the controversy over the value of student oratory in the 1950s and 60s has important pedagogical implications for debate education today. Unlike the policy debate circuit in the United States where "civic engagement through policy debate is becoming a community norm" (Vats, 2010, p. 242), the idea of debate as civic education remains neglected in Japan. Debate education—more broadly, speech communication education—operates mostly on skill-based curricula whose goals are to create a positive, agentive self rather than to enact a social change. At the same time, as many universities now offer service learning courses and community outreach programs, the notion of debate as civic engagement or "sit[e] of community change" (Atchison & Panetta, 2009, p. 326) could resonate with university administrators and faculty who try to forge closer links between research, teaching, and social practice. Specifically, we suggest that the civic potential of debate education could be better achieved by tying it to citizenship education

(*shichizunshippu kyōiku*), which has been an educational fad in recent years (Ikeno, 2011). One caveat is that citizenship education in Japan has been largely stripped of its political possibilities. To borrow Bernard Crick's terms, it is primarily intended to teach students to become "good citizens," not "active citizens." In a broader historical context, educational space has been kept largely apolitical in the post-war period (Kodama, 2016, p. 71). This presents both challenges and possibilities for debate education in Japan. First, the concept of "active citizens" could be fruitfully integrated into academic debate as one of its components is to acquire political literacy, i.e. "the knowledge, skills, and values to be effective in public life" (Crick, 2007, p. 245). Second, the idea of active citizens illuminates a tension between "the political literary necessary for sensible citizenship" and "political education in favor or against any specific political party" as stipulated in Article 14 of the Basic Act on Education in Japan:

> Article 14 The political literacy necessary for sensible citizenship must be valued in education. (2) The schools prescribed by law shall refrain from political education in favor of or against any specific political party, and from other political activities. (*Basic Act on Education*, n.d.)

We argue that this tension between political education and political activities is inherent to debate education, especially policy debate. Of course, this does not mean that political education and political activities are mutually exclusive. On the contrary, one pedagogical possibility of debate education lies in challenging such a binary view that has permeated the field of education in post-war Japan. As this paper has demonstrated, the controversy over the value of student oratory in the 1950s and 60s pivoted around the relationship between talking about politics and engaging in politics. As such it provides a useful lens for ruminating over the challenges entailed by the (sometimes) competing interests between the two.

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The effectiveness of evasive language: Exploring Prime Minister Shinzo Abe's successful use of political slogans

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ABSTRACT: The preference for ambiguity might be one reason why equivocation works as a highly effective instrument of political communication in Japan. Politicians equivocate as a strategy for turning difficult situations to their advantage, for advancing their agendas, and for influencing their constituencies. By focusing specifically on the use of political slogans, this study shows the way in which Prime Minister Shinzo Abe makes effective use of slogans in keeping him in power.

KEYWORDS: Abenomics, ambiguity, campaign style, equivocation, political communication, political slogans, strategy

1. INTRODUCTION

Japanese people tend to view equivocation as a sophisticated way of deflecting the threats to one's face in communicative conflicts. In order not to blunder into these threats, they have long preferred to go along with ambiguous expressions rather than engaging in direct public deliberation. From the results of the five recent consecutive elections, it appears that they still do. This preference for ambiguity might be one reason why equivocation works as a highly effective instrument of political communication in Japan. Politicians equivocate, using ambiguous or even evasive language, as a strategy for turning difficult situations to their advantage, for advancing their agendas, and for influencing their constituencies. By focusing specifically on the use of political slogans, this essay shows the way in which Shinzo Abe makes effective use of slogans in keeping the Liberal Democratic Party (LDP) and Abe himself in power.

Skillful politicians win over their oppositions by using popular phrases that convince the people to vote for them but does not commit themselves to taking action. For example, Junichiro Koizumi took office—the President of the LDP and Prime Minister of Japan—in 2001 by making use of evasiveness and vague statements capable of various interpretations. Rather than implementing specific reform programs and explaining them by using plain language, Koizumi continued to restate his reform platform *no reform, no growth* and called for structural reform of the nation's political, administrative, financial, and social systems *without being constrained by sacred cows*. Like such a synecdochic style of speaking represents a complex

issue in a single memorable phrase, Prime Minister Abe successfully focuses the minds of the nation to a dysfunctional legislature by calling for the Abenomics economic package to overcome deflation (See Uchida, 2017, p. 17).

For Japan, it appears to be an ideal to take the deliberative democratic approach to "collective decision-making for the public good" that even in the past was not kept very well (Zarefsky, 2009, p. 115). On the one hand, present instant communication disturbs the voters from promoting "commitment to citizenship" that sustains democratic life (Christians et al., 2009, p. 102). On the other hand, without critical information on social issues, public deliberation fails to influence policy and public issues, resulting only in a loud cacophony of politics. Democracy requires deliberation, and deliberation requires honesty (See van Eemeren, 2010). Since the idea of compromise is excluded from the choice of Japanese political decision-making, the government can function only when one party has the majority control. Then, the losing party is reduced to opposing only, and not working constructively. This lack of attitude toward working together for a best decision-making is the current situation in Japan and the United States. In what follows, we will first of all discuss the effectiveness of evasive language in political slogans to gain agreement from the public and next explore the way in which Prime Minister Abe's slogan style is quite successful in maintaining his second premiership.

2. EVASIVE LANGUAGE IN POLITICAL SLOGANS

One interesting aspect of Japanese political language is the deliberative use of words to influence the attitudes of other people surrounding individuals since Japanese are more sensitive to *kūki*, or atmosphere requiring compliance than messages such as clear and logical ideologies and principles (See Yamamoto, 1977). It often seeks to create a particular feeling like optimism, loyalty, cooperation, encouragement, or empathy to spur or guide public action related to specific public issues or policy programs. Rather than speaking up for the sake of the country, the Prime Minister or members of his cabinet perceive strategic advantage in using their clichés as masks, instead of as signs. These sound-bite slogans are collective headings for generating an atmosphere that is positive, sympathetic, and supportive of the cabinet (Macagno & Walton, 2014, pp. 16-18). In other words, the effective use of euphemisms, instead of direct expressions, enables the bureaucracy and the mass media to lead the national psyche toward their favorable policy directions. Omitting all details and specific features, these rallying phrases reflect the tone of the times as well as the administration's hopes and concerns.

Against such a traditional Japanese campaign rhetoric to repeat political slogans and avoid making concrete promises, the Democratic Party of Japan (DPJ) brought a new campaign tool modeled on the British-style *manifesto* concept of promises backed by clear financial resources and specific timetables. As a result, in the 2009 general election, the DPJ won a sweeping victory against the LDP-Kōmeitō ruling coalition. After the regime change, however, the DPJ administration could not keep a number of its key election promises because it needed a help from other parties to pass the measures they thought were necessary, thereby deeply disillusioning the country. The situation brought about an unfortunate outcome in which both voters and political parties lost their enthusiasm in the manifesto-based campaigns. This became apparent on 25th September 2017 when Abe abruptly dissolved the House of Representatives. Being criticized as an attempt at his own self-preservation, nevertheless, he restated a fresh mandate on his administration's North Korea policy along with its proposal to change the use of tax revenue.

In his second premiership, Abe maintains his leadership through the skillful use of political slogans. Nevertheless, this effectiveness is harmful for the country. In particular, the series of his slogans played a crucial role in turning the landslide wins in five key elections into

momentum not for the resurgence of Japan's 30-year stagnant economy, but for the adoption of his preferred nationalistic policies (See Osaki, 2017). In spite of affirming and reaffirming a national consensus that what Abe named *kaikaku* (reform) and *kakumei* (revolution) was needed for the economic recovery, Abe failed to ascertain the real issues in informing the country of what the consequences would be of such implementations for them. The administration indeed failed to disclose facts about the rapid graying and shrinking of Japan's population and its snowballing debt. When it came to policy decision-making, Abe took advantage of the election victories to heighten the level of surveillance and to take steps toward revising the Constitution. What follows offers three consequences of Abe's successful use of political slogans in calling a referendum for constitutional amendments.

At a critical time in both Japanese politics and economy, the 2017 election marked a fundamental departure from the postwar order in which the United States was the indispensable pillar of Asia-Pacific security. The collapse of the Democratic Party of Japan, disillusionment with a heroine Yuriko Koike, and dissatisfaction with Abe left many voters wondering for whom they should vote in the election. Trying to win the hearts of these voters just 24 days after the snap election, parties sought the simply-worded slogans displayed on campaign pledge brochures and other election materials—as if there were a fire sale on political slogans. The ruling LDP adopted the slogan *Kono-kuni o mamorinuku* (Resolutely defending this country). To promote the stability of the ruling coalition to convince voters, as the LDP's junior partner, Kōmeitō chose the tangible campaign slogan, *Kyōiku futan no keigen e* (Reducing the burden for education). Along with the catch-phrase *a reset for Japan*, the Party of Hope pushed the slogan *Nippon no kibō* (Hope for Japan) to stress the need for another regime change. The slogan of the Constitutional Democratic Party (CDP) was *Mattō-na seiji* (Honest politics), which sought to reflect public sentiments on two scandals concerning favoritism that involved Abe ("Editorial: Reactive debate," 2017, p. 4). In fact, those cronyism allegations put Abe on the defensive to dissolve the lower house in the guise of getting a fresh mandate on his administration's North Korea policy along with its proposal to change the use of tax revenue.

3. PRIME MINISTER SHINZO ABE'S CAMPAIGN STYLE IN THE 2012, 2013, 2014, 2016 AND 2017 ELECTIONS

Chosen to lead the conservative opposition LDP in early 2012, Shinzo Abe made its and his dramatic comeback by securing a two-thirds majority in the 480-seat lower house with its partner Kōmeitō on December 16, 2012. He said:

> Our victory this time does not mean trust in the LDP has been completely restored. . . . Rather, it was a decision by the public that they should put an end to the political stagnation and confusion over the past three years, caused by the DPJ's misguided political leadership (McCurry, 2012b).

Underlying his determination to reclaim the power the LDP had lost three years before, Abe reiterated the LDP's campaign slogan, *Nippon o torimodosu* (Take Japan back). During the two-week campaign, he advocated that "This is not just about winning Japan back from the DPJ-led government. If I dare say, it is a war to return Japan to the hands of its people" (Ito, 2012). Here was the critical question raised—which version of Japan was the LDP planning to restore.

Given that this political slogan sounded nostalgic for *Showa* era Japan (1926-1989), the victory brought to Abe, who was elected as the Prime Minister, a mandate to pursue a hawkish security agenda, i.e., a revision of the pacifist Constitution, and a revival of the party's traditional economic remedy, i.e., huge public works spending (Gelernter, 2016). In other words, the election result allowed him to dismiss Japan's looming fiscal crisis and swelling social security expenditures. Moreover, the public's unease over Chinese aggression and the

North Korean crisis allowed him to justify the increasing defense budget far beyond the conventional benchmark of one percent of Japan's GDP for strengthening Japan's sea-lane security. While heightening his nationalist credentials, however, he made it a priority to recover Japan's economy which had been stagnant for almost three decades: "First and foremost we have to bring about an economic recovery and pull Japan out of deflation" (McCurry, 2012a).

As a result of the LDP's victory in the 21st July 2013 election, the governing coalition came to secure the majorities in the both houses and thus raised hopes to end the political deadlock, namely, what came to be known as *nejire kokkai* (a twisted parliament) among Japanese people. On the news coverage at home and abroad, this comfortable victory was presented as a mandate for Abe to advance the third stage of his Abenomics policy programs, i.e., pushing deregulation following monetary easing and massive fiscal stimulus. In fact, he insisted "deregulation" as "the first and foremost core of the growth strategies," saying that "The extraordinary Diet session will be an occasion to push forward strategies on Japan's revival" (Hongo, 2013). While highlighting economic issues, he never hesitated to bring about his nationalist values. His administration was taking steps to pass the bill to enable Japan to engage in collective self-defense and to enact the state secret law, neither of which had been realized under the preceding cabinets. The region carefully watched these political moves to see when Abe would start his campaign to amend the postwar Constitution in order to turn the Japanese-called self-defense forces into a regular army. Against his remarks on China's "dangerous" maritime activities as an "extreme challenge" to Japan's territorial security and Japan's "no compromise, not even a step" on the territorial issue, Beijing accused Tokyo of playing the China threat card in an attempt to change Japan's pacifist foreign policy (McCurry, 2013).

In the name of seeking the voters' verdict on his economic policy programs, Prime Minister Abe called a snap election on 14th December 2014. The elections was expected to judge his growth-focused economic programs as he sought public support for his decision to postpone a raise in the consumption tax from 8 to 10 percent originally planned for October 2015 until April 2017. By doing so, he sought to focus the minds of the nation on the success or failure of his Abenomics policy to raise Japan's growth potential. Due to the lack of viable alternatives presented from powerful opposition parties, the LDP's campaign slogan, *Kono michi shikanai* (This is the only way), presented its economic package as the only choice to restore the country's economy. By winning the general election, he could also turn the tables on fiscal hawks in his own party who prioritized raising revenue to meet growing social welfare costs and start paying off Japan's huge public debt. To live up to the promises of making economics, Abe emphasized a rise in employment and growth in corporate revenues as proof that the Abenomics economic programs were succeeding. Nevertheless, no improvement was seen in the two key areas—neither in wages nor in domestic consumption—and not even in any positive impact on people's life.

In an election debate, Abe said that "I don't think there is a growing desire for constitutional change among the public," but added, "We have finally built a bridge that we can cross toward constitutional revision" (McCurry, 2014). Instead of calling for a constitutional amendment, which would be still controversial enough to risk losing public support, on 1st July 2014, he issued a cabinet resolution that would end a ban on collective self-defense by reinterpreting the Constitution, then making the best of the supermajority to vindicate it in the Diet (Okuda & Suzuki, 2018).

This cabinet decision to change the present interpretation of the Constitution was not only unconventional but also unusual because cabinet decisions had been associated with a law, not the Constitution. While legal experts raised severe criticism of the unconstitutionality of collective self-defense, Abe called for ambivalent popular sentiment on the ever-unchanged Constitution by emphasizing the "fact that he has been elected by the nation enables him to

change the interpretation of the Constitution by himself" ("Lawyer group," 2014). Here he transferred the issue of constitutionality from the legal context monopolized by professionals to the public sphere, which should function as a bridge of arguments among diverse groups of people (Goodnight, 1982). By infusing the public sphere with evasive discourse to simplify his standpoint concerning the national security, however, Abe failed to make the argumentative point to start discussing merits and demerits of constitutional revisions as a preliminary step from the dialectical point of view (van Eemeren, 2010).

By bypassing the process of forming public opinion and a national consensus, he pushed against the constitutional limits to lift the postwar ban on collective self-defense. While justifying this move by referring to potential military threats from China and North Korea and a relative decline in the U.S. presence in the region, he made deliberative use of political slogans in dismissing the due process to examine the constitutional reinterpretation in parliamentary debate. By the end of 2013, in the name of his *proactive pacifism* diplomacy, Abe had already justified for Japan to engage more actively in overseas conflicts. These defining actions in the areas of defense and freedom of information had not been mentioned either in the LDP's campaign promise in the 2012 election or in the 2013 election. Without seeking the voters' verdict on legislation, the Abe administration merely reiterated that Japan needs tighter control of its security information. Its dominant grip on the Diet played into the hands of Prime Minister Abe to legally implement these policy programs and to pursue closer defense cooperation with its foremost ally, the United States. On the whole, he focused and refocused on the economy as a smoke screen to deflect public criticism of the way in which his cabinet railroaded the controversial legislation through the Diet.

During the 2016 election campaign, Abe made a posture of setting the policy focus back to the bread and butter issues of the economy. Nevertheless, on 10th July 2016, he claimed that its election result opened the door for his administration to revise the Constitution. He even stated: "This is the people's voice letting us firmly move forward" (Blair, 2016). Just like the preceding three elections, he made economy the center of his campaigning, asking voters for a mandate to continue his attempts to pull Japan out of decades of stagnation, deliberately downplaying talk of constitutional revision. For many conservatives in the LDP, the Constitution is a symbol of a defeated nation, and the fact that it was drafted by the occupying U.S. administration was a source of shame. Just around this time, the Abe cabinet's arrogance and laxity came to the fore through the emergence of scandals concerning the government's alleged connections with two educational foundations. Abe and the relevant cabinet ministers gave sloppy explanations, thereby raising strong criticism that they were conceited ("Editorial: Govt Must Respond," 2017, p. 4). While emphasizing he would accept critical comments with sincerity, Abe began to seek a way to break the stalemate and to regain power for implementing his policies.

As a result of the latest 2017 general election victory, Abe sought to consolidate his grip on power so as to revise the charter, which had remained untouched for 70 years. At a news conference accepting the landslide victory, he announced that "I am very grateful that the Japanese public has powerfully encouraged us to move forward with our politics based on the solid foundation of our leadership" (Osaki, 2017). What was the rational for Abe to hold this election fourteen months earlier than necessary? On 25th September 2017, when the Diet convened for an extraordinary session, he announced that he dissolved the lower house for a snap election: "We are indeed facing a national crisis and we need strong leadership to face the national challenges. … It is my responsibility as prime minister of Japan to overcome this, no matter how tough this election will be" (Lloyd, 2017, p. 35). At a news conference that evening, he specified the "national crises" as the rapid demographic shrinkage and the North Korean provocations, saying: "It is my mission as prime minister to exert strong leadership abilities at a time when Japan faces national crises stemming from the shrinking demographic and North

Korea's escalating tensions" (Osaki & Yoshida, 2017). In terms of crisis management for the country, his rhetoric of confrontation strengthened the impression that he would be the only man who could deal with *kokunan* (national crisis). In the meantime, Abe could distract voters from the two scandals over alleged government favoritism ("Abe's partisan quest," 2017).

In associating the proposal to divert revenue from the planned 2019 consumption tax increase with the menace of North Korea, Abe's new spending announcement left the root problems untouched—a huge debt burden of one quadrillion yen as well as ballooning social security costs for pensions, health care, and nursing care. In addition, this was likely to increase public concern over the country's long-term fiscal sustainability. To appease the public, instead of indicating Japan's fundamental issues, Abe brought back his Abenomics policy whose original goal was to end the deflation by generating the hoped-for virtuous cycle of rising incomes. By dissolving the lower house while the opposition parties remained unprepared, he attempted to derail the accusations of his involvement in the political scandals. In other words, the general election on the national crisis created by the looming missile threat was driven by the political calculation to maximize the wins for the ruling coalition, i.e., a high-stakes political gamble to determine whether or not Abe would survive as the national leader. During the election campaign, the opposition DPJ collapsed, and the spin-off Party of Hope led by Tokyo Governor Yuriko Koike failed to gain momentum. Abe's decision to gamble on an election paid off handsomely.

Making use of the North Korea crisis as an opportunity to rewrite the pacifist Constitution in hopes to spell out the military role of the country's SDF, Abe turned a blind eye to serious policy matters that would require the public to shoulder a greater burden by promising to spend around two trillion yen of the extra revenue on his new education and social security programs. Whenever North Korea launched a ballistic missile and carried out a nuclear test, he addressed a frightened nation on national television that he "was prepared to take all measures to protect people's life" (Holtz, 2017). The more threatening North Korea became, the more his hawkish worldview, including his move toward Japan's militarization, seemed to make sense to the country. Requesting an urgent meeting of the United Nations (UN) Security Council, Abe "lodged a firm protest" to Pyongyang (Holtz, 2017). In the *New York Times* op-ed prior to the snap election, as the Prime Minister of Japan, he also promoted Japan's diplomatic policy in asking "the entire international community" to hold out "concerted pressure" against "an unprecedented, grave and imminent threat from North Korea" (Abe, 2017, p. 23). Furthermore, Abe stressed the shared strategy with the U.S. President Donald Trump of maximizing international pressures on North Korea: "prioritizing diplomacy and emphasizing the importance of dialogue will not work with North Korea" (Abe, 2017, p. 23). Later, calling for the country to endorse his leadership, he restated that "Dialogue for dialogue's sake is meaningless. Attempts at engagement have been used by North Korea to buy time. Having secured the trust of the people, I will push for more strong diplomacy" (Lloyd 2017, p. 35). While public support for his uncompromising stance on North Korea rose, his popularity remained low.

As the election result suggested, the North Korea threat helped set the stage for Abe's political rebound. His hawkishness apparently became vindicated by North Korea's belligerence. In addition to North Korea crisis, chaos in the opposition camp brought about Abe's huge election victory. The opposition vote split helped Abe's ruling bloc and its allies win the critical two-thirds supermajority needed to call the referendum. Moreover, with only 53% voter participation (the second-lowest turnout in history) it is questionable whether the result can be considered a real endorsement of the ruling coalition. The low voter turnout suggested not the approval of Abe's leadership, but the lack of a credible opposition offering an alternative to his nationalistic policies, and even deepening a sense of political apathy. Nonetheless, as calls for changes to the Constitution gained ground at the House of

Representatives, nearly 80% of lawmakers newly elected in this election were in favor of revising the Constitution. This contrast between the representatives and the lower turnout showed that the gap kept widening between the country's politics and the people's preferences. On the whole, the current Japanese political system failed to show what was at stake in the 2017 general election but led to raising a more muscular Japanese foreign policy at home and abroad.

4. CONSEQUENCIES

Japanese cabinets have a long history of using catch-phrases to spread specific ideas among the public, which reflect the concerns that dominated the nation's thoughts at a given time. Whether or not each cabinet indeed delivered the virtues expressed in its political slogan is another question. The important point is that Prime Ministers and other senior politicians use words as a means of giving rise to public support for their policies. Since his comeback in office, Shinzo Abe has put forth slogans like *chihō-saisei* (regional vitalization), *ichi-oku sō-katsuyaku shakai* (creation of a society involving dynamic engagement by all citizens), *hataraki-kata kaikaku* (work style reforms), and *jinzai kaihatsu kakumei* (a revolution in human resources development) without any specific policy programs. As if his deeds were done in words, he has never provided any substantial measures to improve the quality of people's lives, but merely reiterated these catch-phrases. Thus, whenever his policy labels changed, public opinion surveys demonstrated that a few respondents answered that "the prime minister cannot be trusted" ("Editorial: Can the long-running," 2017, p. 4).

First, the Abe administration shifted its emphasis to one new political catch-phrase after another without implementing any of its political agendas. In a political landscape in which the LDP reigned as the predominant force confronted by many weak opposition parties, the opposition lawmakers pointed only to the Abe cabinet's failure to explicate its plans. In a 22nd January 2016 policy speech, the Prime Minister called for *dōitsu-chingin dōitsu-rōdō* (equal pay for equal work) as if he pledged to correct the wage gap between regular and non-regular workers including part-timers, contract workers and temporary staff dispatched by personnel agencies. Raising questions on his definition of equal pay for jobs with identical conditions, Akira Nagatsuma, at that time a member of the DPJ, asked Abe to "submit a bill. Otherwise, it's only a slogan, which is very bad" (Yoshida, 2016). Nagatsuma pointed out that the cabinet overlooked a work value assessment system for different categories to implement the appealing policy. Moreover, after two years had passed, the *regional revitalization* policy appeared to be sidelined from the cabinet's main political agenda. By taking into consideration the population flow from rural parts of the country to big cities, in particular to the Tokyo area, the cabinet should have designed comprehensive strategies to reverse the population exodus by promoting local industries and tourism. Without keeping any of his campaign promises, at the news conference in June 2017, Abe announced another new policy, *jinzai kaihatsu kakumei* (human resources development revolution), in order "to change Japan into a country full of chances" ("Abe's HR," 2017). Despite the new agenda pillar which highlights the crucial role of education in creating a community spirit, the phrase *human resources* uncovers that the administration viewed people as mere resources to be useful in the business-minded perspective. Instead of spelling out new policy slogans, Abe should have secured the measures needed to carry out his policy programs.

Second, in 2017, compared to the histrionic elections in several Western democracies where anti-establishment forces gained momentum with the support of disillusioned voters, the result of Japan's snap election turned out to be inconsequential, except for the prospect of a militarized Japan (Osaki, 2017a). By saying that it is "imperative to alter the situation in which the Self-Defense Forces are dismissed as unconstitutional in my generation" ("Inside," 2017),

Abe sought to end the balancing act by adding language to Article 9 to clarify the legal standing of the SDF. On the seventieth anniversary of the pacifist Constitution, he made a surprise announcement that he had set a 2020 deadline for constitutional reform. Since then, nonetheless, he has emphasized the controversial timeline is not schedule-oriented (Osaki, 2017b). Instead of curing Japan's 30-year stagnant economy, he openly pushed a path toward revising the Constitution. It is difficult to predict what the consequences would be at the moment. Concerning the North Korea issue, however, any constitutional amendment would give a major shock to the region's military and political system.

Finally, Tokyo's move to *reinterpret* Japan's postwar pacifism will end up inflaming nationalist sentiment and even spark an arms race in the region. Any weakening of Japan's pacifist principle is expected to anger China and South Korea, where many Asian people still retain bitter memories of Japan's militarism in the first half of the twentieth century (Fifield, 2017, p. A11). At home, some Japanese began expressing fear that *normalizing* the country's armed forces will lead to their direct involvement in the U.S.-led war on terrorism. Despite the LDP's decisive victory in holding on to 313 out of 465 seats in the House of Representatives, a huge gap exists between public opinion on key issues and the distribution of seats in the Diet (Yoshida, 2017). With a low turnout, a non-critical performance assessment of the ruling coalition does not mean that the premier has a real mandate for constitutional amendments. The weakness of the opposition, especially the unexpected demise of the major opposition DPJ, might mask discontent with Abe and a lack of support for many of his nationalistic political agendas. Therefore, a loss of counterbalance might entail the critical question of what is indeed needed for public deliberation to pursue a broader agreement and to build a national consensus.

Every campaign, Abe reiterated his pledge to reviving Japan's stagnant economy by centering on the Abenomics economic package. Over five years, however, the country has fallen short of the defeat of deflation and the fulfillment of a new inflation target of 2%. In spite of upholding the banner of fiscal reconstruction, the Prime Minister addressed neither Japan's economic problems derived from his government's stimulus policy programs nor critical but unpopular reforms intended to recover the country's economy. Instead, by making political use of populist factors, he succeeded in making up for the plunge of his approval ratings. As a result, while mainstream political parties fell because of populist revolt in Western countries, Japan's political stability stands out. The voters under twenty seemed to have chosen to carry on with business as usual, perceiving Prime Minister Abe as continuity and stability since he was in power close to the longest premiership in the postwar era. Indeed, a higher proportion of those younger electorates, 47. 2% in the teens (and 42.1% in the twenties), turned out to be supportive for the LDP than their elder counterparts, e.g., 28.3% in the sixties ("Tokushu waido," 2017, p. 2). Confounding conventional wisdom that younger voters lean liberal, Japan under the Abe administration was an exception in a tide of Trumpian-inspired global populism against the establishment (Blair, 2017, p. A3). It seemed to be apparent that the LDP could capitalize on these voters' desire for sustainability. On the one hand, turning that into support for revising the pacifist Constitution would be a considerable leap (Holtz, 2017). On the other hand, as the Western media noted, the result of this Japanese election was a first, big step to erode Japan's post-World War II commitment to pacifism. As lower turnout in elections demonstrates growing apathy, the rise of populism might be having a dramatic impact on Japan's policy making as well as Europe and the United States.

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A meta-argumentative approach to abduction and IBE

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ABSTRACT: Abductive arguments support a statement as offering some conceivable explanation to shared data, what reveals their meta-explanatory nature. When the context allows for the advancement of different explanatory hypothesis and the agents assume the necessity to choose one among them as the "best available explanation", a complex argumentative process starts, involving the comparative assessment and weighing of the first arguments and requiring further arguments and meta-arguments in support of the favoured hypothesis.

KEYWORDS: abduction, explanation, inference to the best explanation, meta-argument, Toulmin's model

1. INTRODUCTION

Abductive arguments, in which a factual or theoretical statement –typically mentioning either unobservable or merely unobserved entities, properties and processes– is defended as offering some conceivable explanation to shared data, are common in everyday life and, in a particularly intriguing way, also in scientific practice. These are arguments that support an "explanatory hypothesis" precisely on the basis of its *explanatory power* as related to certain data. When advanced, they might be critically assessed by the arguer's interlocutors and this usually brings to light their complex nature as meta-explanatory arguments; explaining being a practice of "giving reasons" with pragmatic properties that differ from those of arguing. In this paper, I will present and defend a meta-explanatory scheme for abduction according to this approach.

Moreover, when the context of inquiry allows for the advancement of different and alternative explanatory hypothesis and the agents involved in the particular situation assume the necessity (or the institutional requirement) to choose one among them as the "best *available* explanation", a rather more complex justificatory process starts. This typically involves the comparative assessment of the first arguments advanced and usually requires further arguments and meta-arguments in support of the favored hypothesis, not necessarily of an abductive character.

The rather abstract, monological and zealously formal version of such processes that is common in epistemological al discussions has been labelled "inference to the best explanation" (IBE). Logical schemes for IBE usually include premises of the kind: "no other hypothesis explains evidence e as well as H does", "H satisfies conditions $s_1 \ldots s_n$ that other hypothesis don't", "there are no other explanatory hypothesis", but no clue is offered as to where those premises come from or how they might be supported. Here, a more organic and dialogical argumentative version of such processes will be offered describing tools grounded in argumentation theory to clarify their rather varied nature.

Argumentative accounts of abduction have not been so far as frequent as could be expected. This much is admitted by J. Wagemans, who has recently published some papers on abduction using a pragma-dialectical framework (2016, 98). Probably the most extensive treatment from the ranks of argumentation scholars is due to D. Walton who, in 2004,

published the monographic work *Abductive reasoning*. The book contributed with some interesting ideas, as a proposed *dialogical model of explanation* (2004, 79ss, Cf. Paglieri 2004), but builds on somewhat confusing starting points.

In particular, I would say that Walton's account does not clearly trace or at least clearly exploit three distinctions that are the basis of my own argumentative proposal:

a) the discrimination between *mental* processes of reasoning and *communicative* processes of arguing;
b) a more careful distinction between the communicative acts of *explaining* and *arguing* and
c) an analysis of simple abduction as a *distinctive* argumentation scheme based on a characteristic kind of reason-for-a-conclusion –and, thus, a characteristic kind of *warrant* in S. Toulmin's (1958) sense– as opposed to the more complex argumentative process that's usually dubbed IBE and which, according to this framework, purports the use of varied *argumentative* and *counterargumentative* both *schemes* and *structures*.

I will develop and support separately the two first distinctions (sections 2 and 3) and use them in construing a meta-explanatory scheme for abduction (section 4) that will allow me to differentiate my *organic* and *meta-argumentative* account of IBE in terms of a variety of tools for argument analysis (section 5).

2. ABDUCTIVE REASONING VS. ABDUCTIVE ARGUMENT

Regarding distinction a), although there are in fact communicative uses of the term *reasoning* (e.g. "interpersonal reasoning"), the distinction is widely admitted and advocated as significant in philosophical literature, especially within the field of argumentation studies. However, at least in my opinion, it has not been so far conveniently and fruitfully explored in the explication of concrete problems.

I take the distinction between *mental* reasoning and *communicative* arguing to constitute a step further along the line of J. Woods' (2016a) discrimination between:

i) the consequences a group of premises may *have* within a *logical space*, for whose delimitation, there is no need to count on the involvement of any agent: "There are no heads in logical space" (Woods 2016a);
ii) the consequences that *someone* may, within her own *psychological space*, first *identify* or *spot* (in a *recognition subspace*) and then *draw* or *infer* (in an *inference subspace*).[1]

Psychological space is not only different from logical space but Woods claims that the latter does not provide the normative counterpart for the former. But, unlike Woods, who explicitly dismisses this possibility, here it is claimed that an exploration and better understanding of the distinctively *public space* of *arguing* has much to offer both from a descriptive and a normative point of view. In such public, communicative and interactive space we may talk about:

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[1] Because of the essential connection between this kind of recognised and inferred consequences and the *agents* that actually *perform* the recognition and inference, the relations on which they are based are called "*epistemic relations*".

iii)   the (also epistemic and agent-related) consequences that *someone* may *present to others* as justified by considerations adduced in the same communicative context as reasons in its favour.

In the case of abduction, the idea of this move is basically switching the current emphasis on accounting for how *individuals* mentally make use of more or less *intuitive* constrictions when suggesting *plausible* –and more or less *creative*– explanatory hypotheses to the interactive *interpersonal* space of collective discussion from which (I claim) such internalized constrictions really emerge.

This idea agrees with recent cognitive approaches of a pragmatist descent like Mercier and Sperber's "argumentative theory of reasoning" (2011, 2017). Focusing on communicative argument over mental reasoning favours attention to the socialized processes through which we learn to recognise and use conventional argumentative patterns and emphasizes the intrinsic normative nature (from an insider's point of view) of the practices of asking for, giving and assessing reason(s).

If we approach abduction starting from its communicative counterpart, offered in a dialogical justificatory exchange, instead of referring to its mental model, we may transfer *all* additional requirements made to our justificatory claims to the *continuity* of argumentation and argumentative interactive assessment, i.e. to the "continuum between argument and argument criticism", mentioned by R. Pinto (2001). Thus, we may avoid somewhat obscure notions as C.S. Peirce's "intuitive flash", "insight" (*CP* 5.173), "power of guessing right" (*CP* 6.530) as sources for abductive conclusions and examine, instead the *substantive* (as oppose to *formal*) criteria for argument assessment that the context and particular argumentative practice involved would have construed.

Finally –although Woods' account of defeasible and *nonmonotonic* relations of consequence and their virtuous *fragility* (Woods 2016a) does, in my opinion, already do the job pretty well– I think it is still important to emphasize the *substantive* and *ampliative* character of *any argument* worth discussing, as based on reasons and warrants and not on *formal* relations of implication, which only hold when the conclusion's contents are already *included* in the premises. In the case of abduction, which has been considered by many as *the* paradigm of *creative* and *ampliative* reasoning –something that puzzles and bewilders logicians and becomes a source of *fascination* for many in philosophy and cognitive science– the move towards the *public exposure* of the rational[2] criteria used for its acceptance, rejection, discussion or limitation might be especially beneficial.

Therefore, our focus will be on abductive argument and not on abductive reasoning, acknowledging nevertheless that the link between both might worth examining in further research. Presenting an abductive argument is to support an in principle theoretical or factual claim (typically mentioning either unobservable or merely unobserved entities, properties and processes) on the basis of shared data (observable, well-known, taken for granted or assumed) because it provides some conceivable explanation to them. The basic elements of an abductive argument, using Toulmin's model are:

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[2] J. Searle (2001, chap. 3) characterizes *rationality* as the conscious exercise of giving and conceding reasons that precisely takes place in the presence of *gaps* and the absence of *algorithms* or necessary links between contents. The defeasible and nonmotnotonic character of the relations of consequence exploited in argument (i.e. their *fragility*, in Woods' terms), the possibility of keeping asking for reasons that may reinforce or clarify proposed links or even show alternative ways of supporting discussed claims, the lack of compulsion to *accept* or *enact* argumentatively supported conclusions (i.e. *akrasia*) constitute the kinds of *gaps* that, for Searle, are rather *possibility conditions* of *rationality* instead of philosophical problems for its explication.

1. Conclusion/Claim: constitutes an "explanatory hypothesis" H, usually presented as a factual statement, although, depending on the requirements of the context it may be easily reinterpreted as a practical or even evaluative conclusion of the kind: "we should explore hypothesis H", "Hypothesis H is worth exploring".

2. Reasons/Data: usually empirical observable but in any case *shared* or *agreed upon* data, and nevertheless surprising data, data *requiring explanation* (what makes of them a potential *explanandum*). However this preparatory condition might be contested.

3. Warrant: what makes of the data a justificatory reason for the conclusion (the hypothesis) is that such hypothesis could *explain* them.

I will use the following kind of diagram tipo (based on Toulmin and developed by Marraud 2017a) to represent such an argument type:

	Data: Shared (usually empirical) data
Warrant: Hypothesis could explain data	**So**
	Claim: Hypothesis
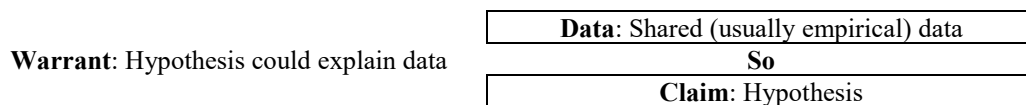
Taking in account that abductive arguing is (as is abductive *reasoning* and *inferring*, precisely for that matter) firmly and extensively incorporated in our daily cognitive life, the move from data (D) to hypothesis (H) is in most occasions rather *directly* expressed and communicated, as in the following example:

- *There is no yoghourt left in the fridge, so you finally had the last one for dinner*

If the interlocutor would ask "why do you say so?" or "where do you get that from?" we could in principle think that she has not understood the proposed connection and answer by making the warrant explicit:

- *Well, that would surely explain it…*

In the case of abductive arguments (and this does not necessarily happen with any kind of argument) this seems somewhat artificial, *precisely* because of their pervasiveness and basic nature. The usual thing is to automatically *recognize* the proposed link (the way the data may constitute a reason for the conclusion) and go directly to critical assessment in the form of objections, rebuttals or refutations (Marraud 2017b):

[Objection]: - *Look again, I think there's one left…* (data were not shared, after all).
[Rebuttal]: - *But there were 10 yoghourts yesterday…* (that I took one for dinner does not explain that there's none left).
[Refutation]: - *I can think of other possible explanations…* (we'll have to compare them, look for the best (available) one).

3. ARGUING VS. EXPLAINING

Regarding distinction b) between acts of arguing and acts of explaining, I admit that it is, in principle, better established and widely recognized in argumentation theory.

a) *Acts of arguing* involve offering reasons in order to *justify* a doubtful (in the sense of *yet unjustified*) content, i.e. its conclusion, seeking the interlocutor's (or wider audience's) *persuasion* about its correctness.

b) *Acts of explaining* also involve offering reasons but this time in order to make an *already accepted* content, the *explanandum*, comprehensible, seeking the interlocutor's *understanding* about its (causal) origin, its relation with other phenomena, or its overall congruity and dispelling wonder or surprise regarding it.

According to this characterization, explaining and arguing would be structurally similar –in both cases reasons are given as related to a content– and pragmatically different –the status of that content and the pragmatic aims of the two activities are different (Cf. Marraud 2013, p. 24-26). This structural similarity allows us to build a *model of explanation* that mirrors Toulmin's *model of argument* (Toulmin 1958). As we have already expressed and exploited, in Toulmin's model of argument the reasons for a *claim* (identified as the particular case's *data*) are presented as reasons precisely *since* complying with the requirements of a certain inference license or principle –the argument's *warrant*. Likewise, in our proposed *Toulminian model of explanation*, the explanatory power of the reasons offered in the *explanans* is grounded upon certain idea or principle of what counts as explanatory in the context in which the explanation is presented. The kind of diagram used to represent explanations will be:

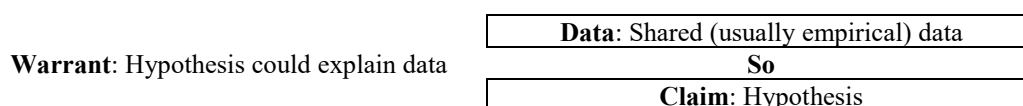|	*Explanans*
Explanatory principle:	**That's why**
	Explanandum
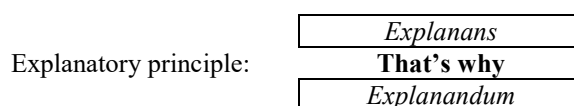
In the case of abduction, Walton (2004, chap. 3, pp. 97-121), does indeed acknowledge this distinction offering first a dialogical model of explanation (pp. 79ss) and then a second dialogue model (pp. 240-243) that portrays an interactive justificatory process of the best explanatory hypothesis which he considers as equivalent to abduction. The distinction is also present in the work of philosophers who discuss kinds of reasons (Álvarez 2010).

However, the intrinsic connection of this two different acts that is characteristic of abduction, a kind of justificatory argument in which what's justified is precisely an explanatory hypothesis and more precisely for its explanatory power, forces us to be extra careful in this case, when modelling and understanding abduction. The analysis offered in this paper of abduction (of simple abduction) as an argumentative meta-explanatory scheme tries to cope with this difficulty.

4. A META-EXPLANATORY MODEL OF ABDUCTION

Our Toulminian scheme for abduction identifies as the abductive arguments' warrant the possibility of construing an explanation of the data taken as *explanandum* based on the hypothesis used as *explanans*. So, if the basic diagram for an abductive argument is:

	Data: Shared (usually empirical) data
Warrant: Hypothesis could explain data	**So**
	Claim: Hypothesis

we may construe an "expanded diagram" including the details of the related explanation –an explanation that is not exactly *given* in the argumentative act but just, *mentioned* or *alluded to* as what makes of the empirical data a justificatory reason for the (theoretical) hypothesis– thus:

		Empirical data	
	Hypothesis		
In virtue of explanatory principle/ideal X:	**That's why**	**So**	
	Data		
		Explanatory hypothesis	

Notice that this does not constitute an *act of explaining* but an *act of arguing* that urges the discussion of its conclusion. In any case, this expanded, explicitly *meta-explanatory* diagram may help us locate and identify different possible targets of the issuing assessing discussion urged by an abductive proposal.

Presenting an abductive argument means, thus, to offer a justifying reason for a hypothesis (which is a doubtful content, what is at stake) adducing the *factive* quality of the data, for which the hypothesis is deemed to be *explanatory*. This means that it is suggested that the hypothesis could be used (in a different act and setting, allegedly once accepted) as an *explanans* or *explanatory reason* for the acknowledged data.

5. ABDUCTION VS. IBE

A *simple abductive argument* is completely described as such. It constitutes a characteristic type of argument, using a characteristic kind of reason (what means a characteristic kind of warrant). However, *as any other argument*, it is liable to a subsequent discussion in which further clarifications, further justificatory reasons and requirements may be demanded (…or not, depending on the context) to improve the epistemic status or acceptability of its conclusion, *if and only to the extent that this is our goal* (characteristically in Science, for example).

Typically, when the context allows for the proposal of *different* explanatory hypothesis and the agents involved in the particular situation assume the necessity or the institutional requirement to choose one among them as the "best (available) explanation", a complex justificatory process starts. This usually involves the comparative assessment of the first arguments advanced in favor of each hypothesis (some of them, although this is not a necessary condition, possibly abductive) and usually requiring further arguments and meta-arguments in support of the final conclusion (i.e. the chosen hypothesis).

This brings us back to distinction c) of the three mentioned in the Introduction. It is easy to see how the also argumentative but much more complex process of comparison, weighing and selection of the best available one among several explanatory hypothesis departs from and cannot be squeezed into our proposed model. In the divide established in philosophical literature between those who assimilate abduction to IBE (Walton 2004, Douven 2017) and those who maintain the distinction (Magnani 2001, Iranzo 2007, Yu & Zenker 2017), I definitely side with the latter, although I contend that universal and formal models of IBE say really not much about the way *IBE-type* discussions are conducted.

I further claim that at least certain strands in argumentation theory offer us, instead, a number of analytic tools that may help us model (and better understand) such concrete *IBE-type* discussions: i.e. argumentative processes of justification of the best available explanation. The idea is to reconstruct the (*very varied*) ways some typical clauses appearing in certain (*allegedly universal*) models of the kind "H1 explains data better that the other available hypotheses" or "H1 complies with criteria S1…Sn" in turn come to be justified. These tools include the modelling of argumentative structures that reflect interargumentative

and meta-argumentative relations, of which the most complex and sophisticated account for the comparative weighing or hefting of reasons, which is typical of such kind of discussions.[3]

6. ARGUMENTATIVE ANALYSIS OF AN EXAMPLE OF IBE

The following paragraph appears in John Herschel's *Preliminary discourse on the study of natural philosophy* (1831: 144-145). It is a discussion, presented by a single author, regarding the reasons that favor one of the explanations given for a certain phenomenon as the best among them, in scientific terms. It is easy to see that the presentation reconstructs a discussion that has taken place for many years among natural philosophers and (*lately*) geologists.

I have divided it into five parts in order to refer to them in the subsequent (just outlined) analysis.[4]

> **[Part 1.]** The phenomenon of shells found in rocks, at a great height above the sea, has been attributed to several causes. **[Part 2.]** By some it has been ascribed to a plastic virtue in the soil; by some, to fermentation; by some, to the influence of the celestial bodies; by some, to the casual passage of pilgrims with their scallops; by some, to birds feeding on shell-fish; and by all modern geologists, with one consent, to the life and death of real mollusca at the bottom of the sea, and a subsequent alteration of the relative level of the land and sea. **[Part 3.]** Of these, the plastic virtue and celestial influence belong to the class of figments of fancy. **[Part 4.]** Causal transport by pilgrims is a real cause, and might count for a few shells here and there dropped on frequented passes, but is not extensive enough for the purpose of explanation. **[Part 5.]** Fermentation, generally, is a real cause, so far as that there *is such a thing*; but it is not a real cause of the production of a shell in a rock, since no such thing was ever witnessed as one of its effects, and rocks and stones do not ferment. On the other hand, for a shell-fish dying at the bottom of the sea to leave his shell in the mud, where it becomes silted over and imbedded, happens daily; and the elevation of the bottom of the sea to become dry land has really been witnessed so often, and on such a scale, as to qualify it for a *vera causa* available in sound philosophy.

In Part 1 we have the opening of the discussion, identifying the phenomenon as an *explanandum*, that is, something that has been considered for long a puzzling fact in need of explanation and for whose understanding a variety of *explanantia* have been considered. Part 2 includes the list of available explanations:
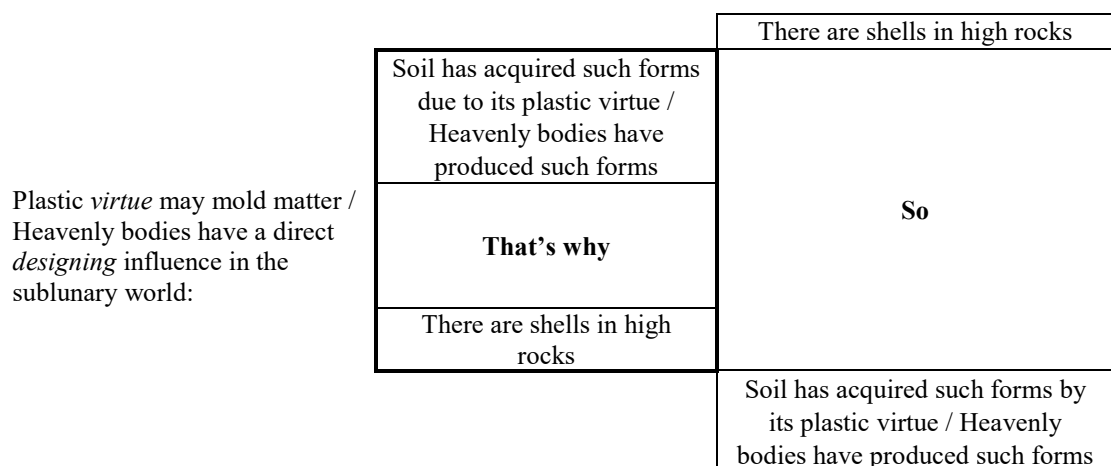
H1: soil's plastic virtue;
H2: fermentation of soil;
H3: celestial influence;
H4: pilgrims passage and dropping;
H5: birds transport;
H6: life and death of real *mollusca* plus sea bottom alteration.

Part 2 also offers the first comparative weighing of them based on authority.

Part 3 expresses an argument against H1 and H3. We may consider that both hypothesis have been offered and supported on the basis of their explanatory power, that is, through their presentation as conclusions of abductive arguments, thus:
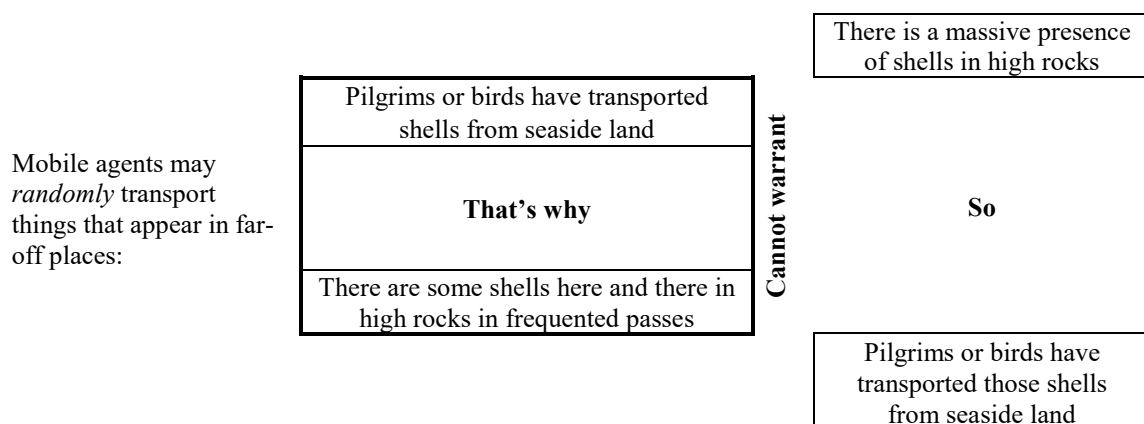
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[3] A corollary of my approach is that IBE is neither a *characteristic* type of inference, nor a stereotyped argumentative sequence, so the label IBE should be rejected.

[4] A rather more complete analysis of this same example will shortly appear in Spanish (Olmos, forthcoming).

The first diagram (argument structure):

	Soil has acquired such forms due to its plastic virtue / Heavenly bodies have produced such forms	There are shells in high rocks
Plastic *virtue* may mold matter / Heavenly bodies have a direct *designing* influence in the sublunary world:	**That's why**	**So**
	There are shells in high rocks	Soil has acquired such forms by its plastic virtue / Heavenly bodies have produced such forms

Then, what we have here in a counter-argument in the form of a rebuttal of their associated explanations, that is, an attack to the "explanatory principles" warranting them. The counterargument is not very developed but characterizes such principles as "figments of fancy" and so *unacceptable* in scientific explanations.[5]

Part 4 contains an attack against H4 that also applies to H5. However, this time the problem is not the unacceptable character of the explanatory principles that indirectly support them, explicitly designated as "real causes" or *verae causae*. It is rather the random, unsystematic, character of the mechanism invoked that makes of it unsuitable for the explanation of persistent and extensive phenomena. Such mechanisms could explain the apparition of "some shells here and there in high rocks in frequented passes" but not the massive and widespread presence of shells in high places. We have, thus, a plausible, even scientifically acceptable, explanation that cannot warrant a proposed abductive argument:
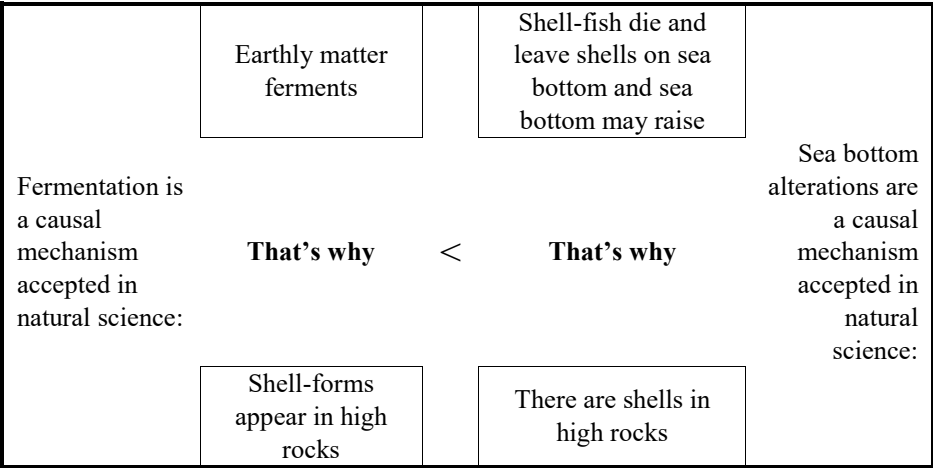
The second diagram (argument structure):

	Pilgrims or birds have transported shells from seaside land		There is a massive presence of shells in high rocks
Mobile agents may *randomly* transport things that appear in far-off places:	**That's why**	**Cannot warrant**	**So**
	There are some shells here and there in high rocks in frequented passes		Pilgrims or birds have transported those shells from seaside land

Finally, Part 5 contains the comparative and reasoned weighing −i.e. a reason is offered for the comparative judgment whose warrant might be easily reconstructed− of the abductive arguments supporting H2 and H6. This kind of evaluative comparison of two abductive arguments is equivalent to the weighing of their associated explanations, thus:

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[5] Contemporary philosophical discussions on the notion of "mechanism" as what may be the basis of a scientific explanation (Glennan & Illari, eds. 2016; Ioannidis & Psillos, 2017) are the updated version of Herschel's discussion of what constitutes a *vera causa*. These discussions look for criteria for (and so reasons to support) scientifically acceptable explanatory principles.

A *vera causa* with independent empirical support should be preferred:

> Fermentation has never been observed to produce such kind of forms. Sea bottom alterations and shell deposits on sea bottoms have been extensively observed

So

	Earthly matter ferments	Shell-fish die and leave shells on sea bottom and sea bottom may raise	
Fermentation is a causal mechanism accepted in natural science:	**That's why** $<$ **That's why**		Sea bottom alterations are a causal mechanism accepted in natural science:
	Shell-forms appear in high rocks	There are shells in high rocks	

As we have seen, not all advanced hypotheses are weighed against each other in this manner, for this is an argumentatively (and cognitively) costly procedure. Some are rejected by means of direct couterarguments that only affect them. Argumentative weighing is reserved for those that initially pass muster. In this case, just two of the available ones, although it could be much more complicated.

6. CONCLUSION

This is only a rather simple example and it has nevertheless showed a certain argumentative complexity, requiring form us the use of a complete toolbox of flexible notions for argument analysis. The moral we want to draw is that the argumentatively interesting part of *IBE-type* discussions –that is, the way typical clauses as "H1 explains data better that the other available hypotheses" or "H1 complies with criteria S1…Sn" are made acceptable– cannot be abstractly and universally sequenced. The comparative selection and defence of the *best available explanation* in a particular epistemic context and within a particular justificatory practice is a *dialectical* process, not necessarily in the sense that it involves two or more parties but in the sense that it involves the opposition of arguments and the comparative weighing of their relative strength (Cf. Marraud 2010).

Even in a case where this process is summarized and presented by a single author (as in the example above), it is representing and accounting for a long diachronic and usually collective discussion in which very different kinds of reasons and very different combinations of arguments and argument balance may appear. In order to understand such varied processes, the best strategy is not, I claim, to keep adding summary premises to a basic abductive scheme until it is deemed sufficiently *invulnerable*, but, on the contrary, to account for the way counter-argumentative structures and comparative assessment work, making explicit the intersubjective basis of justification.

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Student responses to the immigration stalemate in the USA

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ABSTRACT: For two decades, Americans have debated whether to liberalize laws that drive undocumented students underground. In 2014, President Obama signed the Deferred Action for Childhood Arrivals Act. This temporary Executive Order confirmed that students should be afforded the opportunity to an education. This paper describes the ways in which undocumented students network with Civil Rights movement veterans to nurture a political movement to permanently secure a right to higher education in the United States.

KEYWORDS: argument networks, civil rights, immigration policy, postsecondary education, public argument

1. INTRODUCTION

Laws and regulations enacted in a number of states in the US have restricted the access of undocumented students to public college admission, reduced in-state tuition rates, and scholarship opportunities. The old segregated South is home to the harshest educational restrictions, which are often part of larger legislative packages of laws to control the behaviors of the entire undocumented population. Dating back to the implementation of the first restrictions, human rights advocates have drawn the comparison between the pre-Civil Rights Act South and the contemporary Anti-Immigration South. As an example, in 2010 the Georgia prohibited students from attending the most competitive public colleges and stripped undocumented students of the right to pay in-state tuition at any of the thirty-four public colleges in the state. A 2017 Georgia law denies state-funded scholarship and research support to any private college that declares itself a sanctuary campus and enrolled undocumented students.

While many immigrants have fled their communities due to restrictive legislation and an increasingly hostile political climate, immigrant youth in Georgia and other southern states have stayed to fight for their rights. They engage in effective public protests and stand in public to stake their claim to a college education.

When pressing their case, undocumented students have networked with affiliate groups in Georgia and beyond. The rhetoric of the students highlights ties to leaders of the 1960s Civil Rights movement, including US Representative John Lewis. Today's undocumented students have benefitted greatly from their relationships with the 1960s Civil Rights student leaders who now serve as elders of the contemporary human rights movement. The modern students draw both inspiration and personal strength from the icons of the past. And, those Civil Rights leaders have been drawn into the current struggle for student rights serving as both teachers and protesters. The undocumented students have also reached out to student groups in other states to share stories and communicative strategies. They have partnered with interested college faculty to organize an educational program, Freedom University (FU), which provides college-level classes to disenfranchised students. Classes for students have been offered in both the cities of Athens and Atlanta. Some of the students have received debate training and participated in public debates with students from Emory and the University of Georgia.

Freedom University is modeled after the Freedom Schools movement of the 1950s and 1960s. During the Civil Rights era, movement leaders established elementary and secondary schools in the South for African American students. The public school systems in the South were segregated and African Americans were denied a quality basic education by the local (white) governments. The Freedom Schools achieved an important objective in educating students. They were a safe space for the young students in which they could both express their view and learn. For the undocumented college aged students in the 21st Century, Freedom University is a place that students come together to learn a variety of educational skills and learn about themselves and what it means to be undocumented in the United States. For some of the students, Freedom University affords them a first opportunity to discuss and debate what it means to be undocumented (Soltis, 2015, p. 20).

The laws of the United States provide both documented and undocumented students with the right to a secondary education. The undocumented students often avoid discussions about their status during their high school years. In many cases their parents instruct them not to disclose their status to their friends. Many of the students navigate their high school years and find themselves without driving privileges and the ability to connect socially with classmates beyond the day-to-day interaction at school. Freedom University plays an important role in their transition to adulthood and provides them with skills to live as undocumented residents in the United States. The Freedom University space allows students to talk through both the legal and relational problems that they confront in a secure setting and develop a shared sense of purpose with other undocumented youth.

This essay reviews the tactics used and protest actions taken by undocumented youth to reestablish access to public universities. Advocates have formulated a set of responses that shift focus of the public immigration debate to better protect the interests of the undocumented. First, by moving the focus of the immigration debate from border security to educational access, immigration advocates tilt the point of argument stasis in their favor. The move to focus on educational access had the benefit of allowing the current protesters to consult with the 1960s students who fought a similar struggle for access to educational opportunities in the old South. Second, in response to requests from students, professors play a role in this controversy by facilitating educational opportunities legitimating the claim that undocumented students should be participants in the American Dream. Third, student activists have organized a series of visible political actions to highlight the fight for educational opportunity.

The next section of this essay traces the development of the debate surrounding the educational rights of undocumented students. The third section describes the strategies deployed by students to push their position with the public. The brief final section suggests lessons that other groups might take from the strategies deployed by the students in Georgia.

2. IMMIGRATION RESTRICTIONS AND ACCESS TO EDUCATION

Since the 1980s, both Democrats and Republicans have lobbied on behalf of legislation that would secure the border and liberalize laws that drive the undocumented underground. The extension of rights for the undocumented is justified with claims of how immigrants would improve the performance of the US economy. A legacy of the Reagan revolution and the 1986 immigration debate, this rhetorical appeal continues to permeate the discourse of policy advocates (Aguirre & Simmers, 2011, p. 15).

The public debates surrounding the Development, Relief, and Education for Alien Minors (DREAM) Act deployed this line of argumentation. The DREAM Act, which first surfaced in the late 1990s, was intended to provide resident status to undocumented high-

school graduates. Unfortunately, following September 11 attacks, immigration policy was transferred to the jurisdiction of the Department of Homeland Security and support for policies intended to improve the economy lost domestic political momentum. The Mexican/US border was redefined as a site susceptible to terrorist crossings and was militarized. The politics that subordinated immigration policy reform to national security interests were followed by intense anti-immigrant hostility. By 2007, legislators lost their appetite for immigration reforms including the DREAM ACT.

While the DREAM Act was never enacted as legislative policy, it framed much of the rhetorical ground used in the contemporary struggle for student rights. The Act constituted the largely Hispanic undocumented youth in the United States into a defined community and established the undocumented youth as a political force. Commonly referred to as the "Dreamers", these individuals were portrayed as "the best and the brightest", embodying the cultural values that make America great. Many of them served in the US military. By joining the US Armed Forces, the undocumented youth were portrayed as protecting the national security of their adopted homeland. The youth were differentiated from other immigrants in an effort to move political moderates to support the DREAM Act. The undocumented residents were young, intelligent, and hardworking. And, importantly, they were in the country illegally by no fault of their own.

In the period immediately following the constitution of the Dreamers, students rhetorically distinguished themselves from other undocumented residents. By narrowing the scope of the controversy to providing educational opportunities for students, the appeals were more likely to be considered by moderates and conservatives. The students were motivated and smart and could make positive contributions to society. However, the narrowing of the issue to education had the unintended negative effect of providing a marker to distinguish deserving from undeserving immigrants. The deserving population aspired to improve themselves through education. The undeserving worked as agricultural and domestic laborers.

By 2012, President Obama responded to the lack of any legislative progress on legislation including the DREAM Act and an outcry from Dreamers and others in his political base by signing the Deferred Action for Childhood Arrivals Act (DACA). This Executive Order extended modest legal protections to the undocumented youth. President Obama's decision further cemented the notion that young students should be afforded the opportunity to pursue the American Dream. While the rationale for protecting the undocumented youth was celebrated, the fact that DACA was not a legislative act meant that the protection was dependent on the good will of the sitting President. Following DACA the undocumented youth continue to build upon the DREAM framework and push the Obama administration and legislative bodies across the country for rights including that of higher education.

The failure of Federal legislation to resolve the immigration controversy did not encourage only President Obama to act: conservative state legislatures across the country implemented immigration policy. While some states across the country have provided educational opportunities for undocumented college aged students that has not been the case in the South. As was the case in the 1950s and 1960s, states in the Deep South have passed laws in the last 15 years that are intended to erase people of color from the community. In this case, it is largely Latino/a bodies that are being denied the opportunity to sit in the classrooms of public colleges. In Georgia, a cornerstone of this response was a policy enacted by the Board of Regents (BOR) to prohibit undocumented students from attending the most selective colleges in the state. Rule 4.1.6 of the Board of Regents addressed a concern that undocumented students were taking college slots from deserving Georgians. Adopted in 2010, the rule prohibits undocumented students from attending colleges that have rejected qualified citizens in the preceding two years. The Georgia legislature followed implementation of 4.1.6 with a broader set of restrictions targeting employers who hired undocumented workers.

Student activists have responded in a more assertive fashion than others in their community. They speak in the public sphere, risking arrest and deportation. The risk is magnified by repeated stories found on social network sites reporting deportation checkpoints in and around Atlanta. The undocumented students organized into a number of groups, including the Georgia Undocumented Youth Alliance (GUYA), which uses both traditional local networking techniques and social networking sites to communicate. Beginning in 2011, GUYA had exhibited an active Facebook presence of immigrant group in Georgia. GUYA members organize and participate in marches and protests and delivered public speeches. The youth protest their political dislocation by occupying space reserved for citizens. Digital platforms have played a role in sharing stories with undocumented students from across the country and particularly those in other southern states.

The argument strategy of the students is more sophisticated than it was when the Dream Act was formulated in 2001. As the rhetoric of activists in Georgia indicates, early representations have been replaced by a more nuanced approach celebrating the entire immigrant community. The students redefined the controversy to include more than a narrow set of legal definitions of citizenship and suggested that the youth play a critical role in empowering the collective subjugated community. The undocumented students are a distinctive population, defined as having no legal rights, a situation which traditionally eviscerates a group's opportunity to mobilize support for political reform (Anguiano & Chavez, 2011, p. 82). Yet, today they are an influential political force in Georgia, due in part to their association with the Civil Rights advocates of the 1960s. The contemporary public advocacy strategies used by the undocumented students in the South reflect the influence of veterans of the Civil Rights movement. The elders provided guidance on language choice, protest locations as well as an appreciation that others has suffered through efforts to remove their bodies from public spaces. In retelling their stories, the elders effectively shared their history with a generation of undocumented students, which added to their own legacy (Cross).

3. RHETORICAL RESPONSES TO IMMIGRATION RESTRICTIONS IN GEORGIA

The students of Freedom University, many of whom are GUYA members, use a variety of communicative tactics in the fight to re-establish their right to education. Their tactics merge 1960s protest strategies, the use of social media, and a commitment to presenting their own cases in restricted public space. The group embraces the people, places and phrases of the 1960s movement to emphasize their loss of basic civil rights. In historically segregated Georgia, the Freedom University students easily draw from the Civil Rights tradition when crafting public argumentation.

The GUYA Facebook page displays several pictures of FU students meeting with the Civil Rights icon John Lewis, drawing the comparison to the 1960s movement. Lewis remains a force in American politics, and those with even a cursory awareness of our history have seen the iconic 1965 photo of a bloodied John Lewis. Since the initial Lewis-GUYA meeting, the Congressman has publicly called for reversal of the educational restrictions on undocumented students. His support reminds the public that the struggle of the undocumented shares characteristics with the Civil Rights battle. Additionally, this relationship benefits the curators of the Civil Rights legacy by reminding us that their long-fought struggle is part of a larger human rights struggle that includes the student movement in Georgia.

The similarities between the current exclusion of undocumented Latino students and the exclusion of African Americans in the 1960s are striking. In the 1960s there were more than 15 million African Americans who were victimized by exclusionary laws and were subjected to acts of violence. Today there are millions of undocumented residents and their

children, many of who are US citizens, who suffer a number of personal traumas. They are subject to deportation, financial exploited by employers, physically victimized by bigots, and denied the right to financial aid by some colleges and the right to higher education in some southern states (Perez). The stories of a few Civil Rights elders highlight the ways in which intergenerational networking advanced the shared interest in Civil Rights protection in the South.

Student protests have taken the form of the marches to sites important in the 1960s. Freedom University protested at the University of Georgia Arch. The Arch is a local symbol dating back to the 1850s. Originally, it was part of a fence and gate built to secure the campus from the town, but it lost its gate shortly after being built, leaving the border between the town and the campus open to all. The march on the Arch is an important case study in how the undocumented population cross a border in the struggle to craft their identity (Cisneros, 2014, p. 20).

Posts on networking sites called for graduates of Freedom University to march to the Arch in their academic robes. The students celebrating their academic success and their march reminded viewers of a traditional graduation ceremony. Additionally, the use of the Arch by graduates recalls the protests of the early 1960s in Athens. In 1961, some in the UGA community protested the admission of the first African-American students at the Arch, playing out the struggle between the Jim Crow South and an integrated University. The symbolism of that moment echoed as the students who are victims of Georgia's modern segregationist laws paraded through the Arch. They appropriated a symbol that had been exploited by 1960s era segregationists and used the location to celebrate their educational success. In a reference to the Jim Crow laws of the 20th century, the students describe educational restrictions in the South as "Juan Crow" laws (Lovato). In 2010 the GUYA page highlighted a panel the group co-hosted with the Georgia Latino Alliance to describe the Juan Crow laws and the resegregation of the South. The use of the phrase "Juan Crow" is a powerful trope in the effort to decriminalize the status of being "undocumented." Both the African-Americans of the 1960s and today's undocumented students have been made to feel like criminals by laws and statutes.

Freedom University provided the students with a safe space for the development of leadership skills. This informal educational program was established in 2011 to provide undocumented students with a place to continue their education while they identify out-of-state colleges to enroll in at a later date. The students receive a quality education while developing relationships with other undocumented students and local community leaders. They are provided with communicative skills including both public speaking and media relations training (Soltis p. 20). Some of the students received formal debate training as well. In the fall of 2015, a faculty member provided the Freedom University cohort with fundamental argumentation and debate training. By the end of the semester the students were prepared to engage in a policy debate on the status of undocumented students in Georgia. The Freedom University team was invited to visit the University of Georgia to participate in a debate over the legitimacy of the admissions restriction at the University. To ensure the security of the FU students, the advertisement and publicity for the debate did not mention that they were participating in the event. Rather, a large audience gathered expecting to hear only UGA students debate the issue. The Freedom University students were forceful advocates and the significance of their debating at a university that denied them applicant status was not lost on the audience. It was a moving experience for those, including this author, who witnessed their debate skills on display in restricted space. The hope is that the curriculum of Freedom University, including debate training, prepares students for acts of protest, the process finding a college outside of the South, and long-term personal development (English & Trivette, p.865).

A recurrent theme for some political conservatives is that undocumented residents have violated the law and should be labelled criminals. This illegal/legal dualism focuses the debate on the question of whether the undocumented have broken the law. This framework obscures racial undercurrents of policies and limits civic dialogue about immigration. Proponents of a secure border do not discuss the reasons why someone might flee their home country. The dominant rhetoric works to perpetuate a society in which nonwhites are "controlled, marginalized and disciplined" (Lawston & Murillo, 2009, p. 50). The existence of Freedom University pushes back against this rhetorical construction. For many observers, the FU students are bright young people attempting to advance themselves and contribute to their local community. Students in the 21st century, like their predecessors from the 1950s and 1960s inspire those who learn of their efforts to become full contributing members of society.

Drawing a parallel to the civil rights movement, student activists have regularly promoted the use of non-violent protest techniques. In 2011 they participated in a panel on non-violent protest techniques by contemporary protest movements at the Martin Luther King Center. The students pushed the boundaries of citizenship by embracing the notion of educational citizenship as defined by classroom performance, a tactic first espoused at the King Center meeting. The gathering was held in the MLK Freedom Hall, a location, which is both a monument to the bravery of the 1960s Civil Rights movement and a National Park, policed by the Federal National Park Service. The students navigated this conflicted space in their effort to craft better messages. Another meeting at the King Center included a gathering with Civil Rights veterans Constance (Connie) Curry and Charles Black. Curry was the first white woman who served on the SNCC Executive Board and has chronicled the role that women played in the 1960s movement. Charles Black was the SNCC Atlanta Student Movement leader in 1961-1962 and authored an important human rights document during that period. Curry and Black shared the document "An Appeal for Human Rights," with the Freedom University student and the collective group drew connections between the struggles of two seemingly different eras. The struggle to protect the human right to education in the 21st century uses digital communication platforms and contemporary language but relies on the tactics of the 1960s to demand social change.

The activist training for the students was not limited to the classroom setting in Atlanta. Dr. Laura Emiko Soltis, Director of Freedom University, is committed to an activist agenda and embraced sharing a wide range of experiences with students. For example, several of the students attended the fiftieth anniversary of the Freedom Summer in Jackson Mississippi. On that trip the students met Rita Bender a community activist who's spouse was killed by the Ku Klux Klan in 1964. The FU students and Ms. Bender both found the exchange of ideas to be inspiring (Blitzer). On another occasion, the FU students met with Dr. Bernard LaFayette, the architect of the historic Nashville lunch counter protest and the lead organizer of the SNCC Selma campaign. Again, both parties in the dialogue were enthused and left with a rich appreciation of the relationship between the student struggles in the 1960s and today (Soltis).

By 2015 the undocumented students regularly staged protests at the public meeting of the Board of Regents (BOR). While Rule 4.1.6 was not regularly on the Regents' agenda, the students demanded that the Board of Regents rescind the policy. The result of these recurrent protests is that students are arrested and the story is circulated on social media sites and covered in the local press (Davis, 2015). The 2016 fall meeting of the BOR took place the day after the US Presidential Election. In the face of Donald Trump's surprise victory, the students and their supporters again disrupted the BOR meeting and expressed their demand for access to a public college education (Maxouris, 2016, p. 1).

This pattern of protesting at the BOR meetings followed the one time that a Freedom University student was invited to address the BOR on the impact of 4.1.6. In 2011, Keish Kim

spoke against 4.1.6 before the BOR. She affirmed that the undocumented were hardworking students from tax-paying families who made great sacrifices to come to the United States (Georgia Undocumented Youth Alliance, 2011). She attended the meeting wearing a scarlet U to signify her compromised legal position. Her speech contained many of the arguments found in the rhetoric of other undocumented students. Having a student speak before the BOR was an important early moment for the movement. Since that time, the students have availed themselves of the opportunity to speak at meetings and in public locations, sometimes at personal risk. At that meeting, Ms. Kim told the group that at a time in life when students should aspire to great things, 4.1.6 made the students feel naive for believing in the American Dream. In her speech, the position of the opposition was reduced to nothing more than a set of numbers. The technicality of the rule and the lack of a nine-digit social security number were all that prevented these worthy students from attending the college of their choice.

While the students adapt tactics used by others, an important characteristic of their campaign is the willingness to speak on their own behalf. While policy advocates constituted the undocumented students as a political force with the drafting of the DREAM Act, it is the students themselves who serve as their most effective advocates. The students deliver speeches in hostile situations and exhibit a willingness to put themselves at risk. With the election of Donald Trump, supporters and advocates have stepped in to shield the students from some unnecessary risks. For example, Charles Black returned to his role of protestor and was removed from a Board of Regents meeting in 2017 (Aslanian, 2017).

A recurrent element of the rhetorical campaign is the repeated use of the phrase "undocumented and unafraid." In a number of blog posts, leaflets, posters, and YouTube videos in which students declare they will no longer be found in the shadows, but are undocumented and unafraid. This is an important statement in light of the risk of deportation, especially in 2011, 2012 and in 2017. The phrase plays a role in the rhetorical redefinition of citizenship from simply a legal construct that excludes undocumented residents to a cultural one in which students fight for their educational rights. The students are unafraid because they are citizens of an intellectual community and are demanding the state recognize their status.

The early actions by the Trump Administration to restrict immigration impacted the tactics the students and supporters have used. For example, while objections to Rule 4.1.6 were raised at the most recent BOR meeting, most of the protesters arrested were policy advocates rather than students themselves. Moving forward, it will be important to track the ways in which the emerging political environment will impact the Georgia student movement.

The students are aware of the risks involved in the strategy of public protest and the necessity of inhabiting public space. The social networking sites that post upcoming marches and protests also post stories about police roadblocks and of college age residents being deported. The students demand a place at the table at the annual BOR meeting while simultaneously engaging in protests outside the meeting. They also protest on the campuses to which the law denies them access. Students engage in self-risk in ways that recall the protests of the 1960s when the youth protested while risking being drafted into the Vietnam War.

4. CONCLUSION

The locally based undocumented student movement in Georgia is a response to the restrictions imposed by policymakers. With national action on a variety of public policy issues seems unlikely, local responses may be the best path forward for advocates of progressive politics. As we enter this new political moment, local grassroots movements will have more of a role to play in highlighting the need for social change. Groups like the students of Freedom University will continue to push state policymakers to enact progressive

reforms. And, with a focus on local based advocacy and protests, the intergenerational connections that today's students make with 1960s protesters play a critical role in any path forward. The undocumented students can identify with the Civil Rights protesters, which reduces their sense of isolation. They are made aware that this is not the first moment in history that bodies of color have been punished by a set of exclusionary regulations and laws.

The protesters make claims that traditional media outlets have been ineffective in sharing the stories of the undocumented. When coupled with the inability of the national government to act, this condition has moved the students to engage in a targeted local approach. The tactics used have provided a potential pathway forward for undocumented people struggling for their rights in the US. And it is important to note that young immigrants around the world are confronting problems not unlike those described in this paper (Tufecki, 2017). As Nicholls (2013) has observed, "in countries as diverse as France, the Netherlands, the United Kingdom, Belgium, Spain, and the United States, undocumented immigrants have launched high-profile campaigns for greater rights, less repression, and the legalization of their status" (p. 176). In each case, the undocumented are stepping into the public sphere to assert their human rights.

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Gender and enthymematic identification: Trump's argument for masculinity in the 2016 presidential debates

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ABSTRACT: In the 2016 U.S. presidential debates, much of Donald Trump's gendered argument was enthymematic, appealing to audiences' sexism and constructing masculinity as inherent to the presidential office. I incorporate Burke's (1969) definition of identification as a key component of persuasion to theorize a better understanding of enthymematic argument. Verbal and nonverbal enthymemes about gender created identification with some voters and sharpened division with others.

KEYWORDS: debate, division, Donald Trump, enthymeme, Hillary Clinton, identification, Kenneth Burke, masculinity, presidential debates, ISSA

1. INTRODUCTION

Argumentation scholars often argue that the classical definition of enthymeme is an incomplete or truncated syllogism (Aden, 1994; Bitzer, 1959; Burnyeat, 2015; Copi, Cohen, & McMahon, 2016; Madden, 1952; McBurney, 1936). However, Smith (2007) noted, "truncation is not a requirement" (p.16), quoting Madden to suggest that "Aristotle does not define the enthymeme as a truncated syllogism. He only indicates that frequently arguments ought to be truncated" (Quoted in Smith, p. 116). Smith argued that such definitions reduce the enthymeme to a "procedural matter" in a move that neglects "several significant attributes" of enthymemes (p. 115). Instead, Smith drew on the Prior Analytics and Madden (1952) to examine enthymeme as a probable syllogism with three distinguishing aspects: it "involves probable premises and conclusions" (p. 116); it includes emotion and ethics as part of argument (p. 117); and, some point of agreement between the audience and the speaker is necessary (p. 117).

As scholars have incorporated enthymeme into explorations of visual argument (Barbatsis, 1996; Birdsell & Groarke, 2007; Blair, 1996; Finnegan, 2001; Medhurst & Desousa, 1981), many have defined it in the popular sense of an incomplete syllogism (e.g. Finnegan, 2001). Smith argued that returning to Aristotle's concept of enthymeme can provide a more fruitful understanding of enthymemes in visual argument. She noted that multiple enthymematic interpretations are possible which makes visual enthymeme "consistent with Aristotle's assertion that enthymemes employ probable premises and conclusions" (p. 119). She argued,

> Probabilistic visual enthymemes consisting of probable premises comport well with our everyday experience. Within cultural frameworks, we understand visual aspects of nonverbal communication to carry a limited and likely range of meanings. (p. 120)

This definition allows for enthymematic consideration of ethics and emotions and consideration of the relationship between the speaker and the audience or audiences. Smith argued that visual enthymemes may address ethical and emotional concepts, "Enthymemes consist not only of logical propositions, expressed or implied, but also appeals to emotion and character. For

Aristotle . . . even an emotional response requires reasoned judgement" (p. 120). Additionally, visual enthymemes promote identification between arguer and audience. She wrote, "To be persuasive, enthymemes must identify with common opinions of their intended audiences. Creators of visual enthymemes discover these common opinions in context and culture" (p. 120). Because common opinions "are not homogenous," different audiences will understand and incorporate arguments in vastly different ways. Thus, Smith's return to Aristotle's enthymeme opens the concept of arguing to a "rhetor who creates images that identify with an audience's common opinion" (p. 121).

Smith rightly pointed out that viewing visual enthymeme in an Aristotelian sense . . . draws attention to the process of forging agreement, when persuasion succeeds, and to the possibility of dissension, whether spoken or unspoken, when it fails" (p. 122). In this essay, I rely on Smith's definition of visual enthymeme to examine verbal and nonverbal enthymemes in the debates between then Presidential Candidates Hillary Clinton and Donald Trump. In particular, I incorporate Burke's notion of identification to suggest that an audience's failure to identify with an enthymeme may not be failure as Smith suggests. Rather, it may be intentional and strategic on the part of the arguer to fail with one audience in order to succeed with another. First, I examine Burke's concept of identification. I then discuss Trump's intended audience and examine key moments in the Trump v. Clinton debates, arguing that Trump made a deliberate argument for masculinity as a precondition to holding a presidential office.

2. BURKEAN IDENTIFICATION AND ENTHYMEME

Kenneth Burke's explication of identification included the three elements Smith cited as crucial to enthymemes: a probabilistic premise, agreed interests between the arguer and the audience, and the inclusion of ethical implications in regards to "emotions and character" (Smith, 2007. p. 120). First, identification is neutral on face and can be used to promote "love" (Burke, 1969, p. 20) or "malice and the lie" (p. 45) and any range of ideas in between. Indeed, identification can promote a thesis that is more or less probable.

Second, identification relies on some shared idea between the arguer and audience. Burke defined identification as the pointing to areas of joined interest or established similarities between arguer and audience. He wrote, "A is not identical with his colleague, B. But, insofar as their interests are joined, A is identified with B" (Burke, 1969, p. 20). In this process of establishing shared interests, the audience and arguer are both one entity and separate individuals at the same time. In other words, their motives are not entirely aligned even though they share some common trait. Burke wrote, "In being identified with B, A is "substantially one" with a person other than himself. Yet, at the same time, he remains unique, an individual locus of motives" (Burke, 1969, p. 21). Thus, arguer and audience become consubstantial, sharing some understandings, emotions, ideas, or attitudes for common gain (Burke, 1969, p. 21). Burke explained,

> A doctrine of consubstantiality, either explicit or implicit, may be necessary to any way of life. For substance, in the old philosophies was an act; and a way of life is an acting-together; and in acting together, men have common sensations, concepts, images, ideas, and attitudes that make them consubstantial. (Burke, 1969, p. 21)

Consubstantiality may exist in material or entirely symbolic realms. It may be the common need for food or water or a shared abstract desire for something beyond reach. Burke explained,

> The resources of identification whereby a sense of consubstantiality is symbolically established between beings of unique status may extend far in to the realm of the idealistic. And . . . out of this

Note that the counterpart of identification is division. Identification cannot exist with one audience without dividing the arguer from another audience.

Third, the ethical implications of identification as a strategy range from those of virtue to those of vice, depending on who uses that strategy, for what purpose, and what audiences are implicated. Burke called division the "ironic counterpart" of identification and noted that inherent the inability to "know for certain just where" identification "ends and" division "begins, and you have the characteristic invitation to rhetoric" (Burke, 1969, p. 25). When mixed states of identification are extant, messages may become confusing or jumbled. What may be persuasive for one audience may alienate another, allowing for manipulation. Burke wrote, "Rhetoric is concerned with the state of Babel after the fall . . . [and] . . . must often carry us far into the lugubrious regions of malice and lie" (Burke, 1969, p. 22). Burke's warning went further to warn against deception. He wrote,

> If an identification favorable to the speaker or his cause is made to seem favorable to the audience, there enters the possibility of malice and the lie; for if an identification favorable to the speaker is made to seem favorable to the audience, there enters the possibility of such "heightened consciousness" as goes with deliberate cunning. (Burke, 1969, p. 45)

Thus, identification as an argumentative tool may be risky for the audience because the end pursued by the arguer may not be partially or wholly in the interest of the audience. Burke explained,

> When two men collaborate in an enterprise to which they contribute different kinds of services and from which they derive different kinds and amounts of profit, who is to say, once and for all, just where "cooperation" ends and one partner's "exploitation" of the other begins?" (Burke, 1969. p. 25)

Burke used that example of a shepherd who appears to promote the "good of the sheep" but is actually "raising the sheep for market" (Burke, 1969, p. 27). This danger makes the moral status of the arguer particularly important. Burke wrote,

> The rhetorical concept of "identification" does not justify the excess to which such doctrinaire tendencies can be carried. But, it does make clear that one's morality as a specialist cannot be allowed to do duty for one's morality as a citizen. Insofar as the two roles are at odds, a specialty in the service of sinister interests will itself become sinister. (Burke, 1969, p. 31)

Such "temptations to strife are implicit in the institutions that condition human relationships" but do not foreclose the possibility for "identifications in the order of love" (Burke, 1969, p. 20). Identification in and of itself, remains neutral, allowing for moral implications in practice.

3. IDENTIFYING TRUMP'S AUDIENCE

Burke's explanation of identification in concert with Smith's concept of enthymeme may produce productive results as critical tools. Because enthymematic identification is probabilistic, it need not rely on verifiable facts to be effective for its intended audience. Instead, it is an argument forged on some agreement between rhetor and audience, one that need not be true. It need only rely on some emotional bond between arguer and audience. Its moral implications may cut against both included and exclude audiences. In the 2016 Presidential debates, Trump made an argument for a certain brand of masculinity as a precondition to

presidential office. His argument was enthymematic and relied on identification with a particular segment of the United States public. Rather than appealing to all citizens, Trump made a deliberate choice to forge extreme identification and division. He enacted an appeal to a particular audience that felt left behind by social change. First, I describe the audience and then I give examples to examine how Trump's argument for white masculinity in the presidency functioned.

Trump was functioning in what the *Economist* called, "post-truth politics," and environment where "truth is of secondary importance" shifting political lies from an effort to promote a "false view of the world" to lies that are "not intended to convince elites, whom their target voters neither trust nor like, but to reinforce prejudices" (*The Economist*, 2016, p. 9). Educated, progressive elites were not only shocked and offended by Trump's use of identification, they decried it every turn. For example, *The Nation's* editorial endorsing Clinton, stated that Trump engaged in a "daily torrent of ignorant, offensive, and alarming views" (p. 3). *The Nation* continued,

> The perils of Trumpism go beyond one man. Trump leads a party that has sought to normalize a cruel and unusual politics . . . Throughout the election, Trump has insulted women, questioned the patriotism of Mexican and Muslim Americans, incited hatred of refugees, mocked a disabled journalist, and depicted the lives of African Americans as a "total catastrophe" (Nation, 2016, p. 4)

The previous quote demonstrates progressives' shock at Trump's choice to exclude them as an audience. Trump used division not as an ironic counterpart of identification but as an overt strategy designed to shock and appal some while empowering others. Trump did not seem see division as an unfortunate side effect. Rather, he delighted in dramatically upsetting progressive audiences while serving as the charismatic, morally challenged leader of a new underclass.

Trump used both identification and division strategically. His unapologetic alienation of particular groups curried favor with a particular segment of the electorate and his appeals deceived as he shirked his "morality as a citizen" by promoting problematic arguments for identification with the purpose of self-promotion. To understand how Trump manipulated identification and division in the debates, one must interrogate the motives of his audience. Hochschild (2016) interviewed many Trump supporters and Tea Partiers seeking their perspectives. She found a common deep story. Based on emotional responses to how they experienced cultural change, many Trump supporters embraced this "feel-as-if-it's-true story, stripped of facts and judgements that reflected feelings underpinning opinions and votes. It was a story of unfairness and anxiety, stagnation and slippage—a story in which shame was the companion to need" (Hochschild, 2016, p. 22). The story itself was simple narrative. Hochschild wrote,

> The deep story of the right goes like this:
> You are patiently standing in the middle of a long line stretching toward the horizon, where the American Dream awaits. But, as you wait, you see people cutting the line ahead of you. Many of these line cutters are black . . . some are career driven women pushing into jobs they never had before" (Hochschild, 2016).

Not only were others cutting in line, but "the line for advancement toward the American dream of secure prosperity has grown very long. Sometimes it seems to have stopped moving" (Purdy, 2016, p. 50). Trump's audience felt that these line cutters were "newcomers . . . playing by their own rules to get ahead" (Purdy, 2016, p. 50). Essentially, they were changing the rules and "moving the goal posts, undercutting . . . lives of working hard, waiting patiently, and playing by the rules" (Purdy, 2016, p. 50). Combine this with feeling "disrespect for holding their values" and being insulted by progressive media outlets who labelled them "backward," "ignorant," or "rednecks" and they emerged as a motivated audience (Hochschild, 2016, p. 26).

As Purdy (2016) noted, in this context, "the meaning of identity politics has changed . . . Now there is a white, Christian, nativist identity politics espoused by people who . . . regard themselves as members of an aggrieved minority" (Purdy, p. 53). Before the 2016 election, Goldhammer identified the danger that Trump might energize this group, he wrote,

> Accurate or not, what fuels the anger of those who see themselves as displaced an despised is the belief that, while they are prepared to sacrifice self interest to honor and country and receive nearly nothing in return, newly included groups—blacks, women, gays and lesbians, immigrants—are welcomed with open arms by elite institutions and given a leg up in competition for high status jobs . . . .Revolutionary social changes that have brought a black man . . . to the White House have conspired to make the 2016 election a moment of real danger, unleashing anger of such astonishing intensity that the election of a man with evident authoritarian instincts by a relatively prosperous and flourishing democracy is not . . . unthinkable. (Goldhammer, 2016, p. 14)

Trump forged identification with this audience, emerging as their charismatic, self-interested leader. Hochschild quoted Sharon Galicia, a Trump supporter, explaining Trump's appeal to this group, "They see him as very strong. A blue-collar billionaire. Honest and refreshing, not having to be politically correct. They want someone that's macho, that can chew tobacco and shoot guns—that type of manly man" (Quoted in Hochschild, 2016, p. 28). Trump's brand of masculinity combined with his ability to shame "virtually every line cutting group in the Deep Story—women, people of color, the disabled, immigrants, refugees" (Hochschild, 2016, p. 29). Because the deep story that Hochschild identified involved losing status and power, Trump's ability to weaponize shame as a mechanism of division resulted in a "national theater of shame" where Trump saved his followers from having to admit their "pain by publically shaming others instead" in a public spectacle of the "pleasure of public humiliation" (Haslett, 2016, pp. 16-17). This audience may have been hungry for others' pain as a way of denying their own.

Statistics support some of these claims about Trump supporters. "A Public Religion Research Institute (PRRI) poll released in the spring of 2016 found that 50% of Trump supporters said that it benefits society for men and women to stick to roles for which they are naturally suited. By the fall of 2016, 64% of Republican respondents to another PRRI poll said that society as a whole had become too soft and feminine" (Dittmar, 2016, p. 6). Additionally, according to *Presidential Gender Watch*,

> A PerryUndem study from early 2017 found that men also underestimate the frequency of sexist treatment experienced by women. In fact, the majority of Trump's male supporters in the fall of 2016 felt that they were the victims of gender discrimination, according to PRRI; 58% of Trump supporters surveyed in fall 2016 agreed that "these days society seems to punish men just for acting like men. (Dittmar, 2016, p. 7)

Enter Hillary Clinton and the general election debates. In his public statements, Trump used her gender to humiliate her and to enact a form of toxic masculine power that, for his followers, promised to make America great again. In this essay, I focus on Trump's use of verbal and visual enthymeme in the debates that forged identification with his intended audience and capitalized on the division it created. From this perspective, calls of sexism and unfairness, not only failed, but they played into Trump's hand. Clinton's callouts of Trump's sexism and her calls for respect bolstered Trump's masculine power in the eyes of his intended audience. James Fallows described the situation thus, "The potential first woman president of the United States who is often lectured about being too "strident" or "shrill," is up against a caricature of the alpha male, for whom stridency is one more mark of strength" (Fallows, 2016, p. 78).

4. TRUMP'S MASCULINIST ENTHYMEME

To explore masculinity as enthymeme in the debates, I focus on three broad examples of masculinist enthymemes from the 2016 general election. These examples evidenced Trump's argument for masculinity as a requirement for office. First, Trump used aggressive nonverbal behaviour through pointing, facial expressions, and lurking during the Town Hall debate. Second, he cast Clinton in the role of the stereotypical woman who is a liar, is ineffective, never stops talking, and is subject to the power of and responsible for the actions of her husband. Finally, he used pacing, interruption and interjection, direct and indirect insults to control the pacing and tone of the debates.

Three images, one from each debate, illustrate Trump's visual depiction of masculine power in the debates. In the image from the first debate, Trump and Clinton shake hands as he pulls her arm toward him in his signature move. His position shows control of the handshake. He also stands slightly behind Clinton who smiles widely while Trump clenches his mouth in a dominant way. Standing behind her suggests a posture of control (Segar, 2016).

In the second debate, Trump was widely criticized for lurking behind Clinton in a menacing way. Both pro and anti-Trump audiences might have read this as an exertion of masculinity in which Trump played on greater physical size and power commonly attributed to men. Additionally, the second image shows Trump grabbing his belt buckle while standing behind Clinton, an apparent reminder that he is masculine while she is not (Wilking, 2016).

The image from the third debate is a composite side-by-side depiction of both candidates pointing. The difference is stark, Clinton's elbow is pointed down and forearm is turned slightly up. Her finger is only partially extended. Trump is pointing from the shoulder with his forearm turned out to point away from him in a poking motion. His posture demonstrates power and dominance associated with his brand of masculinity (AP, 2016). For those who feel their masculinity is threatened, these images provide strong emotional reassurance that Trump would exert masculine power in office.

A second way that Trump pushed a masculine enthymeme was by casting Clinton as a stereotyped woman who is a liar, is not only ineffective but has bad motives, never stops talking, is subject to her husband while also being responsible for his actions, and relies on her emotions. First, He repeatedly called her a liar in a variety of contexts, expressing outrage and a desire to protect the American public from her lies. For example, in the second debate, he said,

> If I win, I am going to instruct my attorney general to get a special prosecutor to look into your situation. Because there has never been so many lies, so much deception. There has never been anything like it. And we're gonna have a special prosecutor. When I speak, I go out and speak, the people of this country are furious. (Clinton & Trump, 2016b)

The claim that never have so many lies been forwarded relies on negative feminine stereotypes and suggests Clinton's candidacy is unique, subtly reminding audience of the other unique feature of her campaign—being the first female candidate for president to represent a major party in the United States.

In another example from the third debate, Trump accused Clinton of inciting women to lie about him and generating false charges against him. He said,

> I didn't even apologize to my wife . . . because I didn't do anything. I didn't know any of these women. I didn't see these women . . . . And I think it's her campaign because what I saw what they did, which is a criminal act, by the way . . . I believe, Chris, she got these people to step forward . . . . it was all fiction. It was lies and it was fiction. (Clinton & Trump, 2016c)

This passage is notable not only because it accuses Clinton of promoting falsehoods, it more generally accuses all of his accusers of lying for attention, in order to "get their ten minutes of

fame." Note that Trump used the phrases "these women" and "these people" in a move that verbally constructed them as the other.

Trump repeatedly cast Clinton as ineffective, another common feminine stereotype. He said, of international trade agreements, "She's been doing this for 30 years. And why hasn't she made the agreements better?" (Clinton & Trump, 2016a). He repeated claims to her ineffective 30 year tenure. He said,

> And all you have to do is look at Michigan and look at Ohio and look at all of these places where so many of their jobs and their companies are just leaving, they're gone.
>
> And, Hillary, I'd just ask you this. You've been doing this for 30 years. Why are you just thinking about these solutions right now? For 30 years, you've been doing it, and now you're just starting to think of solutions.
>
> . . . I will bring back jobs. You can't bring back jobs. (Clinton & Trump, 2016a)

In another example, Trump accused Clinton of lying about past policy positions and being ineffectual. He said, "Hillary Clinton wanted the wall. Hillary Clinton fought for the wall in 2006 or there abouts. Now, she never gets anything done, so naturally the wall wasn't built. But Hillary Clinton wanted the wall" (Clinton & Trump, 2016c).

Trump accused Clinton of talking too much about international issues she knew nothing about. For example, he said,

> Now, with that being said, she talks tough against Russia, but our nuclear program has fallen way behind . . . . Now, she talks tough. She talks really tough against Putin and against Assad. She talks in favor of the rebels. She doesn't even know who the rebels are. (Clinton & Trump, 2016b)

The idea that women talk too much and know little is commonly used to discredit women by encouraging others not to listen to "feminine chatter" which lacks valid content.

Trump blamed Clinton for her husband's actions while in office, undermining her status as an individual candidate. In the first debate he said, "Your husband signed NAFTA, which was one of the worst things that ever happened to the manufacturing industry" (Clinton & Trump, 2016a). For example, he said that if he was elected, "We will be doing very much better with Mexico on trade deals. Believe me. The NAFTA deal signed by her husband is one of the worst deals ever made of any kind signed by anybody. It's a disaster" (Clinton & Trump, 2016c). He repeated the same claim later in the debate, stating, "We have horrible deals. Our jobs are being taken out by the deal that her husband signed. NAFTA. One of the worst deals ever. The jobs are being sucked out of our economy" (Clinton & Trump, 2016c).

He blamed her for Bill Clinton's infidelity and other offenses against women, accusing her of attacking Bill Clinton's accusers. He said,

> Bill Clinton, far worse. Mine are words and his was action. His words, what he has done to women. There's never been anybody in the history of politics in this nation that has been so abusive to women. So you can say any way you want to say it, but Bill Clinton is abusive to women. Hillary Clinton attacked those same women, and attacked them viciously. (Clinton & Trump, 2016b)

In this way, Trump challenged Clinton's claims to support women's rights softening the impact of his negative behaviour that the Access Hollywood tape revelaed. For his audience, Trump may have managed to make Clinton look both ineffective at controlling her husband and to cast her as a victimizer of other women.

Trump suggested that Clinton reacted in anger and emotion to the *D.C. vs. Heller* decision. He said, "She was extremely angry about it. I watched. I mean, she was very, very

angry" (Clinton & Trump, 2016c). In this way, he not only attacked for failing to support for the Second Amendment, but he also hinted at the risk of having an angry woman in the White House.

Finally, Trump used interruption and interjection, direct and indirect insults to control the pacing and tone of the debates. While numbers and definitions of interruption differed, most people who were counting agreed that Trump interrupted or interjected while Clinton was speaking far more often than the she interrupted him in the first debate (Koerth-Baker, 2016). Across all three debates, he continued this pattern of interrupting her far more than she interrupted him. According to Johnson and Wilson, he interrupted 55 times in the first debate, 15 times in the second debate, and 48 times in the third debate (Johnson & Wilson, 2016). Despite the fact that he interrupted more, he complained that the second debate was "one on three" due to lack of adequate moderator focus on Clinton's emails (Clinton & Trump, 2016b) and suggested that the election would be rigged in her favor. Numerous interruptions and interjections allowed him to comment directly as she spoke, to control the flow of the debates.

Trump used indirect and direct insults ranging condescendingly making a point of calling her Secretary Clinton to make her "very happy" because it was "very important" to him (Clinton & Trump, 2016a) to calling her a "nasty woman" in the third debate. He suggested that she lacked the temperament to be president. He said, "I have better judgment than she does, there's no question about that. I also have a much better temperament than she has, you know? . . . I think my strongest asset, maybe by far is my temperament, I have a winning temperament, I know how to win. She does not (Clinton & Trump, 2016a). Trump also claimed she had no business acumen, one of his major selling points. He said, "She has no business ability . . . you have to have some basic ability. And sadly, she doesn't have that" (Clinton & Trump, 2016a). Finally, he said, she did not have the look or the stamina to be president. He said,

> She doesn't have the look . . . I said she doesn't have the stamina, and I don't believe she does have the stamina. To be president of this country, you need tremendous stamina . . . You have to be able to negotiate . . . With Japan, with Saudi Arabia . . . You have so many different things, you have to be able to do, and I don't believe that Hillary has the stamina. (Clinton & Trump, 2016a)

The choice of Japan and Saudia Arabia as examples suggests a gendered component to this comment as the west has long viewed both as heavily patriarchal cultures which might have difficulty negotiating with a woman. Lack of stamina or the proper look to be president is also gendered as women may be stereotypically considered the weaker sex.

5. CONCLUSION

Understanding enthymeme as probabilistic allows for examination of arguments with which a critic may disagree. It also allows critics to investigate claims that may be non-verifiable or untrue in order to understand the emotions and perspectives of target audiences. Additionally, combining Smith's definition of enthymeme with Burke's understandings of enthymeme allows argument critics to theorize the strategic use of division. Trump, in fact, is accomplished at using division to shock and silence his opponents. Until his use of division is better understood, it will be hard to mount an effective argumentative response. Assuming that division is failure, not strategy, ends the discussion. As critics of argument, we must look to the argumentative proceeds of both identification and division. Finally, more work needs to be done on Trump's use of division as a strategy to target immigrants, black people, Muslims, women, and others. Clearly, Trump's argument for masculinity in presidential office resonated with some. It is our job, as critics of argument, to interrogate why and how that happened.

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Dialogical aspects of appeals to authority in Spanish and Polish disputes about cultural objects

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ABSTRACT: We present a study of the use of appeals to authority in debates on controversial cultural objects. Based on an empirical analysis of debates about the Palace of Culture an Science (Poland) and the Valley of the Fallen (Spain), we analyse the dynamics of this type of debate and we identify a new phenomenon, named historical ethos, where speakers attack or support authority of the historical figures associated with those monuments to argue about them.

KEYWORDS: authority, corpus analysis, cultural objects, historical ethos, Inference Anchoring Theory

1. INTRODUCTION

This paper addresses an empirical study of the use of appeals to authority in debates on controversial cultural objects in the realm of cultural heritage (Sullivan 2015). During the last two years, discussions about those cultural objects that represent historical figures have been gaining importance in the public domain. An example of this type of disputes is the case of Edward Colston, a slave trader and philanthropist from Bristol (United Kingdom) who bequeathed his wealth to charities[1]. His figure is honoured all over the city with several streets, statues and some buildings. Nowadays these objects are strongly criticised by the descendants of the slaves that were part of his business. Thus, policy makers have to decide upon the future of some of these monuments that honours him.

The initial hypothesis of this study was that in this genre speakers are using a mixture of logos and ethotic arguments. In order to validate or refute this hypothesis, we have conducted and empirical study consisting of the analysis of two real debates about controversial cultural objects in Poland (the Palace of Culture and Science) and in Spain (the Valley of the Fallen). We have selected two radio debates, one in Spanish and the other in Polish, with several speakers each and being them mainly journalists. In total, our corpora contain around 12,000 words, and it was analysed using Inference Anchoring Theory (IAT) (Budzynska and Reed

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[1] https://www.bbc.com/news/uk-england-bristol-42404825

2011), a theoretical framework that allows us to connect the argument structure with the dialogical structure.

Notwithstanding, the analysis of our corpora revealed that these types of arguments are not as frequent as we expected. We discovered that references to the historical figures represented by these cultural objects play an essential role in these debates. Most of arguments discuss in fact whether or not some people have a good character so that they should be still honoured by such cultural objects. This then influence the decision or whether the cultural objects should be preserved or removed. This led us to consider the ethotic dimension as a key element of these debates.

Ethos is one of the three modes of persuasion, together with logos and pathos (Aristotle, 1991). Logos refers to the argument structure of the speech delivered by a speaker, pathos is related with the emotions and feelings of the hearer and ethos refers to the credibility of the speaker. It has been widely studied in modern argumentation theory, considering ethotic arguments (Brinton, 1986) through the study of the elements of ethos as interpersonal argumentation (Budzynska, 2010) or source indicators reasoning (Walton, 1998). In (Budzynska, 2013), a new model for the analysis and representation of ethotic structures independent of logos is presented, where a non-argumentative interpretation of ethotic utterances, just as simple assertions, can avoid the ethotic self-referential circularity fallacies.

After our analysis, we discover a new concept of ethos that we name *historical ethos*. In most of the arguments, ethotic manoeuvres are used to attack or support authority of historical figures associated with these cultural objects. This is different to the Aristotelian concept of ethos, since historical figures cannot be part of the debate as an active speaker and this is specific for the realm of cultural heritage.

The paper is structured as follows. In Sect. 2, we give an overview of cultural objects and cultural heritage realm and IAT. Sect. 3 and 4 describe our initial hypothesis with Sect. 3 presenting the use of the argument from authority scheme in cultural heritage debates and Sect. 4 describing the case of arguments based on logos structures. Sect. 5 characterises the notion of historical ethos with some examples. Finally, Sect. 6 summarises our main conclusions and future work.

2. BACKGROUND

This section introduces the notions of cultural object and cultural heritage, the two key elements in the debates about controversial cultural objects, and IAT, the theoretical framework that we apply in our analysis.

2.1 Cultural objects

Cultural heritage is defined as the legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and preserved for the benefit of future generations (Sullivan, 2016). Cultural heritage can be divided into three main categories: tangible culture, intangible culture and natural heritage. Tangible culture comprises elements such as buildings, monuments, works of art, monuments, etc.; intangible category denotes things such as folklore, traditions language, knowledge, etc. and, natural heritage refers to natural environments and biodiversity. Some well-known examples of tangible cultural objects are the Alhambra in Granada (Spain) or Michelangelo's David in Florence (Italy); of intangible are the Mediterranean diet in some countries of Europe or the beer culture in Belgium; example of natural heritage are Galápagos islands (Ecuador) or Serengeti National Park (Tanzania).

In this paper, we focus on controversial cultural objects, those physical artifacts or tangible elements which maintenance in the present and for the future is under discussion. This type of disputes uses to appear in the public domain, such as radio or TV programs, and involve different stakeholders, such as citizens, public administrations, experts in cultural heritage, etc. The arguments exposed there have a real impact on the decisions of policy makers about the future of this type of monuments, which makes these discussions even more relevant. On the other hand, any object or cultural manifestation that is not adequately supported or valuated by the surrounded community is a candidate to be removed from cultural heritage since it does not satisfy the mentioned definition.

During the last two years, debates about controversial cultural objects has been gaining importance in the public domain. For instance, as we said, in the city of Bristol (United Kindgom), the historical personage Edward Colston[2] is dividing its dwellers. He is honoured with several streets, statues and buildings all over the city because he bequeathed his wealth to charities, but a wealth acquired as a slave trader. The descendants of the slaves argue that they are still suffering the consequences of his business (e.g., they have a worse economic situation) meanwhile the other position argues that a lot of people were helped through charity thanks to his money and he deserves these honours.

In order to develop our research, we selected two very well-known cases of controversial cultural objects in Poland and in Spain: the Palace of Culture and Science (PKiN) in Warsaw and the Valley of the Fallen (VdC) near Madrid.

The PKiN, built in 1955, hosts several companies, public institutions and cultural activities in its 42 floors. In was originally named as "Josef Stalin Palace of Culture and Science" and, although Stalin's name was removed during the *destalinization* process, a debate about this building has arisen in Warsaw's public domain about whether it should be preserved or not for future generations. As a resource data, we selected the discussion between Sebastian Gajewski, the representative of the *Ignacy Daszyński Centre* and Michał Rachoń - the journalist working in the Polish national television. The program was broadcasted in the in the Polish national radio *Polskie Radio 24* on the 16th of November 2017. The full transcript of this discussion has 6,253 words.

The VdC is a religious complex and monumental war memorial built by the Spanish dictatorship Francisco Franco. It was officially inaugurated in 1959 and he was buried there in 1975. After the Spanish Historical Memory Law in 2007, a public debate appeared about its future; discussing whether this symbol of Spanish fascism should be preserved or not. For our research, we create a corpus from a debate broadcasted in the Spanish radio *Onda Cero* (10th of May 2017), with three speakers (the journalists Elisa Beni and Ana Pardo de Vera and the historian Fernando Iwasaki) and moderated by the Spanish journalist Julia Otero. The full debate was transcribed and it has 6,662 words.

2.2 Theoretical Framework: Inference Anchoring Theory

IAT (Budzynska and Reed 2011) is the theoretical framework that we applied in our analysis. Its main motivation is to explain and capture how a dialogue, a complex communicative structure that follows a protocol (Reed 2006) is linked to the argument structure of the communicative act; i.e., IAT allows us to connect communicative structures with argumentative ones. The general idea of IAT is sketched in the following brief dialogue:

(1)   a. Bob: *p is the case*.
       b. Wilma: *Why p?*
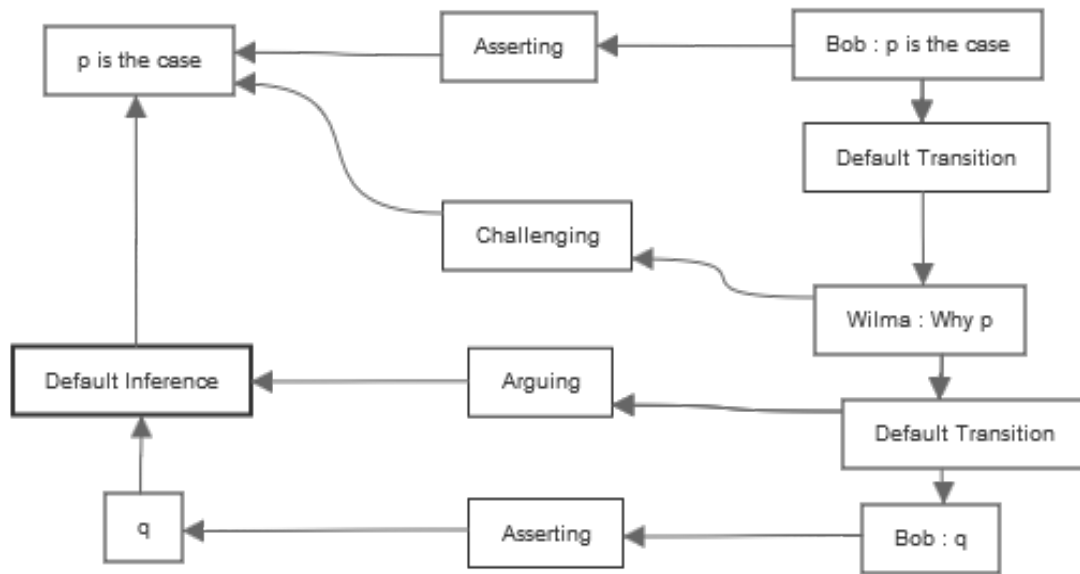   c. Bob: *q*.

Figure 1. Interaction between argument and dialogue in IAT.

Fig. 1 shows the IAT structure corresponding to Example (1)[3]. On the left-hand side, the argumentative structure is represented, where the main claim or conclusion "p is the case" is supported by the premise "q". The named "Default Inference" box, which connects the premise and the conclusion, denotes that this is precisely an inference relationship.

IAT considers three basic types of relations between propositional contents:

- Relations of inference: They connect premises with conclusions, where premises are supporting conclusions.
- Relations of conflict: They connect propositions that are attacking each other.
- Relations of rephrasing: Two propositions that have approximately the same meaning.

On the right-hand side, the dialogical structure is drawn. The locutions (utterances) performed by each one of the speakers in each turn of the dialogue are contained in the boxes. These are connected by means of "Default Transition" boxes, which comprise the dialogue rules that guide the communicative interchange (Reed 2010). These rules may have a more informal character (as in natural discourse) or a more formal one (such as protocol in a dialogue game) (Prakken 2006).

The middle part of the diagram shows the illocutionary connections, which "anchor" the argumentative structure with the dialogical one. Illocutionary connections are based on the illocutionary forces (Searle 1969) and they capture the intention of the speakers in each movement of the dialogue. Illocutionary connections can be anchored both in transitions and in locutions:

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[3] This diagram has been generated using OVA+ (Reed 2014), a web tool that support the analysis of arguments and it is compatible with IAT.

- Anchored in locutions:
  - Asserting
  - Questioning: Pure questioning, assertive questioning and rhetorical questioning
  - Challenging: Pure challenging, assertive challenging and rhetorical questioning
  - Popular concession
- Anchored in transitions:
  - Arguing
  - Disagreeing
  - Restating
  - Agreeing

IAT is compatible with *Argument Interchange Format* (AIF) (Chesñevar 2006), a standard ontology for the representation of argumentation and arguments. This makes possible the storage of IAT diagrams into AIFdb[4] (Lawrence 2012), which facilitates their computational treatment.

In addition to the argumentative structure, IAT also can represent ethotic structures (Budzynska 2013). Ethos, defined by Aristotle as the character of the speaker, plays an essential role in argument schemes such as arguments from authority of arguments from expert opinion. Example (2) shows a case of ethotic relationship, where Wilma is attacking Bob's ethos saying that he is not authorised to talk about *p*. Fig. 2 shows the corresponding IAT diagram, where Bob's ethos is represented by means of a new box and Wilma's attack by means of a relation of conflict ("Default Conflict"); in the case of ethotic support the relation is labelled as "Default Inference".

(2)   a. Bob: *p is the case*.
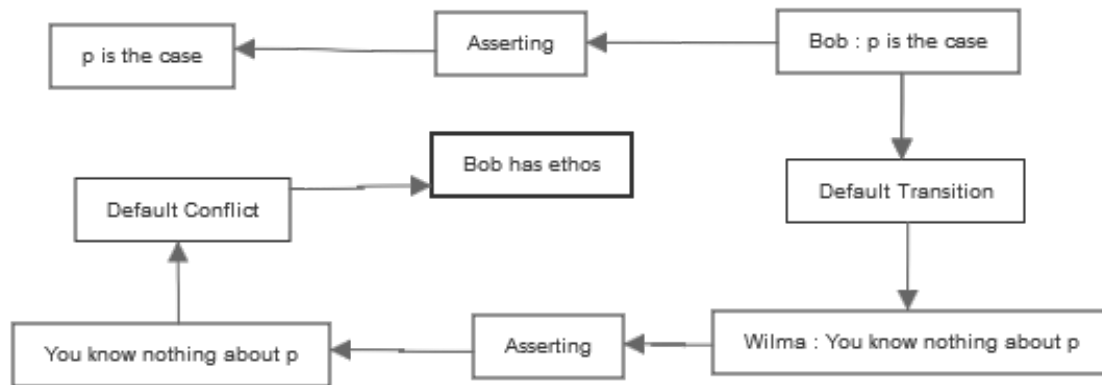   b. Wilma: *You know nothing about p.*

Figure 2. Example of ethos attack in IAT.

The use of IAT as the theoretical framework in our research allow us to analysis both logos and ethotic arguments, which is an essential step in the evaluation of our working hypothesis.

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[4] www.aifdb.org

3. ARGUMENT FROM AUTHORITY

Our initial working hypothesis, drawn from argumentation theory, was that a mixture between logos and ethotic arguments, such as arguments from expert opinion (e.g. historians, architects, lawyers, etc.) or arguments from authority (such as collective of victims) would be predominant in debates about controversial cultural object. These, most of the times, involve several technical questions (related with maintenance, legal requirements, historical meaning, etc.) in order to achieve a well-founded decision. In addition, policy makers have to justify their decision in front of public opinion and this type of arguments seems to be quite persuasive to achieve this aim.

The argumentation scheme approach (Walton, Reed & Macagno, 2008) provides us with an initial conceptual framework allowing to seek for typical reasoning patterns related to authority. Despite the variety of authority-related argumentation schemes such as argument from expert opinion, argument from position to know, and argument from authority (e.g. Walton 1997) as well as the diversity of argumentation schemes for arguing about authority (e.g. Araszkiewicz & Koszowy, 2016). For the purpose of this paper, we will refer to one pattern, namely to the general argumentation scheme for appealing to deontic or administrative authority, which has the following form (Walton & Koszowy, 2017):

Major Premise: δ is an administrative authority in institution X.
Minor Premise: According to δ, I should (or I should not) do a.
Conclusion: I should (or I should not) do a.

This reasoning pattern is in our view most suitable as a general structure that could be helpful for identifying arguments from authority in the disputes about the cultural heritage. For our initial hypothesis was that because of the fact discussions about cultural objects are mostly about what *should be done* with some cultural objects (either revere or remove them), this argumentation scheme is quite typical for appealing to authority in the cultural heritage disputes and it constitutes our point of reference.

We have analysed Spanish and Polish corpora looking for examples to validate our working hypothesis. In the Spanish dataset, we have found Example (3), which a clear example of argument appealing to authority. Julia Otero, journalist and moderator of the debate, said:

(3)   a. Julia Otero: *Julián Casanova [...] is the great historian of the Spanish Civil War, he was the right person to give an opinion and he has said that it is good to keep the Valley of the Fallen, but explaining, where is it? what happened? who did it?*
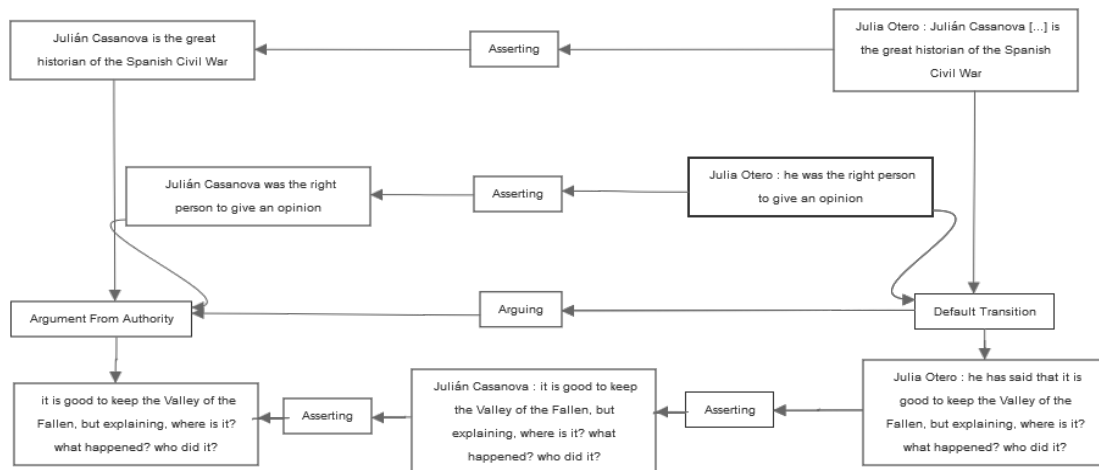

Figure 3. Argument from authority in the debate about the Valley of the Fallen.

Figure 3 shows the IAT structure. It includes a case of reported speech, where the main claim of Julia Otero is a quotation of the expert, Julián Casanova, and she is bringing his opinion into the debate. With respect to the argument structure, this conclusion, "it is good to keep the Valley of the Fallen, but explaining, where is it? what happened? who did it?", is supported by two propositions that provide information of Julián Casanova as an authority to talk about the VdC, since he "is the great historian of the Spanish Civil War" and "he was the right person to give an opinion".

However, in contrast to our initial hypotheses, this type of arguments is very rare in our data. We just found this single example in Spanish and Polish corpora, which denotes that is not as frequent as we were assuming.

4. LOGOS IN DISPUTES ABOUT CULTURAL OBJECTS

Logos arguments is the other type of arguments that we considered in our initial hypothesis. These do not include any ethotic component, but they usually refer just to intrinsic properties of the controversial cultural object. For instance, let us consider Example (4) (and Fig. 4) from the Spanish corpus, where Elisa Beni, one of the journalists that participates in the debate said:

(4)   a. Elisa Beni: *The Valley of the Fallen is terrible, and as I said, it must be dynamited. [...] And above all, because it has no artistic value.*

Figure 4. Using pure logos argument to claim the demolition of the VdC.

The speaker claims that the VdC should be demolished, and she argues its lack of any artistic value (i.e., "the Valley of the Fallen is terrible" and it "has no artistic value"). In this case, there is not any reference to experts or authorities, but just an evaluation of the its aesthetic features, which is an essential feature in any cultural object.

This type of arguments, based just on logos, are also not as frequent as we assumed in our initial hypothesis. Therefore, our empirical study led us to conclude that appealing to authority in debates about controversial cultural objects involves argumentative structures different to the usual ones postulated by argumentation theory.

5. ETHOS IN DISPUTES ABOUT CULTURAL OBJECTS: AUTHORITY OF HISTORICAL FIGURES

In our corpus study, we identified that references to ethos is still a very frequent strategy, but not types of ethos studied in argumentation theory or rhetorics, but as historical ethos which is associated with a cultural object (Josef Stalin in the case of PKiN and Francisco Franco in the case of VdC). Yet not all mentions of historical figures are the use of historical ethos. For instance, let us consider Example 5 (and Fig. 5) extracted from Polish corpus. Waldemar Sawicki, a former director of PKiN, expresses his opinion about the future of the building:

(5)   a. Waldemar Sawicki: *If it turns out that, from the economic point of view, this building is not useful, we shall have to tear it down. It will be of no importance whether the palace had been named after Josef Stalin or Lech Wałęsa or George Bush.*
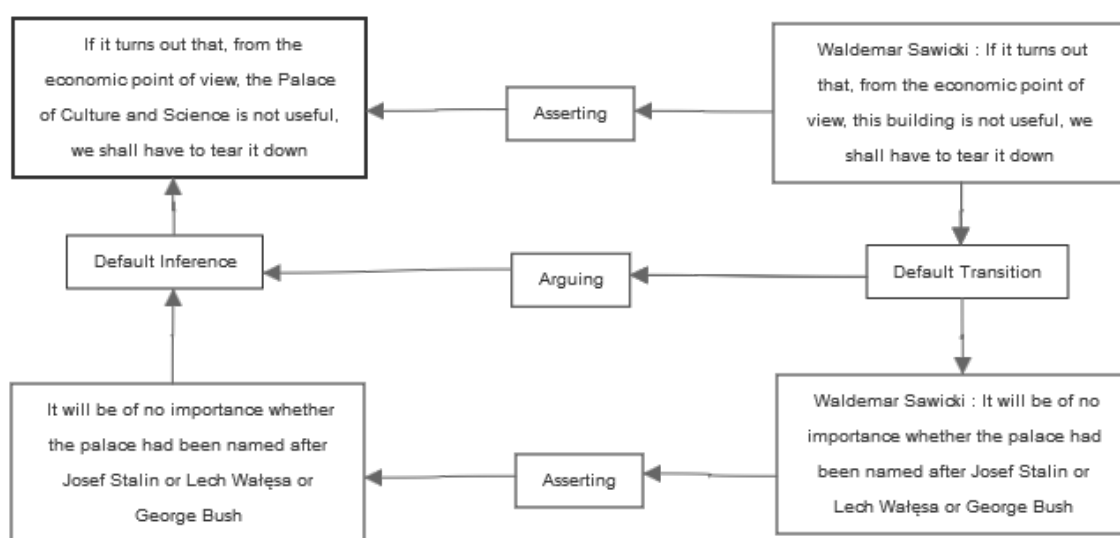
Figure 5. Using reference to historical figures to claim the demolition of the PKiN.

His main claim is a conditional statement, asserting that the PKiN should be demolish if it is not economically sustainable. Economic sustainability can be considered as an intrinsic property of the building, as aesthetic properties of the VdC described in Example (4). Even though the premise used by the speaker includes references to historical personages related to the building, it is not attacking or supporting Josef Stalin, Lech Wałęsa or George Bush. In other words, the character of these figures does not play a role in argument structure.

Other example of the use of historical figures is presented in Example (6) and Fig. 6. The journalist Michał Rachoń argues in favour of demolishing the PKiN:

(6)   a. Michał Rachoń: *Palace of Culture and Science in Warsaw should be demolished, blown up, dismantled – as you wish to call it. Palace of Culture and Science is the building that is being created here to demonstrate, to build a palace of Stalin, the biggest criminal in the history of the mankind.*
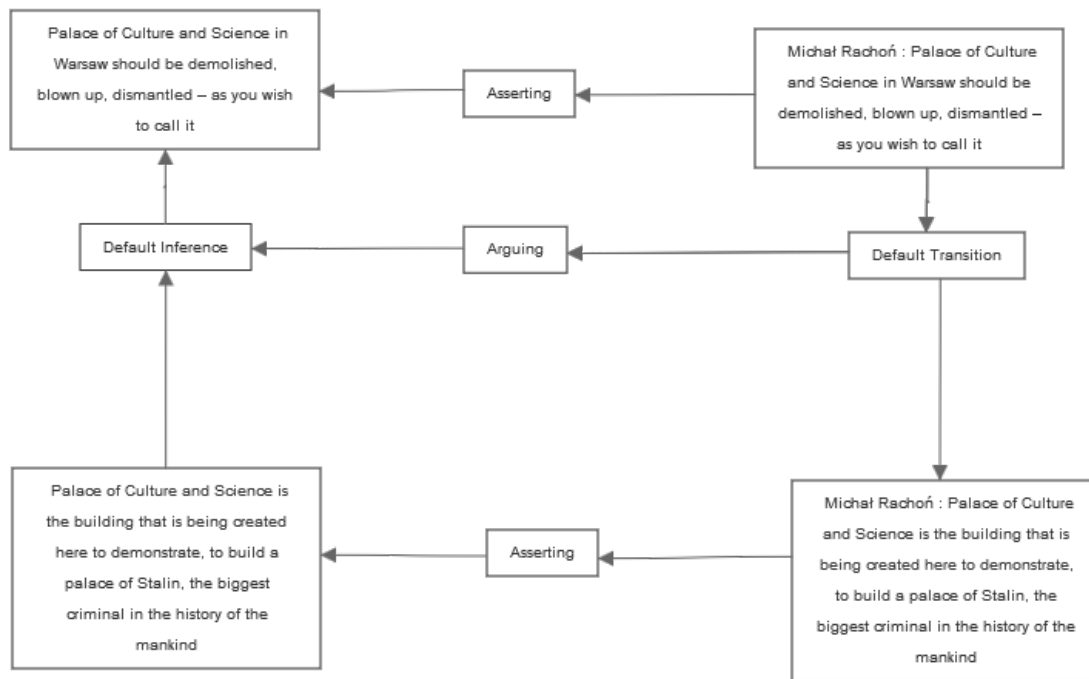
Figure 6. Using pure logos argument to claim the demolition of the PKiN.

The speaker's conclusion is that PKiN should be demolished. The main reason to support this claim is that this building is a symbol of Joseph Stalin and he is "the biggest criminal in the history of the mankind". If we unpack the intrinsic structure of that premise, we can observe that, unlike Example (5), the historical figure is actively used in the argument. The intention of the journalist is to build his argument against the cultural object using the persona of Josef Stalin, not the intrinsic properties of the building (such as structural elements, economic viability, etc.). By means of an ethotic attack against his him (see Fig. 7) he asserts that the PKiN must be demolished. Therefore, it turns out that the discussion about controversial cultural objects is mainly a debate about the character of the persona, the historical figure represented by it.

We named this new type of ethotic structure - historical ethos. It builds on the Aristotelian concept of ethos with the difference that although historical figures play a central role in the debate (they are subjects to ethotic supports or attacks to discuss the future of the cultural object), but they are not active speakers themselves. As it is illustrated in Fig. 7, logos and ethos are used simultaneously in parallel in these debates with one proposition ("*Palace of Culture and Science is the building that is being created here to demonstrate, to build a palace of Stalin, the biggest criminal in the history of the mankind.*") both used to support the claim "*Palace of Culture and Science in Warsaw should be demolished, blown up, dismantled – as you wish to call it*" through logos structure of inference as well as attacking the claim "*Josef Stalin has historical ethos*" through ethotic structure of conflict (see Fig. 7).

This type of arguments are the most frequent ones in our data, more frequent that typical ethotic arguments (such as argument from authority, see Sect. 3) or argument just based on logos (see Sect. 4).
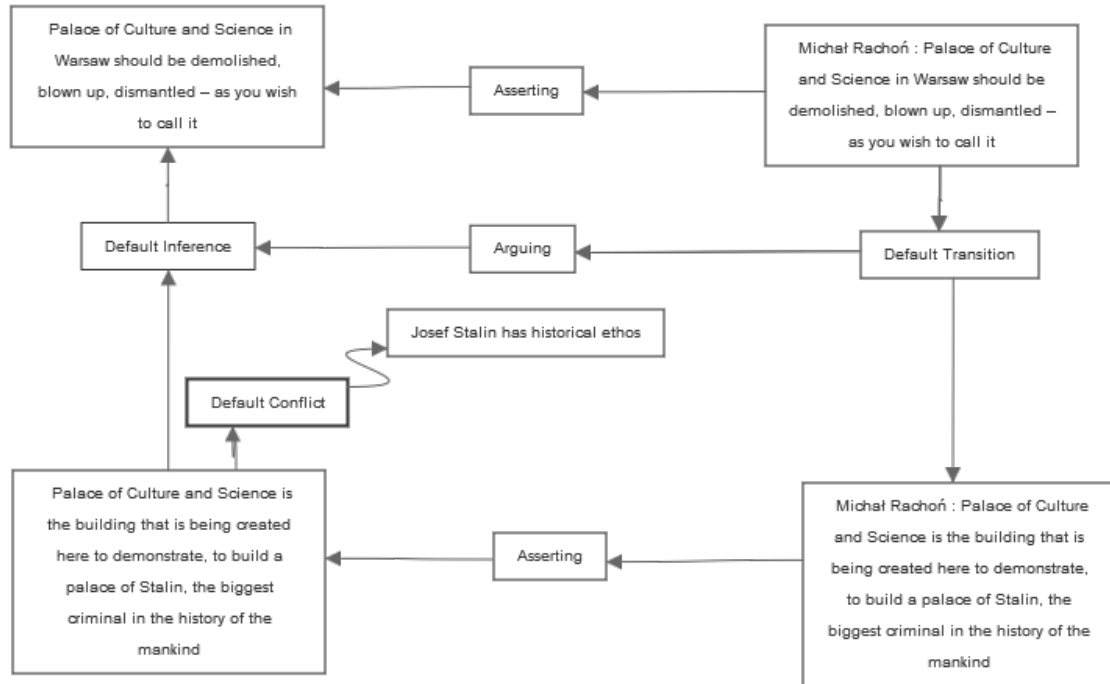
Figure 7. Using historical ethos in a debate on the demolition of the PKiN.

6. CONCLUSION

This paper has presented the notion of historical ethos, a new concept of ethos inspired by Aristotle definition discovered in the domain of cultural heritage in controversies about cultural objects. It is related with the recurrent appealing to historical figures, the personages represented by this type of objects as authorities. In our data, we discover how they play an essential role in the disputes about whether a monument should be removed from the public space.

Logos and ethos constitute a parallel structure in this type of arguments, where an ethotic support or attack on the historical figure is performed simultaneously to a propositional relationship in the logos dimension. The mention of a historical figure during a debate does not necessarily entail the use of historical ethos, because this requires the joint use of ethos and logos structures. This shows the richness and complexity of the cultural heritage realm from the argumentative point of view. In addition, we have realised that other types of argumentative structures, such as argument from expert opinion or argument from authority, are relevant in this domain, but they are quite rare in comparison with arguments that use historical ethos.

For future work, we propose to enhance our current corpora with more debates about controversial cultural objects, mainly from other countries. We aim to analyse the similarities and differences between different cultures as well as elaborate a deeper and more systematic analysis of this new phenomenon.

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A contribution from Argumentation Theory to the study of young children's reasoning in play activities

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ABSTRACT: Observations of play in young children reveal the dialogical (and not just individual) nature of argumentation and the complex symbolic and relational work that children have to accomplish in order to produce argumentation. They shed a developmental light on argumentation: discussion issues are likely to be transformed as they are talked about; standpoints are not always present before being co-constructed in the on-going dialogue.

KEYWORDS: adult-children dialogue, children's argumentation, children's worlds, developmental socio-cultural psychology, education, implicit premises, inference, inferential-procedural premises, material-contextual premises, reasoning

1. INTRODUCTION

When two- to six-year-old children produce argumentation, how do they reason? Our interdisciplinary team of linguists and psychologists has two aims in addressing this question. One is to contribute to the study of inference in argumentation: we are interested to see

whether studying how a child engages in argumentation can in some way contribute to Argumentation Theory, a discipline that up to now has largely focused on adult (or even expert) productions. Our other aim is to contribute to research in developmental socio-cultural psychology by investigating how children produce argumentations and thereby we hope to enrich the psychological understanding of children's reasoning. In the ArgImp project (see Acknowledgements), we have undertaken to study the inferences that children make. As we are not studying their language but their thinking, we are interested in delineating as much as possible not only their explicit verbal productions but also the implicit components of their reasoning in the contexts in which they occur.

We use models of Argumentation Theory as interpretive grids or 'lenses' that help to pay minute attention to the argumentations produced by children with the hope to get to novel descriptions of some aspects of children's reasoning processes. We will see that these models can also help to critically scrutinise whether young children have opportunities to actively participate in critical discussions with adults and to observe what happens when they do so. Studying the inferences young children make when they engage in argumentative discussions is a means both to gain insights into their reasoning and to appreciate their argumentative contributions to a different extent. Children were observed in a variety of contexts, such as everyday family discussions, interaction with adults in designed activities and discussions between them or with the adult when resolving a technical problem. We will see that our findings invite extending the existing analytical models.

2. THEORETICAL FRAMEWORK AND METHODOLOGY

2.1 From a psychological and educational perspective

When some of us started investigating argumentation in children from a psychological and educational perspective, our first attempts were mostly relying on what we will call 'Approach 1'. The focus of attention was argumentative *skills* and their promotion in students (Schwarz, 2008; Muller Mirza and Perret-Clermont, 2009), a line of research of which Kuhn (1991, 1993; Felton and Kuhn, 2001) and many authors have contributed to (for reviews see e.g. Golder, 1996; Rapanta *et al.*, 2013; Schwarz and Baker, 2017). Pedagogical activities based on creative inquiry-based approaches, accurate design and adequate teacher training have demonstrated both the possibility to support the acquisition of argumentation skills in students and the possibility to rely on argumentative activities to promote learning. Nevertheless, a recurrent question still remains open: why is it so difficult to get students to rely on argumentation in the classroom when our feeling as parents is that youngsters do have argumentation skills from an early age on? Therefore, we set out to explore children's 'proto-argumentations' (as we used to call them when we were not a priori convinced that we would observe 'real' argumentations). Our main questions at the start were the following: can two- to six-year-old children contribute to argumentative discussions? If so, when and how do they reason?

'Approach 1' considers argumentation a 'skill', a competence that the student has or does not have, that is manifested through verbal productions. The focus of attention is on the individual child (and not on the conversation in which the argumentation takes place), and the verbal productions are assessed according to various criteria that allow for a comparison between the child's skills and advanced (or even expert) adult skills. Children are usually observed and assessed at school, whereas expert skills that are de facto assumed as reference have traditionally been those of professionals who have to make decisions or try to convince their partners (politicians, lawyers, scientists, etc.) or those who are interested in

argumentation per se (logicians, philosophers, psychologists such as Piaget). Educationalists inspired by 'Approach 1' often aim at teaching elaborated linguistic skills that will allow students to make complex inter-relations, take into account different standpoints, pros and contras, and then advance standpoints backed up by structured argumentations. Of course, the hope of educationalists is that such skills, once acquired through specific school activities on specific tasks and contents, will then transfer to other situations, in and out of school. However, the issue of transfer raises important methodological questions that have not been much researched yet.

A sub-line of research within 'Approach 1' focuses on 'arguing to learn'. This focus considers the content of the argumentation, the information at students' disposal (e.g. texts, feed-back, etc.), and the decentration and social interactions that argumentation requires. It has been found that these processes are likely to contribute to a deepening of the understanding of the issues (Schwarz and Baker, 2017), including their epistemological status (Kuhn and Park, 2005). In this perspective, students are invited to use linguistic and reasoning or rhetorical resources as instruments to explore the multidimensionality of pedagogical objects (scientific phenomena, historical events, moral issues, etc.) and hence learn to inquire about them, reason and formulate a hypothesis. Let's note that students are often offered theories in which to situate their hypothesis (for instance: evolution in Asterhan and Schwarz, 2007) that allow them to 'deduce' their hypothesis as a check of their findings and of the theory. Hence, in such a school context, theory construction and fact explanation are often described as a combination of 'abductive' and 'deductive' processes, favouring the training of this type of reasoning and paying less attention to specific types of inferences. Conditions for decentration to occur are considered as well as their emotional concomitants (Muller Mirza *et al.*, 2009; Muller Mirza, 2010; Baker *et al.*, 2013; Schwarz and Baker, 2017) but not much attention has yet been paid to a fine-grained analysis of children's cognitive moves within argumentation. Such school activities require very careful designing (Andriessen and Schwarz, 2009). Commitment from the students is not always there, and in no way can it be just 'prescribed' by a teacher (Schwarz and Baker, 2017). Although our ArgImp project started within 'Approach 1', it rapidly shifted to 'Approach 2' for different reasons, among which was contradictory evidence: very young children were producing 'spontaneous' argumentations in daily life settings (Schär, 2018), but not in our activities around technical problems (Convertini, in preparation, in line with Greco Morasso *et al.*, 2015, and Miserez Caperos, 2017).

'Approach 2' considers argumentation a contribution to a critical discussion and not as an 'isolated' product. It is a dialogical activity (Nonnon, 1996, 2015; Plantin, 1996, 2005) within a specific context that bounds, more or less explicitly, the issues, mutual expectations, interactions, rules and scripts. Centring on a fine-grained analysis of the children's reasoning within this argumentative activity, ArgImp distinguishes two components in argumentative inference: the information and the reasoning process that is operated on this information. This distinction is to some degree analogous to Piaget's distinction between 'physical' knowledge about reality and 'logico-mathematical' knowledge (Piaget and Inhelder, 1967). 'Approach 2' does not expect an argument to keep all its meaning if abstracted from the context and imported into another activity setting with different characteristics. Whereas many studies of 'Approach 1' are concerned with the relation between language and thought, 'Approach 2' is concerned with the relation between argumentative activity and thinking. It considers the goals (e.g. decision making, knowledge building, problem solving, etc.) and the audience addressed. Research has illustrated how even very short socio-cognitive conflicts are likely to foster cognitive development (Carugati and Perret-Clermont, 2015). Hence, from an educational perspective, it is important to understand the socio-cognitive conflicts that occur

in critical discussions with children: what happens between adult and child or between children.

In 'Approach 2', there is no a priori normative model of what an educational intervention that enhances argumentation should look like. In both designed or in 'naturally occurring' situations, 'Approach 2' is monographic, descriptive and explorative: the intent is to identify early forms of argumentation in their context in order to observe how, why and when children try to contribute to critical discussions and if (non) existing common ground allows (or does not allow) their reasoning to unfold in the interaction (Trognon *et al.*, 2011). From a psychological perspective, 'Approach 2' is inspired by cognitive psychology and its studies of reasoning. But most of these studies have focused on the study of perception and deductive processes. ArgImp tries to contribute to an extension of this tradition along two axes: 1) a focus on children's structures of inference, somehow similar to Banks-Leite but with a revisited understanding of argument schemes or *loci* (cf. Rigotti and Greco, forth.); and 2) special attention to the context. Important traits of the context are the interpersonal and institutional relationships that frame the encounter, as well as the cultural premises. We consider these components not as 'biases' that can affect the child's rationality but as (often implicit) premises.

ArgImp follows in the footsteps of different lines of research, ranging from Vygotsky's attention to the role of interpersonal coordination for the development of thinking, to the studies of the architecture of intersubjectivity in communication tasks (Rommetveit, 1976; Hundeide, 1985; Linell, 2009), the role of cultural practices (Bruner *et al.*, 1966) and the contribution of pragmatics to psychology (Bernicot *et al.*, 2002). Jean Piaget had hypothesised that children's 'wrong' or 'seemingly illogic' answers are in fact quite rational if the different logic of the child is taken into account. Piaget (1926/1929) started dialoguing with children in open-ended conversations by means of which he tried to follow their reasoning and to question it in order to provoke counter-argumentations and hence access their deeper thoughts. Piaget then engaged in describing how when building on the logics of their actions children then develop different levels of logico-mathematical structures. Piaget's theory remains mainly centred on the study of deductive reasoning and causal demonstrations (Piaget and Inhelder, 1966). ArgImp tries to extend it to a careful consideration of inferential structures. Grize (1996), a former collaborator of Piaget, was critical of his logico-mathematical description of thinking and offered an alternative with his own model, named 'Natural logic'. Grize's endeavour is to account for any locutor's expression of thinking by considering it not as an abstract entity, but as a 'schematisation' addressed to a specific audience. Indeed, the early Piaget (1926/1929) was aware of the role of the audience and of how very difficult it is to access children's thinking because their thoughts are always likely to be affected by the questions of the interlocutor. However, Piaget seems to have neglected this in most of his later studies (with rare exceptions: e.g. Piaget, 1972). ArgImp and other on-going research projects (Kohler, in preparation) are re-assuming Grize's suggestion to consider the expressed reasoning of the child (i.e. the argumentation) as a schematisation addressed to an audience and, hence, based on implicit premises that need to be acknowledged in order to understand such argumentation. This perspective has also been fruitfully applied to explore children's 'failures' in a Theory of Mind test (Lombardi, Greco *et al.*, 2018). With the words of Pramling and Säljö (2015), we could say that ArgImp's effort is to consider "the child as a partner in conversations" and not as "an object of research". As illustrated by Anderson *et al.* (1997), new understanding of the child's logic can be opened by charitable approaches of their argumentation that reconstruct the implicit by taking into account the status of their speech acts and their taken-for-granted reality.

Theories of argumentation invite us to consider forms of reasoning that put the reasonableness (and not only the certitudes or opinions) at the centre of attention. This is

particularly interesting from a psycho-developmental perspective, as children do not often need to carry out demonstrations, but contrariwise have to continuously find their way in a world that they are discovering. They make decisions, look for similarities, construct images of the world for themselves (leaving them often implicit); they learn to understand the consequences of their actions and to decipher the expectations of the persons they meet. How do they reason and argue in such conditions that are quite different from those of professionals or experts engaging in argumentation?

2.2 From the perspective of theories of argumentation

We are interested to see whether studying how a child engages in argumentation may in some way contribute to the study of inference in Argumentation Theory. We therefore focus not only on the explicit part of the children's argumentation that becomes evident and 'audible' in a discussion, but we try to understand their entire inferential process, taking into account also what is left implicit during their contributions to argumentative discussions. This requires reconstructing these implicit components of children's argumentation in order to gain a better understanding of the entirety of their argumentative contributions.

ArgImp borrows models from Argumentation Theory. First, argumentative discussions[1] are reconstructed by means of the analytical overview from Pragma-Dialectics (van Eemeren and Grootendorst, 1984, 2004), a dialogical approach that considers argumentation in the specific context in which it occurs. Second, in order to understand what remains implicit in children's argumentative contributions at the level of inferential moves (i.e. at the level of the standpoint-argument relations), the Argumentum Model of Topics (Rigotti and Greco Morasso, 2009, 2010; Rigotti and Greco, forth.) is used. The Argumentum Model of Topics reconstructs two parts of any single argumentation: the material-contextual and the inferential-procedural.

The material-contextual component constitutes the part of the inference that is rooted in the context of the interaction. The major premise of this syllogism, the *endoxon*, alludes to a premise that is typically shared in a (local or broader) cultural community. Re-elaborating an Aristotelian definition, Rigotti and Greco Morasso (2009) define it as "an opinion that is accepted by the relevant public or by the opinion leaders of the relevant public" (ibid., 45). As such, endoxa are often expected to be shared by all the interlocutors involved in a specific argumentative discussion and may therefore remain implicit in a discussion for reasons due to the pragmatics of conversation. However, since children and adults have different knowledge of the world, it is possible that they may not always share the same endoxa (see e.g. Greco *et al.*, 2017). The minor premise of the material-contextual syllogism of the reasoning is called *datum*. The datum refers to physical facts that are observable in the situation in which the discussion takes place (see Rigotti and Greco, 2009) or anyway to factual evidence. In argumentative interactions, data might be explicitly stated, but they might also be left implicit, in particular when the speakers have relevant perceptual-factual evidence before their eyes.

The procedural-inferential component constitutes the 'logical' part of the reasoning or, better, the source from which the inference present in a single argumentation is drawn. The procedural-inferential component is directly based on a locus, i.e. a semantic-ontological relation (e.g. cause-effect, witness-position to know, opposite-opposite, to name but a few) on whose basis standpoint and argument are connected (Rigotti and Greco Morasso, 2010). Several maxims, or inferential rules, are associated with each locus; a maxim functions as the

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[1] We consider an argumentative discussion as an interaction where an individual issue or related issues are discussed. Contiguous interactions about issues that are not related in a thematic way are considered two separate discussions.

major premise in the inferential-procedural component of the reasoning. It thereby allows one to reveal the precise inferential relation between a standpoint and an argument.

3. EMPIRICAL DATA

The ArgImp project works on various newly collected and already existing data. In particular, two multilingual corpora in two different settings were collected. Corpus 1 consists of 'spontaneous' argumentation in the family. This means that these discussions that occurred in everyday family interactions were not induced in any way. A researcher visited 12 families in their homes in three different linguistic regions of Switzerland and registered their natural talk. The researcher intended to take a marginal position and not interfere in the interactions that occurred within the families. However, as the researcher was physically present[2], sometimes she was asked by the children to participate in different interactions, such as playing a game. In these cases, the researcher engaged in interactions with the children and their parents. Corpus 2 was collected in two kindergartens, one in French-speaking Switzerland and one in Italy. It consists of semi-structured play activities that are inspired by Piaget (1974, 1980) and the foundation La main à la pâte[3]. Children are asked to help resolve a technical problem by constructing specific artefacts with building blocks.

The interactions of both corpora were audio recorded. In addition to the audio recording, the semi-structured play activities of Corpus 2 were also video registered. The oral data were transcribed according to an adapted version of the transcription signs proposed by Traverso (1999).

4. FINDINGS

What have we learned by shifting our perspective from 'Approach 1' (argumentation seen as a skill) to 'Approach 2' (argumentation seen as a contribution to a critical discussion)? This section will present some of the findings of the ArgImp research project that are of interest to psychologists and educationalists but also to Argumentation Theory; when relevant, we refer to previous publications in which more detailed observations and discussions of our findings can be found.

4.1 Children's argumentations are often interrupted by the adult

Registrations and videos have made us quickly aware that adults very often do not grasp or even interrupt children's argumentative contributions. This confirms our earlier observations of pedagogical activities (Greco *et al.*, 2017) and Piagetian clinical interviews (Greco *et al.*, 2015; Miserez Caperos, 2017). Sometimes, adults inadvertently do not leave space for full development of the child's argumentation even when they intend to do so.

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[2] During a pilot study done in 2015 it became clear that the researcher's presence is needed during the data collection in order to guarantee the complete understanding of the registered interactions. Obviously, the researcher is in a paradoxical position: in order to be maximally "neutral", she needed to intervene in the discussion (to be perceived as an "adult friend" and not as a strange person who was there, observed everything, but did not do anything).

[3] See http://www.fondation-lamap.org/en/international, last visited May 2018.

4.2 Children are active contributors to critical discussions using multiple argumentation and introducing issues

Our data reveal that especially when given space to do so, children are not 'proto-arguers' but actively engage in argumentation. We observe that children even raise new discussion issues or sub-issues in already ongoing discussions. They do so in different ways, as for instance when they problematise an utterance of an adult or of a peer in order to raise an issue or a sub-issue or when they project a difference of opinion and put forward a standpoint and an argument supporting that standpoint in which the new issue is implicitly contained (see the proposal of a typology of the emergence of issues in adult-children discussions in Schär and Greco, 2018 forth.; Schär, 2018). The fact that children open up new issues shows that they are not only able to 'play the game' of an argumentative discussion initiated by an adult, they are also interested in setting up their own discussions. Once an issue is raised, young children engage in argumentative discussions by putting forward their standpoints and supporting them with arguments. In our data, children not only recur to single arguments to support their standpoints, they also use complex argumentation (coordinative, subordinative, multiple) (Miserez Caperos, 2017; Convertini, in preparation). Children also raise issues (Schär, 2018) and sometimes argue to question the issue... making the issue an issue! (Greco *et al.*, 2017).

The analysis of children's argumentation in our corpora shows that, in most cases, the inferential-procedural part of their reasoning is sound: children employ a variety of loci and competently rely on different maxims (Convertini, in preparation). The loci on which children's argumentation is based are often those that the researcher indirectly expects when she introduces the task; but children also bring out other kinds of reasoning that are neither requested nor expected by the adult. The analysis of the relationship between loci and maxims helps us to recognise the sophistication of children's argumentation and the children's capacity to take initiative in reframing adults' tasks and finding creative ways to solve them.

4.3 Standpoints are often co-constructed during the interaction

In order to contribute to argumentative discussions, children have to feel legitimate to do so. This is often the fruit of a 'conquest'. During the activities, we can observe them trying to find their physical place or struggling to have their voice heard (Convertini *et al.*, 2017). Children try to understand what is happening and what it means, and they test their explorative 'hypotheses' (Iannaccone *et al.*, in preparation); they also defend themselves when they feel neglected or offended; they try to convince others to 'ally' with them (Danish and Enyedy, 2015); to 'go against' their peer's contribution, or to coordinate their own perspective with that of their partners'. Argumentation emerges within these processes. Very often children do not have a pre-existing standpoint on an issue (see Greco *et al.*, 2015; Schär, 2018), either because the issue is proposed/imposed by the adults or because the issue responds to an 'emerging problem' in the reality of the conversation. When argumentations are co-constructed in the course of the discussion, it seems that the issue has precedence over the standpoint because the interlocutors do not have pre-existing standpoints on that issue (Schär, 2018). The co-construction of an argumentative discussion appears then to be a dialogic process; but this is possible only if the freedom rule of a critical discussion is fully respected (van Eemeren and Grootendorst, 2004).

The 'jigsaw example' (from Corpus 1, analysed by Schär, 2018) illustrates this. A discussion occurs when Amélie[4] (5:8-year-old), as requested by the rules of the board game, tries to add a puzzle piece to a jigsaw. But Amélie seems to hesitate. The researcher asks

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[4] Names have been changed.

"should we check below?" (referring to the model of the jigsaw depicted on the game board). The researcher is thinking that this is a strategy to deal with the difficulty. But Amélie interprets this as an issue. She supports her standpoint that they should not check the model of the jigsaw with two coordinative arguments (they are too stupid for that and it is much too difficult). Hence, the standpoint and argument that Amélie puts forward emerges out of the interaction. This example also hints at another aspect that is recurrently found in the data of the ArgImp project, namely that socio-material artefacts (in this case: the pieces making up the jigsaw) may trigger an argumentative discussion. In this jigsaw example, it remains unclear whether the researcher is the only trigger of Amélie's argumentation or whether she would have started to argue her point of view even without the intervention from the researcher. In many cases, children open up discussion issues because they respond to 'emerging problems' derived from their playing situations (e.g. a toy car is too big to go into a tunnel; a toy person bumps her head). Hence, not only standpoints but also issues are co-constructed during the discussion via sub-discussions initiated by the children (see Schär, 2018 for more examples).

4.4 Available visual information is not verbally made explicit

In very young children, linguistic abilities could be a reason for leaving part of their reasoning implicit. However, in our analyses we find other aspects that better account for this fact. Grice's (1975) cooperative principle, stating that the interlocutors should make a verbal interaction 'as informative as is required', means that repeating what is obvious to the involved interlocutors should be avoided (see Greco *et al.*, 2017). In our data, the fact that something perceived as 'obvious' is left implicit is commonly observed in the presence of material objects that seem to have a clear meaning, or of persons who look like, for instance, an adult or a female.

In the 'missing pieces example' from Corpus 2[5], the activity has been designed by the researcher. Three children are involved in this activity inspired by Piaget (1980). A blue poster has been glued to the table and two manikins (and their cars) are each placed on opposite sides of the poster. The researcher presents the task and explains to the children that the manikins are friends who stay on opposite sides of a lake (the blue poster) and want to meet each other. The researcher then asks the children to build a bridge with the blocks. After they are finished building the bridge, they lift it up and place it on the blue poster to check their work.

Table 1. Discussion between Flavio (5:3 years) and Mattia (5:4 years)

Turn	Speaker	Transcript (in Italian)	Our translation
(0:25:44.7)			
1	Flavio	oh:: ((si avvicina Mattia e indica la costruzione del ponte fatta da Mattia)) tiriamolo su ((solleva la costruzione di ponte ed entrambi la guardano)) ma, deve essere ancora più lungo	oh: ((he goes close to Mattia and indicates the bridge construction made by Mattia)) let's lift it up ((he lifts the bridge and both children look at it)) but, it must be longer
2	Mattia	e allora aspetta ((prende dei pezzi di lego dalla scatola delle costruzioni e li attacca alla sua costruzione))	and then wait ((he takes pieces of Lego® from the construction box and puts them on its construction))
(0:25:46.6)			

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[5] This example is also discussed in Convertini (in preparation).

In Table 1, the issue discussed by the children is about the adequacy of the instrument that they have built, i.e. the Lego® bridge, in relation to a goal (crossing the lake) that has been imposed by the adult. Flavio's argument is based on the locus from the final-instrumental cause (Rigotti and Greco, forth.): the bridge "must be longer".

In this case the instrument is the bridge and it is not adequate, because it is shorter than the blue poster (the lake). This datum, a material-contextual part of the reasoning, has a supposedly clear meaning for the children and it remains implicit in their discussion: they do not explicitly say that the reason why the bridge does not serve its purpose is because it is shorter than the blue poster, arguably because they can *see* it. However, the fact that they have in mind the goal of the task is clear from turn 1, because the children physically lift the bridge and verify whether they have done what the adult has asked them to do. Turn 2 is also interesting because, when the children see that the instrument they have built is not adequate, they immediately suggest a creative solution, i.e. to change the instrument: Mattia says "and then wait" and grabs new Lego® bricks.

In the 'TUC® cookie' example[6] taken from Corpus 1 (see Table 2), Levin (3:2 year old) initiates an argumentative discussion. When the researcher arrived at the home of this family, Levin's mother asks him to give a cookie to the researcher. Levin answers his mother's request by arguing that these cookies are "better not (given) to adults". Thereby, not only does he express his refusal to give a cookie to the researcher, but he also raises the issue "Can TUC® cookies be given to the researcher?" In fact, with his argument Levin explains the endoxon he bases his reasoning on: "TUC® are not made for adults". At the same time, Levin leaves implicit in his argument an aspect of the reality that corresponds to the datum: namely, that the researcher is an adult, because everybody can see this. This unsaid datum is necessary to understand Levin's reasoning: it is only by taking into account this premise that Levin leaves implicit that his argument is completely understandable.

Table2. Discussion between Levin and his mother

Turn	Speaker	Transcript (Swiss German)	Our Translation
1	Levin	d R. wett äu ä chli tee (1.0)	R. also wants some tea (1.0)
2	Mother	m:hm	m:hm
3	Levin	die do=	these ones=
4	Mother	und no es Tuc ((keks)) chaschere äno geh	and a Tuc ((cookie)) you can give her one too
5	Levin	es↑	a↑
6	Mother	es Tuc (3.0)	a Tuc (3.0)
7	Levin	nid ade erwachsnig gschider	better not to adults
8	Mother	momol die sind ä für die erwachsnige	yes yes they are for adults too

5. CONCLUSION

In our data, we have observed young children actively participating in critical discussions. Their reasoning is traceable. It can be described as relying on maxims derived from different loci and on implicit or explicit data. 'Obvious' or 'visible' (in children's eyes) contextual

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[6] This example was presented and discussed at the European Conference of Argumentation ECA, in Fribourg, Switzerland in June 2017 (Greco, Perret-Clermont, Iannaccone, Rocci, Convertini & Schär, 2018). It is furthermore analysed from a different angle in Schär (2018).

aspects may make the explication of the entire argumentation superfluous. Children can produce multiple argumentations; their standpoints are seldom pre-existing to the conversation but often co-constructed and so are the issues. If the freedom rule is respected, children introduce issues, often via sub-discussions, but only if adults do not interrupt them as they often do, even when they don't intend to (by a lack of the decentration required to understand the child's perspective?).

Reconstructing the components children leave implicit in their argumentation allows for a better understanding of the role that argumentation has in their interactions: their 'Weltanschauung' as it is experienced and transformed by them when they meet other persons with their own 'Weltanschauung'. We are presently also fascinated to discover how children can use argumentation to explore the world or to appeal to sources of 'authority'.

The change of focus that we have operated moving from an analysis of argumentation as a 'skill' to argumentation as a "contribution to a critical discussion" allows us to introduce a time perspective and to better apprehend the social, cultural and material dimensions of the reasoning as an embedded activity. Models borrowed from Argumentation Theory (Pragma Dialectics and Argumentum Model of Topics) have been powerful analytical instruments. They could be now revisited in the light of the specifics of children's argumentation.

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Rhetorical issues in robotics

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ABSTRACT: The words used to describe robots are very familiar to our own human body (*autonomy, decision, intelligence,* etc.). In the meanwhile, machines seem to challenge the typical way of acting of the living organisms. Is it obvious to describe the robots within these terms? How is our conception of language reflected in our perception of robotics? We clarify this problematic by revisiting our rhetorical heritage and the bond between movement, action and language. In this sense, we aim to enlighten the rhetorical issues that occur from this relation.

KEYWORDS: robotics, robots, movement, action, logos, language, Aristotle, rationality

1. INTRODUCTION

The company ABB Robotics developed a robotic arm that sorts sausages. The machine is able to identify the position of each sausage on the belt, to choose the sausages according to the required size (defined by an operator), to adapt its movement in order to be able to grasp the sausages lying on the belt, then to place the sausages in a package without interfering with another sorting arm. Thanks to its sensors which give a feedback on the situation, the robotic arm is able to adapt to its environment. The algorithm determines the path of the robotic arm in order to reach the sausages. It also defines the strength and direction to be maintained for each sausage. In other words, the sorting arm *decides* which sausage to grab and how to grab it.[1]

So far, in our modern and occidental culture, machines and automatics are spontaneously combined. However, we talk nowadays about *intelligent* machines that show *autonomy*, can make *decisions*, can *learn*, etc. and one thing leading to another, the status of these words which are *a priori* exclusive to humans and/or living organisms, is disputed. This questioning is based on representations that combine fascination and fear rather than facts, but it remains crucial to understand how we come to formulate the problem in this way. Why and how the machines that are part of the history of technology challenge humans to the point of being thought (in the most extreme case) as the next step of evolution? Besides, this question is largely grasped by disciplinary fields such as philosophy, sociology, or anthropology that describe this vast and complex phenomenon from a specific point of view. In this paper, we propose a linguistic approach in order to question the role of language in our representations of robots; on one hand, discourses about robot performances are spontaneously judged as inadequate or even misleading by experts in robotics; on the other hand, these discourses are based on a spontaneous use of language that is not essentially condemnable. How is our conception of language reflected in our perception of robotics?

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[1] ABB Robotics, *Picking and packing salami snacks* - https://www.youtube.com/watch?v=aPTd8XDZOEk

We suggest firstly to consider the lexicon shared by the livings and the field of robotics (words such as *autonomy, decision, intelligence, conscience, judgment, learning*, etc.). We observe that these words are used in the field of robotics, not only for humorous purpose or to popularize knowledge. We notice the discomfort of the experts in robotics towards this lexicon and clarify it by revisiting our rhetorical heritage. Secondly, we aim to dispel the allegations that are made against persuasion as we consider the case of the agentive language in robotics and its bond to our ability to represent moving objects. We refute the idea of persuasion as a risk for rationality based on the Aristotelian model of rhetoric and on cognitive aspects.

2. A LEXICON FOR ROBOTS AND LIVING ORGANISMS

In the media, occurrences that belong to the lexicon shared by living organisms and robots are easy to find (*autonomy, decision, intelligence*, etc.). In *Le Monde*, the topic of artificial intelligence was mentioned in 200 articles in 2017 (almost 15% more than in 2016).[2] Robotics fascinates the society and the agentive lexicon is more than frequent when it comes to report events involving robots, or to describe technological innovation developed by public or private laboratories.

In July 2017, the surveillance robot K5 designed by *Knightscope* for an American shopping center ended up crashing into one of the fountains of the store. Internauts and journalists made comments: "In the United States, a security robot throws itself into a fountain"(*Sciences et Avenir*, 18 July 2017)[3], "Did the android commit suicide by throwing himself into a pool? Security robots are supposed not to feel bored. Yet, one of them seems to have voluntarily dived into a fountain in a Washington mall." (*Le Monde*, 19 July 2017)[4], "It's ok security robot. It's a stressful job, we've all been there." (*Twitter*)[5].

The company *Knightscope* answered to these comments on Twitter with a *prosopoeia*:

🐦 Breaking news: "I heard humans can take a dip in the water in this heat, but robots cannot. I am sorry" said K5 in an official statement. (23:17 - 18 JUL 2017 - Milpitas, CA)

While it is obvious that the agentive lexicon is widely used in the media to describe a situation involving a robot (sometimes with humour), these words are not only used to popularize or amuse. The researchers in robotics also describe spontaneously the actions of robots in these same terms, even in daily conversations between experts in a professional situation: "I did the test this morning and HRP-2 was not *disturbed* when I pushed his leg or tried to move it." (Andrea, post-doc. student at LAAS-CNRS, announces to a phD student that they succeeded in changing the humanoid robot's control from a position control to a force control). Or, "I was really annoyed, [the robot] Pyrène didn't *want* to move his right arm in front of the group of visitors during the demo […]" (Olivier, research director at LAAS-CNRS). Referring to this matter, Denis Vidal makes an interesting comment in *Towards a new anthropomorphic pact,* while he describes a working session with a roboticist who tries to improve a robot performance in terms of vision: "So we can already understand that even in

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[2] Morgan Tual, *Enquête au cœur de l'intelligence artificielle, ses promesses et ses périls,* Le Monde, mars 2018
[3] Sarah Sermondadaz, *Aux États-Unis, un robot de sécurité disjoncte et se jette dans une fontaine*, Sciences et Avenir, 18 Juillet 2017
[4] Lina Rhrissi, *L'androïde s'est-il suicidé en se jetant dans un bassin ?,* Le Monde, 19 Juillet 2017
[5] Comment of Brendan@SparkleOps, pic.twitter.com/LQbnntbCRm, 17 Juillet 2017

this purely professional context, where the main part of the conversation is explicitly focused on the technical characteristics of the robot and on the tests that can be carried out with it, two ways of talking about the robot have constantly intertwined. Robots have sometimes been considered as simple artifacts (...), but the researchers have also referred to them as real "people"."[6]

Although experts in robotics spontaneously use these words, the agentive lexicon is often accused of initiating, or at least encouraging, the fantasies of laymen about robots. Indeed, if they (researchers and engineers who have acquired advanced knowledge in the field of robotics) are able to consider this lexicon as rhetorical figures, they worry about the confusion of the public regarding the status of these words (*intelligent* machines, *autonomous* machines, etc.) and by association of ideas, a confusion towards machines themselves. The concern of experts is not surprising as we observe the results of an experiment conducted by Van Duuren and Scaife in 1995 with the aim of understanding how the public represents the notion of intelligence applied to robots: "After interacting with a robot, adults and children seem to treat it as an intelligent entity, but intelligent in a particular sense, unique. A different meaning from the one used to describe living entities, and also different from the one used to describe objects."[7] Facing this observation, some scientists therefore opt for the solution of avoiding, or even forbidding, the use of the agentive lexicon. They describe it as being *ambiguous* or even *misleading* or *manipulative* as the words *supposedly* describe an action of the robot (the machine decides,…), or a disposition (this machine demonstrates autonomy,...): "I always tell my students to not use the words "intelligent machine", a machine is not intelligent." (Andrea, post-doctoral fellow at LAAS-CNRS). Anyhow, the relation of experts to this agentive language clearly expresses a discomfort. Gentiane Venture, roboticist and research director at the *Tokyo University of Agriculture and Technology*, shared her point of view at the workshop on "Wording Robotic", LAAS-CNRS Toulouse: "I deal with robots all the time, I talk about robots all the time, I do presentations with robots all the time and I found myself using "he" (and not "it") for the robot. I say things like: "Oh look at this cute guy, he is doing something here", and if the robot suddenly says "battery drained" and does[like it has no energy anymore], I say: "The robot is tired". When I found myself saying that, I think: "Oh damn, what did I just said! I shouldn't do that because I'm just playing in this game of the "artificial intelligence" and the agency,... and [people] are gonna actually think that yes, the robot is tired because he has been talking and walking too much,... But it's just out of battery. […] This is making the way of talking about robots very complex."[8]

This testimony outlines a common judgement expressed by roboticists about this lexicon: on one hand, it offers a fast and obvious access to the concepts, and on the other hand, it involves the risk of a confusion about the status of the robots. If the example of the robot *being tired* does not appear particularly problematic, the case of the humanoid robot HRP-2 which is not *disturbed* or the one of the sorting arm which *decides* what to do with the sausages, brings undoubtedly more questions for a non-expert reader. Consequently, some researchers in robotics start to support the idea that because of its powerful efficiency, the agentive lexicon that robots and living organisms have in common should not be provided to anyone. As for the

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[6] Denis Vidal, *Vers un nouveau pacte anthropomorphique.Les enjeux anthropologiques de la nouvelle robotique*. Gradhiva. Revue d'anthropologie et d'histoire des arts, 2012, no 15, p. 60

[7] M.A. Van Duuren and M. Scaife, *How do children represent intelligent technology?* European Journal of Psychology of Education, 10, 289-301, 1995.

[8] Gentiane Venture, *Speaking about robots: my trilingual daily challenge*, Wording Robotics, the 4st Workshop of Anthropomorphic Motion Factory, LAAS-CNRS, wordingrobotics.sciencesconf.org, 30nov-1dec 2017

European Parliament, the public and especially vulnerable people and children,[9] would be too easily inclined to uncritically follow its fascination for robots. This statement mirrors the European Institution's intuition of a universal audience, described by Perelman and Olbrechts-Tyteca: all rationale beings, all normal, all adults.[10]

These considerations about agentive language in robotics reflect in fact a certain conception of language and rationality, i.e. of rhetoric, that has reached our modern societies in a caricatured form, carrying heavy *clichés* that remain vivid.[11] Inherited from a (simplistic interpretation of) the rhetoric of Plato, these preconceived ideas stem from a model of rationality that only encourages a reductionist view of the world. Indeed, it establishes a dichotomy between a "good" rhetoric, pure and demonstrative as it serves philosophy, and a "bad" rhetoric, manipulative even dangerous because of its bond to persuasion. In other words, if rationality stood on one side, persuasion (i.e. the trap of emotions, the one to fight in order to make a so-called rational decision), would stand on the extreme other side. Consequently, the prejudices about rhetoric as well as its bad reputation lead spontaneously humans to condemn the words as -the- problem of science, and in this case, of robotics: *manipulative language, rhetorical trap, misleading image, emotional response*, etc. would divert the public from rational judgments about robots. However, applied to language, this model of rationality is nothing else than an abstract and idealized conception of reasoning. Indeed, this model contravenes the most elementary psychology, as well as neurophysiology: the necessary bond between emotions and our ability to make decisions has been clearly established.[12]

As an alternative to this persisting myth (that pretends that rationality would be guaranteed if rhetoric and any persuasive tool would be avoided), the model of rationality that can be retrieved from Aristotle's point of view is especially useful. According to Aristotle, rhetoric is defined as "the ability to discern, in each case, what is potentially persuasive".[13] It is an art, a technique, that focuses on efficiency: Aristotle's rhetoric fulfills a series of functions (to tell stories or testify, to criticize, to decide, to judge, to think in action, etc.) without, however, dismissing human emotions. Language is then considered as being a *pharmakon*, able of both healing or degrading according to the speaker's intentions. Rhetoric, as an extension of the "spontaneous abilities that build social [relations] through the *logos*"[14], is introduced as a universal ability that covers multiple aspects of human rationality: "it is one of the many arts resulting from human ingenuity; it leads human to use its own nature and to develop its functionalities".[15]

From this point of view that refuses to demonize persuasion, it is therefore possible to question the function of agentive language in robotics.

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[9] Resolution of the European Parliament with recommandations to the Commission on Civil Law Rules on robotics (2015/2103(INL)), 16 février 2017

[10] Chaïm Perelman and Lucie Olbrechts-Tyteca (1958), *Traité de l'Argumentation : la nouvelle rhétorique*, Bruxelles, Editions de l'Université Libre de Bruxelles, reed. 2008.

[11] Céline Pieters, *Compte-rendu de « L'Homme rhétorique. Culture, raison, action. »*, Emmanuelle Danblon, Questions de communication, 2014, n°25

[12] Antonio R Damasio, *L'erreur de Descartes*, Odile Jacob, 2006, 416 p.

[13] Aristote, *Rhétorique*, trad. M. Dufour et A. Wartelle, Paris, Les Belles Lettres, Coll. Des Universités de France, 2011.

[14] Emmanuelle Danblon, *L'homme rhétorique*, Ed. du Cerf.Humanités, 2013, p.14

[15] *Op cit.* E. Danblon, p.69

3. MOVEMENT AND AGENTIVE LANGUAGE: MAKING ACTIONS VISIBLE

In 1944, Heider and Simmel showed how humans spontaneously attribute intentions to moving geometric figures[16].[17] While the forms moved randomly, it was observed that the subjects of the experiment describe the actions of the figures in the following terms: *continue*, *attack*, *follow,* etc. The experience reveals a cognitive mechanism that reflects the natural ability of humans to tell stories (the latter being a particularly useful quality especially for memorization)[18] and according to Fritz Heider, this process of attribution serves our concern for coherence in an world that is uncertain by nature.

Thanks to its representational dimension, the agentive language proves indeed to be particularly effective as we imagine the action. As reported in the news, the robot K5 "jumped" (not "fell") into the fountain: the robot K5 goes alone towards the fountain, dives into the water and sinks. "Jumping" directly rejects other meanings in terms of representations: no one pictures the robot being pushed into the water, or falling on the ground and rolling into the bottom of the pool. This representational dimension of the agentive language produces in fact the *enargeia,* i.e. an effect of visiblity or presence of the facts, which gives a fast and direct access to the action. Precisely, according to Aristotle, the primary function of any discourse is precisely the *enargeia* as firstly, the discourse must *show*. Besides, Ruth Webb explains that "the link between *energeia* with an "e" (movement, things in action) and *enargeia,* with an "a" (the life of the text, the process that consists in making the facts visible through language) is much more than a simple morphological resemblance".[19] François Hartog points out that if these two forms of presence are clearly offset, they both hold the power to show reality.[20] In the case of the robot K5, "throwing itself" *shows* the movement of the robot, as much as the surprising nature of the situation. From a model of rationality that explores language and perception as human tools*,* these two natural mechanisms are only strategies that reflect the ability of human to represent the world to its own level, rather than illusions essentially harmful.

This being said, if agentive language can be effective and its effect of visibility useful, we must not deny that the lexicon used to describe robots can also be confusing about the status of the robots. How much does the sausage sorting robot *decide* or will be able to *decide* in the future? Did the robot K5 have a reason to *jump* into the water? Did we lost control? This doubts that occur within our interpretation can be explained by the fact that the effect of visibility often comes with an effect of validity: what sounds right also sounds deeply true, correct and adequate. In this way, the bond between persuasion and validity brings a paradox: while our sensations and representations are deemed irrational (we would not dare to invoke them to justify judgments and decisions), yet, they always act and guide us.[21] A spontaneous reaction is to avoid the use of the lexicon shared by robots and living organisms in order to try to bypass this paradox. However, we must accept that the outcome of this solution may not be beneficial over time: while the roboticist who feels uncomfortable to use these words will stop to

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[16] F. Heider and M. Simmel, *Animation,* 1944 -
https://www.youtube.com/watch?time_continue=54&v=VTNmLt7QX8E
[17] F. Heider and M. Simmel, *An Experimental Study of Apparent Behavior*, American Journal of Psychology. vol. 57 (2), 1944, pp. 243-259
[18] Alain Berthoz, « L'espace au service de la mémoire et de l'imagination : les bases neurales des « Arts de la mémoire *», La fonction testimoniale*, Séminaire doctoral GRAL, 21 oct. 2016
[19] Ruth Webb, « Mémoire et imagination : les limites de l'*enargeia* dans la théorie rhétorique grecque », *in* C. Lévy & L. Pernot, *Dire l' évidence,* Paris, L'Harmattan, 1997, p. 230.
[20] François Hartog, *Evidence de l' histoire. Ce que voient les historiens*, Paris, éd. de l'EHESS, 2005, p. 12.
[21] Emmanuelle Danblon, *Sur le paradoxe de la preuve en rhétorique*, Communications, Le Seuil, 2009/1 n°84, p.16

communicate (*a priori*, the roboticist who is today "worried about doing wrong" will apply literally and strictly the principle of cautiousness in the future), the roboticist who will try to forbid the use of this lexicon and impose forcibly the idea that a machine is -not- intelligent, will only encourage the development of conspiracy theories ("The roboticists hide things from us", "they program robots to manipulate us and make us do what they want", etc.).

4. CONCLUSION: A RHETORICAL CULTURE

As we consider that discourses are based on a natural language concerned with coherence, the linguistic and the cognitive layers are introduced as the natural tools of a human being, and rhetoric as an extension of its nature.

If this conception of language does not mean to solve the problems that occur within the production and the interpretation of discourses about robotics, it allows to reconsider the bond between persuasion and validity and following this, to propose alternative solutions. Indeed, this point of view enables to handle the resolution of the paradox that lays between persuasion and validity in an other way than by avoiding the problem. This perspective makes indeed the dissociation of the discovery and the justification phases possible; the discovery phase provides conjectures[22], hypotheses and representations of the world, while the justification phase consists in an "evaluation of the representations obtained by intuition through refutation"[23]. Consequently, it is then no longer necessary to ineffectively try to banish a lexicon that is already well integrated in the language or to condemn a typically human cognitive process.

As Gilbert Simondon called on society to strengthen its technical education (which can certainly be welcome) for a better understanding of techniques and technology, there is also a need to reconnect to a model of rationality and a rhetorical culture that assume the reality of humans living in a complex world. Indeed, the rediscovery of the practice of the art of persuasion where experts and citizens meet on a similar level demands to quit a model where obviousness prevails (*I believe only what I see*) for a system governed by trust in which roboticist don't fear to nourish ideas of transhumanism as they present technological innovation, and in which the audience has a strong experience in critical thinking and judgements. According to this model, the agentive language proved as a natural mechanism that is useful in the discovery phase, does not compromise the justification phase in which the criterion of validity appears: as we say that a machine *decides* about the destiny of sausages, our ability to judge the *humanity* of the robotic arm is not essentially threatened.

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[22] Karl Popper, Conjectures and refutations: The growth of scientific knowledge, Routledge, 2014, 412 p.
[23] *Op Cit.* E. Danblon, p.19

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Can't Aristotle's problemata exhibit ideological cant?

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ABSTRACT: The work we propose here is an argumentative study concerning the ancient Greek, as it was used in the time of Aristotle. We defend the idea that it is possible to carry out an empirical semantic study on ancient texts such as those of Aristotle, provided that a sufficiently large corpus is used (for example, all the known texts written in that language), and the rather fine knowledge which philosophers and, in this case, Hellenists have elaborated concerning the debates of ideas which permeated that epoch.

KEYWORDS: argumentation and ideology, argumentative ambiguity, ancient greek, use of argumentative analysis, authorship determination.

1. INTRODUCTION

This study also has a practical orientation: elaborate elements of a method allowing to provide evidence for or against the attribution, to an author, of a text whose origin can be considered doubtful. Here we focus on a text, the Problemata, which groups together a large number of arguments of its author(s) on various subjects, and whose attribution to Aristotle gives rise to some doubts.

We restrict the semantic study to the description of the Greek words ὀξύ (sharp, acute) and βαρύ (low, severe), in their different forms (nouns, adjectives to positive, comparative or superlative), as they appear in section XIX of that text. We show that these words introduce argumentative ambiguities, which can be discriminated using knowledge about the author's ideology at the time of writing. More generally, we will see that there is a link between the semantic properties of units of languages and the ideology of discourses which use them. On the basis of what we know of Aristotle's ideology, and taking into account the argumentative properties of some Problemata of Section XIX, we will explain how we can determine whether they can possibly be attributed in some way to Aristotle (or one of his close disciples), or if, on the contrary, they can certainly not be attributed to Aristotle.

2. PATERNITY PROBLEM FOR THE *PROBLEMATA*

Like the majority of the Problemata sections, the nineteenth section, with fifty problems, is not attributed to Aristotle. Nevertheless, according to the Hellenists Pierre Louis (1993) and Eichthal and Reinach (1892), it is probably the work of Aristotelian disciples testifying with more or less fidelity of the thought of Stagirite in music, while other sections are, rather, attributed to other later authors.

We will show how the study of the occurrences and the form of the adjectives ὀξύ (*sharp, acute*) and βαρύ (*low, severe*), can give indications about the genesis of some of the *Problemata*. In order to achieve this goal, we will have to show that there is a general way of linking linguistic facts to the ideologies underlying the discourses exhibiting these facts. From what we know about Aristotle's ideology, we will determine whether or not, examining some of the linguistic facts appearing in a set of *Problemata* classified in section XIX, provides evidence for securely attributing those *Problemata* to Aristotle or one of his close disciples.

2.1 A ... globally Aristotelian... text

The Hellenists consider that this section is written by Aristotelian disciples because it addresses the problem of music in terms recognized by tradition as Aristotelian. Indeed, we find here ideas close to (and often identical to) those of the philosopher, as well as his terminology. Nevertheless, it should be noted that we do not have a treatise on music on the part of Aristotle; at most, Book 8 of the *Politics* casts some ideas about the use of music for society, but nothing about what it is and how it is constructed.

Section XIX is what we have (even though indirectly) most accomplished on music from the philosopher. But it is also, and this is quite worthwhile, a testimony of a part of the Pythagorean ideas on music, as if, for this field almost exclusively, Aristotle did not find it useful to defeat the ideas of the Pythagorean philosophers, who, however, elsewhere and on other subjects, he used to fight.

As we will see, one of the formal characteristics which betray the Aristotelian (even indirect) origin of section XIX of the *Problemata* lies in the distribution of the positive or comparative form of the adjectives ὀξύ and βαρύ according to the context in which they are used.

2.2 Comparatives and infinite

Indeed, on the one hand, the adjectival form of the comparative or the superlative presupposes the possibility of considering in its gradual form the quality to which the adjective refers. The comparative form in -τερος means "more … than", whereas the superlative form -τατος can be relative ("the most") or absolute ("very").

Now, admitting that a quality can be more or less strongly manifest in a phenomenon, prevents from recognizing a limit in the plus or minus: the presence of ὀξύ or βαρύ to the comparative or superlative form commits with taking into account the *more or less sharp* or *more or less low* unlimitedly. This is indeed how, according to the conclusions of Wersinger (2008), the Pythagoreans represented the infinite or the unlimited:

> Pour les pythagoriciens, *l'apeiron* est donc « le plus ou le moins ». Sans doute l'infinitésimale telle qu'ils la conçoivent est-elle encore rudimentaire. Il n'empêche qu'elle constitue pour eux une représentation qui leur sert à reconnaître l'existence de l'infini en tant que différence évanouissante de deux grandeurs.[1] Wersinger (2008, p. 230)

On the other hand, we know that Aristotle, like other philosophers of Antiquity (but unlike the Pythagoreans), was reluctant to admit the existence of the infinite or the unlimited outside the field of mathematics. What is perfect is necessarily finite; infinity is not knowable, according to the Ancients.

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[1] For the Pythagoreans, the *apeiron* is "the most or the least". No doubt the infinitesimal as they conceive it is still rudimentary. Nevertheless, it constitutes for them a representation which they use for recognizing the existence of the infinite as a vanishing difference of two magnitudes.

It is known that, if Aristotle refused to believe in the physical infinity of the world, he did not deny mathematical infinity; he was aware of Zeno of Elea's paradoxes, since he relates them in *Physics* before examining them.

In examining these problems, Aristotle presents a fundamental distinction between *potential infinite* and *actual infinite* that, according to him, must now be established. *Potential infinity* is a construction of the mind, necessary for the resolution of certain problems falling within mathematics, but not assuming a correspondence with something of the world; while the *actual infinity* must really correspond to something existing. But for Aristotle, no *real* object is infinite.

In the entirety of the texts attributed to Aristotle, we do find adjectives expressed in the positive form, the comparative form and the superlative form. However, this does not contradict, in general, what we know about Aristotle: even though every expression in the comparative or the superlative could be considered as a warrant in favour of the idea of infinity, we know that Aristotle, anyway, does not question the existence of a potential infinity, necessary to the understanding of the problems in particular mathematical, or 'mathematizable'.

3. WHAT WE AIM AT AND WHAT WE CAN EXPECT

For several decades, discourses have been known to give indications on the ideologies of their authors: from Viktor Klemperer to *Speech Analysis*, many authors have examined this aspect of the language sciences with regard to many living languages. But to study the possible links between the texts that interest us and the ideologies that we think we know, we face a major obstacle: we want to study the traces of utterances in an ancient language, that is, by definition, a language for which we have no living speaker...

3.1 Studying an ancient language using the tools of modern linguistics

Since we have no living speaker to verify or falsify, through the consequences on their discourses, what we say about the Greek language of the fourth century AC and what we say about the ideologies of Aristotle and Aristoxenus. We will not be able to test our descriptive hypotheses in this way. However, this apparent disadvantage has a definite advantage: the fact that there is no speaker any longer implies that there has no longer been, for a long time, authentic production in that language: in other words, we have *all* the texts, traces of statements in the Greek language, which have been found to date: constituting a corpus is therefore particularly easy, since the crucial problem of the selection criteria no longer arises.

Our corpus consists, on the one hand, of the XIX section of the *Problemata* and on the other hand, the *Elements of Harmony* of Aristoxene; the other texts of contemporary Greek authors, translations and commentaries from the nineteenth to the twenty-first centuries will play the role of interlocutors or will, in any case, be used to test our assumptions. On the other hand, although we cannot test our hypotheses with real-life subjects, the body of Greek texts puts us in the presence of past speakers and, as long as we can identify their ways of seeing, we have an indirect means of refuting or confirming the hypotheses we are led to formulate in order to describe the meaning of the words of ancient Greek. In order to secure reasoned hypotheses on the past speakers' ways of seeing, two tracks can be explored: on the one hand, the detailed analysis of successive translations of the target text, and their motivations and; on the other hand, the written knowledge researchers have accumulated about the ideological, philosophical and scientific debates of the time. In this study, it is this last means that we explore: firstly, we expose a set of non-linguistic data concerning these debates, and organize them in such a way

as to be able to formulate hypotheses, predictions and questions about the plausibility that such author supports or attacks such a position in these debates.

Of course, we will limit this exploration to data that will allow us to describe the meaning of βαρύ and ὀξύ, in order to understand the ideologies that their uses evoke. It is these results that will then enable us, as a kind of application of our study, to provide arguments for or against the attribution, to the presumed author, of texts whose origin is disputed.

3.2 Using a fine-tuned semantic model in order to account for the ideological bias that explains a statistically measured textual property

If the *Problemata* are indeed the work of Aristotle or his close disciples, and if there is a link between the linguistic fact and the ideology of discourse, then in section XIX, the fifteen or so problems that deal with ὀξύ or βαρύ should, in one way or another, reflect the acceptance of the *potential* infinity and the rejection of the *actual* infinite. In particular, we can expect that, in domains whose boundaries have not been clearly delimited, the grammatical form chosen for the adjectives ὀξύ and βαρύ reflects the Stagirite's will to block the penetration of infinity into the actual observable world. However, derogating from his own principles, Aristotle did not explain the external limits of the sound sub-domain of music: the refusal to use the comparative and superlative forms of these adjectives would allow Aristotle to partially compensate for this lack of limits and to continue to oppose the Pythagoreans by eliminating any possibility of expressing themselves in mathematical terms when talking about the sounds of music. In section XIX of the *Problemata*, out of 45 occurrences of ὀξύ or βαρύ, 11 are in the comparative or superlative form: we observe that these occurrences appear in passages where Aristotle speaks of the physics of the generation of sound, whereas, when he deals with the perception of sound, only positive forms are used. It seems, thus, that the total absence of comparatives and superlatives for these two adjectives should be explainable by some incompatibility between aspects of the meanings of those forms, and some biases with which the author's understands musical sound perception. In order to examine that question, we will thus need a semantic framework in which meanings and biases are related: this is where the ViewPoint semantics comes in.

3.3 Using philosophical and historical studies in order to justify the interest of a statistical disappearance

The disappearance of comparative and superlative forms of ὀξύ and βαρύ a part of our corpus is all the more remarkable, because we encounter a greater share of ὀξύ or βαρύ occurrences in the comparative or superlative form in the writings of Aristotle's own disciple, Aristoxenus of Tarentum, who was a distinguished disciple of Aristotle (he would even have been tipped to succeed the master at the direction of the Lyceum, if the master had not, at the end, preferred his own son-in-law).

As a result, we can also wonder about this apparently paradoxical use of Aristoxenus of non-positive forms: a disciple of Aristotle, who is fiercely opposed to the Pythagorean doctrines too, shows no reluctance to use comparative and superlative forms for adjectives ὀξύ or βαρύ. Whereas, as we have seen, Aristotle would avoid using these forms whenever they could contribute to strengthening the Pythagorean ideas, and, for that matter, the possibility of infinity for actual objects.

To feed our interrogation tracks, note that Wersinger (2008) is surprised to note that in Plato's *Philebus*, unlike *Parmenides* and *Sophist*, the form of the adjectives βαρύ and ὀξύ is always positive.

La disparition du comparatif qui caractérise les relatifs relevant de *l'apeiron* [l'illimité] (comme « le plus aigu » par rapport au « plus grave »), au profit des adjectifs simples (comme « l'aigu » et « le grave ») témoigne d'un glissement qui pose problème. Le grec ancien établit une distinction claire entre la forme grammaticale qui énonce les relatifs par les comparatifs et celle qui les absolutise.[2] Wersinger (2008, p. 251)

We derive at least two pieces of information from this passage: we consolidate our hypothesis that the comparative or superlative grammatical form has to do with the infinite, or the *apeiron* (the unlimited); we find that this 'slippage' is considered "problematic" by Wersinger. A few pages later, she explains this disappearance of comparative forms by the fact that the text is about "low pitched" and "high pitched" sounds, that is to say, concerns belonging to music, area in which ὀξύ and βαρύ play a limiting role (on which we will have the opportunity to return).

These remarks justify thus our questioning about the use of the grammatical forms of these two adjectives in a musical context: the words βαρύ and ὀξύ, used to refer to *low pitched* and *high pitched sound*, are often presented as at the heart of the issues related to music and mathematics. According to their grammatical form, did they bear the mark of the infinite or *apeiron* or, on the contrary, were they perceived as limiting?

And, since Aristotle, in *Problemata* XIX, uses several forms of the adjectives βαρύ and ὀξύ, it is necessary to ask whether, in some cases, he follows a Platonic way of proceeding and, in other cases, he eliminates the very idea of *apeiron* conveyed by the comparative and superlative forms of the adjectives.

From her part, Wersinger comes to the conclusion that, if Plato's position is ambiguous, that of Aristotle leaves no doubt.

On constate qu'Aristote rigidifie ce que Platon ne semblait qu'effleurer : un intervalle liminaire délimite un domaine. Alors que Platon affirme à la fois que l'intervalle est un infini et un limitant, comme en témoigne l'exemple de l'aigu et du grave, qui sont infinis et qui pourtant délimitent le domaine musical, Aristote refuse cette ambivalence ou cette ambiguïté et tranche en faveur de la limite. […] Par rapport à Platon, cela revient à déclarer qu'il n'existe pas d'intervalle non borné.[3] Wersinger (2008, p. 264)

Our next step is trying to understand more precisely in which cases, and for what reasons, Aristotle would use, sometimes the comparative form sometimes the positive form of these adjectives.

Aristoxenus, although disciple of Aristotle, seems to tame the idea of infinity by taking care to clearly delimit the space or the place subjected to his study of acoustic and musical phenomena, thus returning the notions of infinity or unlimited to the mathematicians heirs of Pythagoras while he faithfully follows the Aristotelian method by the very constituency of the area to be studied.

Wersinger (2008), insists that, (i) most probably, much of what we know about the Pythagoreans actually comes from the Platonists, who contributed greatly to founding the Pythagorean legend; and (ii) Aristotle, especially in the Metaphysics, is one of our best informers about the Pythagorean doctrines. Thus, Wersinger argues that:

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[2] The disappearance of the comparative, that characterizes the relatives pertaining to the *apeiron* [the unlimited] (like "the sharpest" compared to the "lower"), in favor of simple adjectives (such as "sharp" and "low") shows a problematic shift. Ancient Greek makes a clear distinction between the grammatical form which states the relatives by the comparatives and the one which absolutize them.

[3] We can see that Aristotle rigidifies what Plato only seemed to scratch: an interval delimits a domain. While Plato affirms at the same time that the interval is infinite and limited, as is evidenced by the example of *treble* and *bass*, which are infinite and yet delimit the musical domain, Aristotle rejects this ambivalence or ambiguity, and chooses in favour of the limit. [...] In relation to Plato, this amounts to declaring that there is no actual unbounded (open) interval.

With this remark in mind, we can expect to find elements of Pythagorean thought through what Aristotle and Aristoxenus say about it, in comparison with their own thought. It may not help us to draw the exact outlines of Pythagorean thought, but that is not the goal we pursue. Indeed, we do not seek to understand Pythagoras through Aristotle, but only if the use of adjective degrees in *Problemata* section XIX can be mapped to what we know about Aristotle's ideology. With that purpose, we will explore the possibility of a link between linguistic facts and the ideology of Aristotle, exploration that supposes, more generally, the possibility of establishing a relationship between a linguistic fact, and statistical measures, and what we know about the thought of the author of the linguistic segment which exhibits the observed fact.

4. NON LINGUISTIC DATA

The opposition categories of ὀξύ and βαρύ are controversial…

The opposites of the type ὀξύ and βαρύ are, for the ancient Greeks, the first elements that can be enumerated and whose systematic opposition fascinated the ancients. These pairs of oppositions work (even now) as instruments of knowledge and seem reassuring because they are binary –no doubt they respond to a certain functioning of our thought. The next three sub-sections sketch an explanation of how the lists of oppositions used to work as an instrument of knowledge in the Greece of Antiquity.

4.1 The use of Sustoichiai as an instrument of knowledge

This process, which leads to knowledge through the opposites, favours the emergence of analogies, and particularly analogies of structures, which allow, among other things, an early, abstract description of the phenomena of the world. Thus were born the first descriptions of acoustic and harmonic phenomena, which the Pythagoreans and their followers described in largely mathematical terms.

Aristotle names συστοιχία (*sustoichia*) the list or table of opposites. He notes that this list is not disordered or unfounded: its construction obeys a set of rules that it brings to light; these opposites are coordinated and hierarchical.

Limited and unlimited	Rest and movement
Odd and even	Straight and curve
One and several	Light and dark
Right and left	Good and bad
Male and female	Square and oblong
Table 1: The Pythagoreans' Ten principles *(from Aristotle, Métaphysics 986a22-34)*	

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[4] [...] it has been defended that only the testimony of Aristotle seems worthy of faith and that it is convenient to compare to this testimony the fragments that remain to us. Yet Aristotle is not always a reliable witness […]. He does not faithfully report Pythagorean thought, but translates its significance to his own thought.

The pairs of opposites established in this list are widely used by Aristotle in many of his works, when he undertakes to produce a complete description of a phenomenon he observes. He goes so far as to explain Nature by the obligatory observation of the opposites, without hesitating to artificially sneak his ideology. For example, noting that the heart is on the left side of the body, while this important organ, in his representation, should be on the right, he explains it by emphasizing that it must be so in order to compensate for the obviously natural coldness of the left side. (Aristotle, First analytics, 665a22 and following).

4.2 Analogy and pairs of opposites: two complementary paths

In the Greek thinkers of Antiquity, thus, we find a fascination for these pairs of opposites, and more generally for a system of almost automatic derivation of these opposites, a kind of declination by analogy, which would make it possible to cover the whole of the real world by this type of descriptions, which can be considered as a kind of abstract formalism.

Legend has it that Pythagoras, strolling through the busy streets, noticed that the sound of the anvils produced more or less high notes, sometimes consonant when the receptacles on which they were struck were, as to their volume, in a proportion ratio easily formalisable into simple fractions. What was his surprise when he noticed that the fractions were the same as those that could be observed on a monochord –a string stretched over a wooden body with resonance: the upper fifth of the sound produced by striking the full length of the string is obtained by striking 2/3 of its length; the upper fifth of the sound produced by striking a hollow and resonant object will be obtained by striking an object with identical shape, dimensioned to the 2/3 scale. The Pythagoreans like the other physicists of their time (and of the times that followed) tried to abstract from an observed experiment what could be duplicated on another.

We see, then, two closely related paths of knowledge: one pursuing the laws of proportion from [A is to B what C is to D], the other the laws governing opposites from [A is to B what -A is to –B] (where "-X" refers to the opposite of "X" in the list of opposites). Each of these paths has to do with analogy and abduction in its most elementary form, in that we extract from these observations a general rule which is said to constitute the rector principle of the phenomena of the world.

Note that the seduction exerted by couples of opposites on humans does not concern only the Greeks or even only the Westerners; it is also a peculiar characteristic of Eastern philosophies and religions, like Taoism with Yin and Yang; or, geographically closer, but more distant in time, Zoroastrianism and its simplified form, Manichaeism.

*4.3 Three types of oppositions*

The pairs of opposites in Aristotle, whether they are predicates or concepts, if they reflect the real phenomena, do so only because, moreover, they play the role of limits of the domain they allow to approach. To account for this, we propose to distinguish three types of opposites: opposites *with respect to their orientation*, opposites *in their domain*, and opposites *as concepts*.

Opposites as to their orientation concern qualities that can be attributed to objects of the world; they could be represented at each side of a geometric line on which, for example, the more (or less) hot or the more (or less) cold would degrade. This virtual representation in the form of a graduated geometric line can be abstract enough (from the Aristotelian real world) to run to infinity in one direction or the other: there will always be higher, warmer ... at least can we imagine it as far as mathematical infinity allows us. Some so-called *opposite predicates* may even designate the same absolute value according to the degree they display: *less cold than yesterday* at 12° C may denote the same as *warmer than tomorrow*, still at 12°C. Opposites within this category of *opposite-oriented predicate*, allow thus a certain superimposition of the

values of the predicates according to the context as well as a graduation to infinity; it is of course possible, later, depending on the object that one wishes to describe using these predicates, to determine a limit or graduation beyond which the object changes in nature. In any case, this type of oppositions makes it possible to determine open intervals (that is, either infinite or whose bounds are excluded). In such a context, + hot or + cold will be *opposed as to their orientation*. Diagram 1 illustrates this configuration:

+cold   *+hot*

Diagram 1 : *Opposed with respect to their orientation*
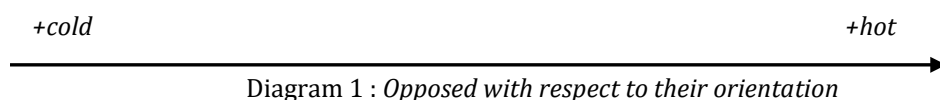
Opposites *in their domain* also concern qualities of objects of the world; they can be represented as two subspaces constituting a partition of an observed material space. They correspond to a gradual conceptual space, but the partition into two subspaces makes it possible not to take into account the gradualness of the domain. Thus, *hot* and *cold*, for instance, can be seen as two complementary sub-spaces of the space of (liquid) water temperature. This category of opposites does not allow the superposition of the predicates and limits the material domain considered: this type of oppositions makes it possible to determine closed intervals (that is to say finite and containing their limits). Diagram 2 illustrates this configuration:

COLD	
	HOT

Diagram 2 : Opposites in their *domain*
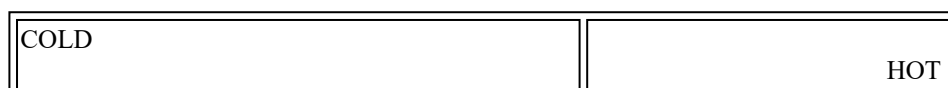
Opposites *as concepts* are distinguished from the previous two in that they only concern conceptual domains, do not constitute a partition of the domain, and do not concern a gradual domain. Thus, for example, the *open-closed* opposition determines neither the bounds nor the content of a material space. An object or a phenomenon of the real world cannot be said *more or less open* or *more or less closed*. *Open* and *closed* are logically opposed. One thing is either *open*, or *closed*.

Be they perceived as (1) opposed orientations (+ vs -), (2) opposed domains (hot vs. cold, sharp vs. low) or (3) opposed concepts (open vs closed), these opposites help to determine the nature of the phenomena that will be discussed –and not the opposite: indeed, when I speak of the opposition *the hot* vs *the cold*, I do not speak of the same phenomenon that would be describable with the help of ± *hot* and ± *cold*.

The so-called Pythagorean list of the ten opposites contains undeniable *conceptual* opposites: *the odd* and *the even*, *the one* and *the multiple*, *the rest* and *the movement*, *the square* and *the oblong*, *the male* and *the female*, *the rectilinear* and *the flexed*. It is more difficult to imagine that opposites such as *light* and *darkness*, *right* and *wrong*, *left* and *right* have no relative graduations. In our present representations, there is *more or less good*, *more or less right or left* and *more or less enlightened*. These opposites are formed of two qualities relative to each other. We can imagine a momentary shift of these representations into a more fixed and absolute form, which would then make these opposites belong to the category *as to the domain*. The essential question, one will guess, is to know what type of pairs of opposites the opposition between βαρύ and ὀξύ belongs to, according to our different authors.

5. THE VIEWPOINT SEMANTICS AND ITS USE TO ANSWER OUR QUESTIONS

We join the Ducrotians (see, for example Ducrot 1984), but also many other linguists, semioticians or discourse analysts (see, for example, Ouellet et al., 1994:137), in defending that semantic phenomena and, for that matter, opposites in the language, do not –cannot– inform directly about the world; nevertheless, they make it possible to understand how the speakers' and the hearers' way of apprehending the world is conditioned by the semantic properties of their language (see also Raccah 2015).

In order to do so, one must be able to follow the threads linking the semantic structure of the languages under study with the process through which speakers and hearers construct utterance meanings by way of applying sentence meanings to their perception of the world (subjective situation). Obviously, a semantic model based on a 'transmissional' conception of linguistic communication cannot help achieve such an enterprise: we now present a conception of communication that accounts for the fact that utterance meanings are not transmitted by the speaker but rather constructed by the hearer, and a semantic model based on that conception of communication, and that accounts for the fact that semantic phenomena do not inform about the world, but about the way speakers and hearers apprehend the world (cf. Raccah 2014).

5.1 Linguistic communication and instructional semantics

It has been shown, in many different ways, that communication using a (human) language is not about sending messages, but (roughly speaking) about manipulating people in order for them to construct the meaning one wants them to construct (this will be 'unroughed' in a while…). We will not reproduce the relevant demonstrations here, though it might certainly be useful, for the 'message transmission' conception is still taught, in most universities around the world, as the 'good sense' conception (if not the only one). However, in order to understand instructional semantics, it might be useful to, first, have a look at an alternative to the 'transmissional' conception, alternative that can be considered to be the background of the various instructional semantics.

Since nothing *really* goes from the speaker's mind to the hearer's mind, the transmissional conception of communication is but a metaphor of –successful– communication and, as such, cannot be used for scientific purposes. The impression that communication is about transmitting messages comes from the fact that, when both speaker and hearer are glad after a communication session, both the speaker (who also is a hearer for himself) and the hearer have the impression that the speaker had a message and that, thanks to that communication session, this message is now common to both the speaker and the hearer. Now, this impression can be produced by a much less metaphorical process: (i) the speaker wants the hearer to do something or to be in a specific disposition with respect to some subject; (ii) the speaker says something to the hearer in order to act on him/her towards that goal; (iii) if the communication session succeeds, [a] both speaker and hearer will have constructed a meaning for what the speaker said, [b] both have the impression that the two meanings constructed are the same, and [c] both have the impression that the goal aimed at by the speaker is achieved or will be shortly achieved. With such a conception of communication, successful communication does look like the transmission of a message (with the difference that this message did not pre-exist the communication session), and we can understand several ways in which communication can fail. This conception of communication, call it "manipulatory" (without *necessarily* retaining the negative connotations of that word…), is a sort of pre-requisite for the different *instructional* semantics.

The *manipulatory conception of communication* (MCC) is not a model since it does not specify what makes people build utterance meanings, nor how. A step towards modelling

communication using language is done by *instructional semantics* (IS): it specifies that human languages abstract units provide instructions on building meaning for their utterances out of one's knowledge and beliefs. These instructions are independent of the situations: they are acquired during the language acquisition process and their application by speakers-hearers, in situations, escapes the control of their conscience: *it is not possible not to understand an utterance that we are able to understand.* IS specifies that the semantic instructions must be such that they allow/force to act on speakers-hearers' representations of situations, in order to build the utterance meaning. However, IS does not specify the nature of these instructions, what aspects of representations are concerned, nor how they act; these specifications depend on the models that will be chosen, and IS is a sort of meta-model, which allows for different models.

5.2 Instructions on points of view

ViewPoint Semantics (VPS) is an instructional semantics (IS) which postulates that constraints on points of view are necessary and sufficient to account for the linguistic instructions for meaning construction. It follows from this position that, for VPS, constraints on points of view are the basic 'ingredients' of sentence meaning.

Within this theoretical framework, it has been shown that points of view:
- determine argumentative orientations
- characterize polyphonic voices
- participate in determining reference in situations

In addition, the ideology of a discourse is characterized by presupposed points of view. This will greatly interest us here; we insist that such a characterization of ideologies (the points of view one must admit in order to understand an utterance or a discourse) is not ideological: not all ideologies are evil…

Semantic descriptions using VPS involve, thus, constraints on points of view, some of which are directly asserted, others being presupposed: the ones that reflect ideological commitments. We saw that, using ὀξύ or βαρύ in the comparative or the superlative form commits to consider them as *opposites of the apeiron*, that is, to place them in an open interval, from which one should infer the possibility of actual infinity. Now, this is precisely the kind of commitments Aristotle would not accept.

6. CONCLUSION

As far as our subject is concerned, we have pointed out that ὀξύ and βαρύ, though often presented in the opposites of the *apeiron* (opposites *with respect to their orientation*), that is to say those carrying in the language the excess and the defect expressed by the comparative and superlative forms, they become opposites *in their domain* in Plato's *Philebus* and in most of the section XIX of Aristotle's *Problemata*, while they become again generally opposed *with respect to their orientation* in Aristoxenus' *Elements of Harmony*. The ideological filter produced by this move is systematic and compatible with Aristotle's point of view on infinity: the text of *Problemeta* XIX is thus probably written by Aristotle or one of his close disciples. In order to give that answer, we had to combine the efforts of historians and philosophers with a semantic description of Ancient Greek which put in light the points of view and ideologies that permeate discourses in human languages.

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The non-existence of "inference claims"

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ABSTRACT: Some believe that all arguments make an implicit "inference claim" that the conclusion is inferable from the premises (e.g., Bermejo-Luque, Grennan, the Groarkes, Hitchcock, Scriven). I try to show that this is confused. An act of arguing arises because an *inference* can be attributed to us, not a meta-level "inference claim" that would make the argument self-referential and regressive. I develop six (other) possible explanations of the popularity of the doctrine that similarly identify confusions.

KEYWORDS: argument identity, associated conditional, Lewis Carroll, monotonicity, rule of inference, self-justifying arguments, suppositional reasoning, Stephen Toulmin

1. INTRODUCTION

It is widely believed that all arguments make an implicit "inference claim" that the conclusion is inferable from the premises. I do not think that this is true, and the purpose of this paper is to attempt to show that it is not. After trying to better see what the view is in section 2, in section 3 I develop a number of possible explanations of its popularity. I find that each explanation points to confusion that when cleared, removes motivation for the doctrine and leaves it as involving a vicious infinite regress.

2. WHAT ARE "INFERENCE CLAIMS"?

Perhaps the most succinct contemporary expression we read of the view in question is Leo and Louis Groarke's (2002, p. 51): "Every argument assumes that the premises warrant the conclusion." Others who hold this view include Scriven (1976, p. 84), Grennan (1994, p. 187), Hitchcock (1998, p. 19), and Bermejo-Luque (2011, p. 90). Hitchcock (2007, p. 2; 2011, p. 210) sees the idea as going back to the ancient Stoic logicians, specifically, Diogenes Laertius, who says that the argument-indicator term 'since' appearing at the beginning of a sentence "guarantees both that the second thing follows from the first and that the first is really a fact" (VII.71) [http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0258%3Abook%3D7%3Achapter%3D1]. Alternatively, the idea is sometimes cast in terms of the arguer, rather than the argument, making the assumption or "implicit inference claim." For example, Hitchcock (2011, p. 191) maintains, with respect to argumentation inferences, that "the arguer implicitly claims that the conclusion of each constituent argument follows from the reason or reasons from which it is drawn."

Cast either way, the point is apparently supposed to be obvious, because it is usually not otherwise defended. Bermejo-Luque is an exception. She says that it is because an "implicit inference-claim can be attributed to us…that a mere transition from a cognitive input to a cognitive output counts as an act of reasoning, and merely putting forward a couple of claims counts as an act of arguing" (2011, p. 90). Whatever its defense or lack thereof, the view has

become entrenched in informal logic to the point where it sometimes even seems to be regarded as a matter of descriptive definition rather than theory. Grennan says (1997, p. 69): "Consider an argument utterance symbolized as '*A*, so *B*'. By definition, the inference claim is 'if *A* then *B*'." Furthermore, Grennan contends that the inference claim is "necessarily implicit" as follows: If we "add" this claim to the argument "in an attempt to make the inference claim explicit," then the argument's form evidently will be that of Modus Ponens. As if by magic, notice, what might have been a deductively invalid argument (e.g., where *A* is true and *B* is false) becomes valid.[1] Yet this new argument's inference claim is "if *A* and if *A* then *B*, then *B*," and when this is added to the new argument for the same reason—making the inference claim explicit—an expanded argument and corresponding inference claim is generated, and so on, ad infinitum (p. 69). In company with others, Grennan thinks that the way to avoid this regress, which is akin to the one identified by Lewis Carroll (1895), is simply to neither treat the original assumption/inference claim as a premise nor make it explicit (cf., e.g., Govier, 1987, pp. 96-97; Bermejo-Luque, 2004, pp. 174-175).

One should want to avoid this regress because it is vicious, as even the name *regress* suggests: Any alleged *progress* made in explaining or accounting for anything disappears in the infinite argumentative structure. Its quantitative extravagance is not a cost worth paying (cf. Nolan, 2001, e.g., pp. 536-537). In contrast, no such point applies to a benign infinite series, for instance, the fact that every counting (or natural) number has exactly one successor counting number. Representing this series enhances our understanding; it accurately depicts, rather than bloats, ontology.

In his brief but seminal paper Carroll describes an infinite argumentative regress, which can be symbolized as follows (the arrow for 'if-then'), keeping interpretation to a minimum:

A: $(\forall x)(\forall y)(\forall z)(((x = z)\ \&\ (y = z)) \rightarrow (x = y))$ ["Things that are equal to the same are equal to each other."]

B: $(a = c)\ \&\ (b = c)$ ["The two sides of this Triangle are things that are equal to the same."]

C: $(A\ \&\ B) \rightarrow Z$

D: $(A\ \&\ B\ \&\ C) \rightarrow Z$

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.
.

$\therefore$ *Z:* $a = b$ ["The two sides of this Triangle are equal to each other."]

The vertical margin dots represent an infinite series of recursive iterations in the manner of *C* and *D*. We may take the assumption/inference claim to which Grennan and company refer first as *C* for the argument explicitly composed of *A*, *B* and *Z*; then as *D* for the argument explicitly composed of *A*, *B*, *C*, and *Z*; and so on. And again, their point is that the way to avoid this regress is to neither treat the original assumption/inference claim as a premise nor make it explicit.

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[1] Grennan himself does not discuss this point. Hitchcock, inexplicably as far as I can see, expresses a denial of it: adding the "material conditional with the conjunction of the explicit premises as antecedent and the conclusion as consequent…as an extra premiss does not make any previously invalid argument valid" (2000, p. 6).

3. CRITICISMS

However, it is hard to see what an assumption of an argument is if not a premise (cf. Plumer, 2017, esp. pp. 474ff.), and it is hard to see what relevant difference it could make whether the claim is explicit or implicit. Rather, it seems to me that it is taking situated reasoning to warrant itself—whether enthymematically or not—that is the problem. Arguments make no such assumption or inference claim as that the premises support the conclusion. Instead, in an argument the conclusion is actually inferred from the premises (some of which may be implicit); it is not claimed to be inferable. The use of an argument-indicator term such as 'so', 'therefore', or 'since' means that the arguer is inferring; contra (e.g.) Grennan (1997, pp. 69-70), they do not mean that the arguer or argument is making a self-referential meta-claim that, if true, would warrant this inference (the meta-claim being that the premises support the conclusion). Perhaps the difficulties this idea encounters are to be expected in light of other paradoxes of self-reference, e.g., the liar paradox, which concerns the claim 'this statement is false', and Russell's paradox, which concerns the set property of being self-membered (although this connection will not be explored here). It is not because an '*inference-claim* can be attributed to us' but rather it is because an *inference* can be attributed to us "that a mere transition from a cognitive input to a cognitive output counts as an act of reasoning, and merely putting forward a couple of claims counts as an act of arguing." There is nothing for such an inference claim to do here (well, except cause trouble); it has no explanatory value. Furthermore, neither arguments nor inferences have a truth-value; rather, they are valid or invalid, or cogent or not. Hence, the view that we make an implicit inference claim simply by arguing or inferring represents us as doing something we are not doing—making a claim that is true or false.

The view that we make an implicit inference claim simply by arguing or inferring, or that "every argument assumes that the premises warrant the conclusion," is so widely held that subscription to it demands explanation. Below I offer six (additional) possible explanations. Each involves confusion that when cleared, removes motivation for the view (as in failing to see that the inference does the work attributed to an inference claim) and leaves it as implicating a vicious infinite regress.

First, deductive validity is of course monotonic, "that is, if you start with a deductively valid argument, then, no matter what you *add* to the premises, you will end up with a deductively valid argument" (this standard definition is from Sainsbury, 1991, p. 369). There is no question that adding C, D, etc. to Carroll's *A-B-Z* argument still gives you a deductively valid argument. Botting (2017, p. 35) contends that if you add C, D, etc. here, "it is arguable that these are not different arguments, since they each have exactly the same informational content." Botting further holds that in the absence of informational ampliation, "it is no problem at all that there could be an infinite number of premises." At a certain level of abstraction, this seems true. Needless to say, however, there would be problems if, for example, one was engaged in trying to accurately reconstruct an argument that when stated, was expressed simply along the lines of *A-B-Z*.

The serious mistakes arise in taking any of this to indicate that each of C, D, etc. is, as Botting claims, "not an ampliation, but is part of the argument's content and hence part of the argument" (p. 38). In the first place, this appears inconsistent: how could C, D, etc. be part of the argument's content yet add nothing to that content (no "ampliation")? Moreover, by definition, if a whole has parts, and some parts are missing or not included in the whole, the whole is *incomplete*. This means that for Botting, Carroll's *A-B-Z* argument would be incomplete without the inclusion of C, D, etc. And since there appears to be nothing relevantly special about Carroll's *A-B-Z* argument, such a view as Botting's would mean that at least every deductively valid argument is a vicious infinite regress. To this Botting has replied (personal correspondence), "C and D are redundant, but are part of the content for precisely that reason!"

We could go around and around, but the underlying problem appears to be a failure to distinguish between what *can* be added to a deductively valid argument (in virtue of monotonicity) and what *must* be added (such that otherwise the argument is incomplete).

Second, there is no doubt that by abstraction every argument has what is called an 'associated' or 'corresponding' conditional, in which the antecedent is the conjunction of the argument's premises and the consequent is the argument's conclusion (e.g., *C* for Carroll's *A-B-Z* argument). Per above, such an abstraction is in no sense part of the argument. However, confusion may creep in when considering the fact that an arguer is "committed" to the associated conditional insofar as it would be inconsistent for the arguer to deny it (e.g., Ennis, 1982, p. 83; Berg, 1987, p. 17; Hitchcock, 2000, p. 6). Certainly, it seems that if I sincerely argue "*A*, so *B*" I must *believe* that *A* supports *B* or *if A then B*.[2] Arguments (other than in the strictly formal sense of implication relationships between propositions) have intentional features, such as that the premises are intended to support the conclusion. But to believe that your premises are sufficient (or relevant or acceptable) is not to *claim* this at all, let alone to make it a premise or assumption in your argument. I might believe all sorts of things relevant to my argument that I choose not to incorporate in it. Believing is not claiming, yet in some (nonlogical) sense believing is *assuming*. Could that simple fact be the ultimate source of confusion?

Third, the idea that the way to avoid a Carroll-type regress is simply to neither treat the postulated assumption/inference claim as a premise nor make it explicit is a different point than—though possibly confused with—the idea that the way to avoid the regress is not to treat rules of inference as premises, which many have held, beginning at least with Russell (1937, pp. 35-36) and Ryle (1950, pp. 306-307). For example, in discussing Carroll's regress, Govier almost interchangeably uses the phrases "associated conditional" and "principle of inference" (1987, pp. 96-98). But a rule of inference, e.g., Modus Ponens or Simplification, is a general, topic-neutral principle that defines and licenses a specific pattern of reasoning or type of inference. The putative assumption/inference claim referred to in the Groarke & Groarke dictum that "every argument assumes that the premises warrant the conclusion" is not a rule of inference and accordingly the dictum is not a generalization about rules of inference; rather, for any particular argument, it is the associated or corresponding conditional (treated as incorporated into the argument) with content specific to the argument. And since the general idea of an implicit inference claim—that the conclusion is inferable from the premises—could apply to any argument of any form or pattern, it certainly does not define any such thing.

Fourth, it might be objected that in order to identify an argument, one must identify premises, conclusion, and its inference claim. Of course, the first two of these three are unexceptionable. Regarding the third, consider, for example, the argument 'it is widely held among population *S* that *p*, therefore *p* is true'. Is this a piece of fallacious *ad populum* reasoning, or a decent argument from authority or inference to the best explanation? The answer will depend in part on whether the inference claim is that the premises conclusively support the conclusion or that they inconclusively support it (Matthew McKeon raised this objection in personal correspondence). My response is that no doubt, determining the type or strictness of the implication relation in the associated conditional abstraction is required in order to identify an argument. Such a determination is facilitated by a broad set of indications, including the use of modal terms (such as 'must', 'probably', 'possibly'), context, and arguer behavior. It remains

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[2] While it is true some hold that even conscious reasoning is "blind," i.e., is "reasoning that does not involve your having any belief that your reasoning's conclusion follows from your basis" (Dogramaci's definition, 2016, p. 889), it is not clear that conscious reasoning and arguing are the same thing. Moreover, in arguing against the postulation of blind reasoning, Valaris (2014) points out that its primary—and mistaken—motivation is thinking that such a belief ("that your reasoning's conclusion follows from your basis") would be a premise in a Carroll-type regress. For a fine summary of current work on such issues, see Kietzmann (2018, especially section 1).

however, that although the arguer is committed to the associated conditional, in no sense is the associated conditional a claim that is part of the argument.

Fifth, in standard contexts a phrase on the order of 'it follows that' does appear to make the meta-claim that the premises support the conclusion, in contrast to argument-indicator terms such as 'so', 'therefore', or 'since'. However, unlike what is alleged about its trouble-making counterpart, the meta-claim here seems explicitly made. This suggests that such phraseology is a holdover from suppositional reasoning contexts, because the basic form of suppositional reasoning is: 'Suppose *p*. It follows that *c*', where neither *p* nor *c* is asserted (to be true). In suppositional reasoning, the claim that *p* supports *c* is not a self-referential meta-claim about the argument (leading to a vicious regress) because essentially it *is* (identical to) the argument; the logical relationships between propositions is the sole argumentative and evaluative focus, not also the assertability of those propositions (soundness). This makes suppositional and nonsuppositional reasoning quite different, to the extent that often the propositional elements of suppositional reasoning are not regarded as premises and conclusion (e.g., Dogramaci, 2016; Valaris, 2016). For example, in order to show that there can be no largest integer, one might suppose that arbitrary *N* is the largest integer (*p*) and derive a contradiction (*c*). This is a *reductio ad absurdum*—one type of suppositional reasoning—and of course neither *p* nor *c* is asserted here, in contrast to the premises and conclusion of arguments in ordinary nonsuppositional contexts. Now the core idea of conditional proof is: 'Suppose *p*. It follows that *c*. Therefore, if *p* then *c*', where the conditional *inference claim* 'if *p* then *c*' is *unquestionably made or asserted*. A conditional proof or defeasible reasoning analogue may be embedded in a longer piece of reasoning, for example (Cohen, 2010, p. 153):

> I suppose that most pit bulls are dangerous. Relying on my background knowledge that Fido is a Pit Bull, I infer by statistical syllogism, that Fido is dangerous. Discharging my assumption, I infer that if most Pit Bulls are dangerous, then Fido is dangerous.

My point is, could the existence of suppositional reasoning, conditional proof, and such phrases as 'it follows that' be the source of the (false) belief that implicit inference claims are made by all arguments?

Sixth and last, a number of the authors we have considered cite Toulmin's notion of a "warrant," from his seminal book *The Uses of Argument* (1958), as pedigree and support for their postulation of implicit inference claims. I think this misunderstands or misappropriates Toulmin. For instance, Bermejo-Luque says about an argument's "implicit inference-claim" that "following Toulmin, we can call this link between data and conclusion the *warrant* of the argument" (2011, p. 90). She says Toulmin "claims that the warrant of an argument can always be made explicit as the corresponding conditional whose antecedent is the data and whose consequent is the conclusion of
the argument" (p.86). Yet Toulmin explains "propositions of this kind I shall call *warrants*": "general, hypothetical statements, which can act as bridges, and authorize the sort of step to which our particular argument commits us." For example, the argument *Harry's hair is red, so it is not black*, has the "warrant, 'If anything is red, it will not also be black'" (Toulmin, 1958, p. 98). If Bermejo-Luque's account were an accurate representation of Toulmin here, he would say that the warrant is 'If Harry's hair is red, it is not black', although Bermejo-Luque does think that Toulmin's "portrayal" of an argument's warrant "is defective in some respects" (p.86). So as I said, Toulmin is being misunderstood or misappropriated.

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Epitomized argumentative strategies of disease mongering in medical advertising

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ABSTRACT: In this paper, we delved into the widely spread malpractice of disease mongering – an orchestrated attempt to sell sickness to the well, the sick and those in between. We investigated some medical advertisements for branded conditions with the help of Pragma-Dialectics, and applied argumentation schemes and discourse analysis to test the effectiveness and reasonableness of the found strategic moves. Our findings are upsetting and they bear implications for public health literacy and shared-decision making.

KEYWORDS: disease mongering; medical advertising; argumentation in medical advertising; Pragma-Dialectics; fallacies; strategic maneuvering; hidden fallaciousness; argumentation scheme; shared-decision making

1. INTRODUCTION

When OxyContin made its first appearance in the U.S. in 1939, it was a bit like a white sheep in the flock. Like other prescription drugs, it was meant to cure moderate to severe pain, so it got lost in the mash, quite unnoticed. Slowly but steadily, and thanks to savvy marketing campaigns, the sales started to skyrocket. By 2001, it was the best-selling narcotic pain reliever ever sold in the country(AAC 2010). Many have praised its positive effects to cure psycho-physical conditions, but many more patients complained about strong dependency, even addiction, caused by the drug. "OxyContin – it gets you high" read the message splashed on many billboards plastering the streets of thousands of American cities, showing a giggling couple at the peak of their lives. Nevertheless, the soaring demographics of patients suffering withdrawals and dependency on OxyContin (still counting) showed another message – this pill either gets you high on life or high on drugs. The Sackler family, the producer of OxyContin and Oxycodone in the States, eventually came under fire as the family "who built an empire of pain". Public debates on ethical and moral responsibility of the pharmaceutical company in question enraged, protests rolled on- and offline. On 12 June 2018, the state of Massachusetts sued the family for "spawning America's opioid crisis", and named its executives and members responsible for perpetrating and causing pain to countless American households(Radden Keefe 2017).

The intention behind this example is not to ostracize OxyContin or the Sackler's, as there are certainly positive effects of the drug when and if prescribed to the right patients, but to highlight two aspects. The most implicit one is that regulation on drug production, distribution and use exists, for both over-the-counter or prescription medication, so it shall be applied. The fact that OxyContin is prescribed extensively for a wide array of different symptoms, including depression, moderate to severe pain, muscular tension, and anxiety (Skarnulis 2017) is nevertheless worrisome. The second, more explicit fact is that many people seems ripe, willing,

and receptive nowadays to be part of the social, health and economic debates that health care systems around the world pose, and to either publicly support or fiercely criticize them – these are good news for shared-decision making in medicine.

When approaching the subject of argumentation in medical advertising, we were interested in analysing some of the strategic moves that seemingly trigger and sustain disease branding in mass communication and prevention in healthcare. We went on to explore whether these are examples of strategic maneuvering and effective communication or rather of fallacious argumentation.

Hence, our investigation is a qualitative empirical analysis of indirect medical advertising speech acts used to monger or brand diseases (the words 'condition' and 'disease' are used interchangeably in this paper). These narratives have been partly extracted from a previous investigation on marketed diseases(Quattri et al. 2018).

In order to investigate their nature and possible fallaciousness, we applied Pragma-Dialectics (PD) as framework theory.

Our paper is structured as it follows: First, we introduce the concept of disease mongering and briefly explain the motivation to explore argumentative strategies in medical advertorials. Second, we briefly highlight the concept of PD and research on PD and medical advertising. We discuss the retrieved most common speech acts, discuss the argumentative moves and their implications, and conclude with a synthesis of the work.

2. EPITOMIZED CASES OF ADVERTISED DISEASE MONGERING

2.1 On disease mongering and on mongered conditions

Disease mongering (DM) is a moniker for disease or drug branding. A monger is a merchant, a peddler or an impostor whose manners are deceptive and careless. It follows that, when used with 'disease', like in 'disease mongering', these conditions are the peddlers, alias they probably are not (entirely or yet) diseases, or they are mixed up with real ones. The credits for coining the term shall go to Lynn Payer, a medical journalist and science writer who, in the 1990s, wrote: "Disease mongering is the attempt to try to convince well people that they are sick, or slightly sick people that they are very ill"(Payer 1992).

Payer's investigation on DM kick-started public and professionals' debate and triggered people's interest and outrage on the topic. Nowadays, DM is commonly known – and still, unfortunately, widely practiced. Despite being a wrongful medical, academic, social and professional malpractice, it is not exactly clear what diseases and conditions have been mongered over the last years. Therefore, we ran a review of medical articles on mongered conditions, published in medical journals over the last fifteen years (2002-2017)(Quattri et al. 2018). According to our results, we found an astounding (several hundreds) number of diseases that we should be scared of and diagnosed for. They seem to cover the full spectrum of medical diagnosis, from pre-conditions to well-known and even uncurable ones. Their range across medical specialties is also extensive - including chronicle diseases, such as osteoporosis or obesity, pre-conditions, such as osteopenia (also known as pre- osteoporosis), or dubious ones, like aging.

Paired with the mongered conditions, we also found examples of medical advertising used to promote them. These ads caught our attention and led us to investigate the strategic

moves used to sell them and public messages of warning, persuasion and prevention, all in search for fallaciousness or communicative efficacy. We decided to adopt PD or Pragma-Dialectics as the stepping stone for our research.

First, we will briefly analyse PD as framework theory, particularly as already applied to medical advertising.

2.2 On PD and argumentation patterns in medical advertising

To Van Eemeren, argumentation is "a constellation of different propositions or reasons to defend or discard a certain standpoint"(van Eemeren et al. 2014). The whole reason of arguing is to try to convince people about the soundness of someone's statement, by giving reasons and by subjecting those reasons to doubt or criticism, whilst being prepared to live up or to abide by certain standards of reasonableness.

PD as theoretical framework has been proved a valid and suitable argumentative scheme for the medical domain, including medical advertising. If you think about it, oftentimes we can find pragmatic argumentation supporting medical statements. For instance, and as discussed below, the standpoint "You should take medicine X or undergo treatment Y because it may prevent the upsurge of a certain disease / it may stop a disease or a condition from spreading / it may cure it" is prescriptive (it tells you want to do) and pragmatic. In fact, such piece of information gives you something to think about and to act upon (pragmatic in the literal meaning) and, as in the case of pragmatic argumentation, it is a kind of argumentation "based on the sequential relation between *cause* and *effect*" (van Eemeren et al. 1996, p. 112).

Another reason why we chose PD is that it uses natural language, not formal logic or formal systems. PD complies to a constructivist approach to reality, which suits the epistemological perspective of interpretivism, i.e., the blood and bone of discourse analysis and qualitative research.

Previous research by, among others, Snoeck Henkemans(Snoeck Henkemans 2015; Rubinelli and Snoeck Henkemans 2014; Snoeck-Henkemans 2016) and(van Poppel 2012; Wierda 2015) showed that the genre of medical advertisements (or advertorials, a term which implies different 'modes' of ads, such as audio-visual, electronic, printed, subliminal and explicit messages) contains argumentative patterns. This finding further validates van Eemeren's claim that "in any kind of communication activity type, we can retrieve some argumentative patterns".

The same author defines argumentative patterns "a particular constellation of argumentative moves or argumentative standpoints, in which, in dealing with a particular kind of opinion to defend a particular kind of standpoint, a particular argumentation scheme or a combination of argumentation schemes are used for a particular kind of argumentation structure"[1]. Through the identification and analysis of argumentative patterning, i.e., through the analysis of these argumentation structures, one can prove the strength or weakness of the effectiveness and reasonableness of someone else's argument.

Snoeck Henkemans in(van Eemeren 2017) and(Snoeck-Henkemans 2016) has showed that argumentative patterns can be basic patterns of the main argumentation or elaborated patterns of an extended argumentation, as showed in Table 1. For instance, the example of medical argumentation presented above ("you should take medicine X because it is good for

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[1] Frans van Eemeren, spring 2017. Lectures on Pragma-Dialectics at ILIAS, International Learned Institute for Argumentation Studies, Jiangsu University, Zhenjiang, P.R. China.

you"), follows a minimal pragma-dialectical scheme of causality and can hence be defined a basic argumentative pattern. In this basic scheme, the prescriptive [pres] standpoint is defended at the first level of argumentation by a pragmatic [prag] argumentation (1.1 or also an implied (1.1')), which is coordinative. Nevertheless, when there exists the need to prevent or rebuff possible counter-arguments advanced against statement 1, one can either add further pragmatic coordinative arguments, or adopt a more sophisticated scheme, i.e., argumentation at a more subordinate level, as presented in the right column of Table 1, in the attempt to provide more and convincing standpoints to the main argument. In this case, the main prescriptive standpoint is supported by other kinds of argumentation (e.g., argumentation from authority; further causal argumentation) to strengthen the claim that the drug/treatment is effective(Snoeck-Henkemans 2016).

As van Eemeren states, over-the-counter medical advertisements seem to follow basic patterns of argumentation(van Eemeren 2017, p. 175).

Basic patterns of the main argumentation	Elaborate patterns of an extended argumentation (main argumentation and supporting arguments)
1[pres] <1.1[prag] 1[pres] <1.1.[prag]< 1.1'[prag]	1[pres] <1.1.[prag]<1.1.1 [prag] < (1.1)1a-n [prag] < 1.1'[prag] < (1.1').1a-n [prag]

1 Consumers and patients shall take drug X or undergo treatment Y to tackle condition Z
1.1 Consumers and patients will benefit (benefit J) from taking drug X or by undergoing treatment Y
(1.1') (If, by using drug X or by undergoing treatment Y, patients and consumers will have experience benefit J/benefits in curing condition Z, then the patient should take X or follow Y)
	1 Consumers and patients shall take drug X or undergo treatment Y to tackle condition Z
	1.1 Consumers and patients will benefit (benefit J) from taking drug X or by undergoing treatment Y
	(1.1') (If, by using drug X or by undergoing treatment Y, patients and consumers will have experience benefit J/benefits in curing condition Z, then the patient should take X or follow Y)
	    1.1.1 Element A/principle B in drug X/treatment Y holds benefits to tackle condition Z
	    (1.1').1a (Drug X/ treatment Y have no-known side effects)
	        (1.1').1a.1a Doctors have prescribed drug X / treatment Y for a long time
	    (1.1').1b (Drug X/treatment Y are the best in tackling condition Z)
	        (1.1').1b.1 No other drug/treatment tackles condition Z so fast
	…

Table 1 Difference between basic and elaborate argumentative patterns in medical advertising, as adapted from the example in (Snoeck-Henkemans 2016) and (van Eemeren 2017) Legend [pres] = prescriptive; [prag] pragmatic; 1.1. premise; (1.1') missing premise

3. EXEMPLARY ANALYSIS OF MEDICAL ADS

In the following, we are going to present a couple of examples of argumentative patterns retrieved during our investigation of medical advertorials on disease mongering. This is just a fragment of the whole body of evidence that we were able to retrieve from our investigation,

but it should still give an idea of the issue at stake. These examples show when strategic maneuvering is at work and when "the treacherous character of fallacies" derails it(van Eemeren et al. 2014, p. 27). Fallacies are "invalid arguments which for some reason or other give the impression of validity" (van Eemeren and Grootendorst 1984, p. 181).

The first example reads:

"What would you say if we told you about an epidemic that would erupt and affect hundreds of millions around the world? …. This epidemic is already here and it's called osteoarthritis (press release # 1427)(Shir-Raz and Avraham 2017)

The excerpt above comes from a database of advertorials, divulged by Israeli medias and collected by Shir-Raz and others in 2017 to make a point on mongered conditions. The ad has been truncated, and the original text is not retrievable online, although it appears to be strikingly similar to another message published by Osteoarthritis Action Alliance, a coalition of MSs and MDs based in North Carolina, with the mission to inform the public about the danger of OA.

"As a nation, we are experiencing an under-recognized public health crisis: an epidemic of osteoarthritis (OA). There is urgent need to elevate OA as a national public health priority.
Today, 30.8 million people – 1 in almost every 10 American adults – have this serious disease that mainly affects the hands, knees and hips. Even more alarming, OA rates are expected to increase in the years ahead as Baby Boomers age and the effects of obesity epidemic continue to manifest. Osteoarthritis is common, expensive and a leading cause of disability[1]".
(Source: https://oaaction.unc.edu/policy/osteoarthritis-a-troubling-picture/)

The words used in both messages are calculated and sensationalistic – the readers worry about "Osteoarthritis – a troubling picture" and "osteoarthritis – the epidemic". Metaphors are also put in place, to further amplify the feeling of uneasiness. In ad 1, osteoarthritis is compared to a volcano, a supernatural force that bursts out - "an epidemic that erupts". In public warning number 2, the physical condition is also deemed an epidemic and "an under-recognized crisis". Osteoarthritis is depicted as a public enemy, a threat that is going to become bigger with age and obesity, a "serious" illness, common, expensive and crippling. We are under siege – there is an "urgent" need to raise OA to "public health priority".

Is osteoarthritis really such a bully? The Dorland's Illustrated Medical Dictionary, an authoritative source among medical dictionaries, defines the condition a "noninflammatory degenerative joint disease mainly seen in older persons, … accompanied by pain, usually after prolonged activity, and stiffness, in the morning or with inactivity"(Dorland's 2012). The WHO defines OA a "long-term chronic disease… associated with a variety of both *modifiable and non-modifiable* risks *including* obesity". "An estimated 10% to 15% of all adults aged over 60", continues the WHO report, "have *some degree* of OA" [2]. Both sources acknowledge osteoarthritis as a serious disease, but they refrain from using catchpenny language to define it and seem to be more prudent in framing its symptoms and causes.

Argumentatively, both example 1 and message 2 show cases of appeals to emotion. Kienpointner, in(van Eemeren 2009, p. 64), defines the use of emotions a strategy to silence the opponent "that clearly exceeds rational techniques of argumentation". Yet emotions belong to the most recurrent natural constituents of what makes us human, and disease mongering seems to vastly use them as a weapon. (Kochen and Cordoba 2013) state: "Disease mongering exploits the deepest atavistic fears of suffering and death". In their investigation of PR strategies adopted

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[2] Italics added. Source: http://www.who.int/medicines/areas/priority_medicines/Ch6_12Osteo.pdf, last accessed on 27 September 2018.

in pharmaceutical press releases, (Shir-Raz and Avraham 2017) revealed that 753 out of total 1,578 press releases (i.e., 48.6%) appealed to readers' emotions by framing drugs as "the solution/the hero", while 722 press releases (i.e., 47%), defined disease "the problem/the enemy". This is intimidatory tactics at its best, and it is interesting to notice that, in this picture, we too, as readers, patients and potential consumers of anti-osteoarthritis pills, are implicitly framed as antagonists that need to be persuaded of a message, instead of being its simple recipients.

Emotions are a threat, but a threat to reasonableness, as van Eeemeren explains: "*Reasonable* means that they [language users, n.a.] will display an open attitude both toward their interlocutors and toward the objects discussed and will not allow themselves to be guided by mere emotions or mere traditions and habits"(van Eemeren et al. 2014, p. 313). In our research, appeals to emotions in medical advertorials were the majority.

Are these messages though still effective?

If we try to reconstruct the argumentation structure of ad 1, it will look like Figure 1.

Main argumentation
1.   (Consumers should start taking medication X/undergoing treatment Y)
1.1 An epidemic is a wide-spread disease
1.1a If there were an epidemic, then you would take the medication/undergo the treatment
1.1b Osteoarthritis is an epidemic
1.1c Medication X/ treatment Y helps against osteoarthritis

Figure 1: Argumentation structure of the osteoarthritis advertisement no. 1

The ad seems to follow a basic argumentation structure with an implied main standpoint, supported by premise 1.1. The implied standpoint is prescriptive and is made reasonable through the support of further arguments. By using 'epidemic' instead of 'disease', preventative or curative actions against OA are automatically encouraged. This argument is strategic given that, by introducing the urgency of an epidemic, it rejects any potential attempt to minimize or discourage deprescription or demedication. Moreover, by focusing on the epidemic rather than the cure (medication X or treatment Y), another strategic move characteristic of disease mongering is made – it is the disease instead of the treatment or the medication that is branded. This tactic is also often used to circumvent regulations on direct-to-consumer advertising. The rhetorical question "What would you say if we told you about an epidemic?" is another strategic solution, since rhetorical questions trigger by nature obvious answers or (re)actions.

Despite being effective in communicating the matter at stake and probably in awakening the urge to do something, it has to be noticed that ad 1 and message 2 also contain deceptive information, especially if compared to the authoritative definitions of OA as presented above. For instance, "the hundreds of millions of people" affected by OA in ad 1 are not further identified, leading the reader to suspect a statistical fallacy (i.e., "a hasty generalization"), given the lack of evidence or data to support such statement(Grootendorst and Snoeck Henkemans 2011, p. 190). The same seems to apply to example 2. Although it is said that OA affects "1 in almost every 10 American adults", it is unspecified what "almost" means and what "adults" stands for – and, based on how these two vary, they can tell a wholly different story. Furthermore, the superscript number 1 at the end of message 2 does not lead to a footnote in

the publicly available webpage, thus making it impossible to prove the veracity of the provided information.

The second example that we want to propose reads:

"Bones act like a calcium bank. If you do not take in enough calcium from your diet, the body will withdraw calcium from your 'bone bank' for use in other parts of the body. If your body withdraws more calcium than it deposits, your bone density (bone strength) will gradually decline and you may be at risk of developing osteoporosis…. We call this disease a silent thief: If you are not vigilant, it can sneak up on you and snatch your quality of life and your long-term health" (Source: Osteoporosis Australia, Medical and Scientific Advisory Committee, 2014)(Moynihan et al. 2002)

Metaphors are at work again in the text, twirling around the concept of "bones are your treasure and calcium is your bank, so keep your treasure safe". In fact, this ad could have been easily taken from a brochure on investment funds, due to the similarity of the language used - "withdraw", "deposits", "decline", "at risk". In the second half of the passage, osteoporosis is compared to "a silent thief", who "sneaks up on" us and "snatches" away our quality of life. Another appeal to fear.

The main argumentation is implicitly prescriptive: "Consumers should use medicine X / undergo treatment Y to tackle osteoporosis". It is further supported by coordinative argumentation and subordinate arguments. The first half of the ad is all about causality, i.e., the explanation of how calcium decrease in the body triggers osteoporosis. It is claimed that calcium is taken from the body because of its scarce intake through diet. Therefore, bone density declines because more calcium is withdrawn than available.

The argumentation by authority is made evident with the use of the pronoun "we". While 'you' in the text refers to an existing patient or consumer (with or without osteoporosis), 'we' embodies the physicians members of the Medical and Scientific Advisory Committee of Osteoporosis Australia[3], who urge us to do something to avoid getting robbed of our bones.

The argumentation scheme for example 2 looks like Figure 2.

Main argumentation
1.   (Consumers suffering or prone to suffer from osteoporosis should use medication X/undergo treatment Y)
1.1 Osteoporosis is caused by a lack of calcium due to poor diet
1.2 Osteoporosis requires you to be vigilant
(1.2)(Vigilance means taking medicine X / undergo treatment Y)

Supporting arguments
1.2.1a Osteoporosis can sneak up on you
1.2.1b Osteoporosis can snatch your quality of life and long-term health
  1.2.1a.1 Osteoporosis is a silent thief
  1.2.1b.1 Osteoporosis acts fast

Figure 2: Argumentation structure of the osteoporosis advertisement

Like in the case of ad 1 and message 2, the main standpoint of message 3 is made reasonable by the use of both coordinative and subordinated arguments to further strengthen the claim. Therefore, the last proposed advertisement also seems to be an example of strategic

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[3] Osteoporosis Australia is "a national non-for-profit organisation responsible for providing osteoporosis information and services to the community and health professionals". Although not-profit, one of the organisation's supporters is Caltrate®, a high potency calcium supplement, produced by Pfizer. Another supporter is US pharma company Amgen. This information is publicly available on the organization's website.

maneuvering. Though, like for example 1 and message 2, the message is also partially deceptive and lacks evidence. In fact, it is not clear whether the proposed definition of osteoporosis has been paraphrased from another source or whether it has been suggested by doctors, but it reads simplistic. Osteoporosis is described as merely related to a lack of calcium due to a poor diet, although publicly available information defines osteoporosis "a reduction in bone mineral density" (i.e., not only calcium), which can also be caused by trauma or as a consequence of an underlying medical condition(Dorland's 2012).

Furthermore, in the second half of the ad, the physicians (or assumed so) do not really inform us about the disease, but merely share with the public the moniker they use for osteoporosis ("we call it").

Still, the fact that this ad has been (assumingly) released by a medical and scientific advisory committee inevitably pushes the readers to assign credibility to these words – a perfect spot for a fallacious argument to lurk in. As Grootendorst and others state: "As examples of inappropriate argument scheme, van Eemeren and Grootendorst (1992: 122-125) cite [the case of] presenting a standpoint as right […] because an authority says it is right (*argumentum ad verecundiam*) [although] the standpoint at issue is not appropriately justified by expertise"(Grootendorst and Snoeck Henkemans 2011, p. 190).

All three presented messages showed that, although the arguers (i.e., those who penned these advertorials) seemingly effectively communicated the issue at stake (all three ads made it to the public, therefore we can assume they were revised and approved), the information they contain is also deceptive. Van Eemeren teaches us that "in case arguers neglect their commitment to reasonableness in their pursuit of effectiveness and violate one or more of the rules for critical discussion, their strategic maneuvering "derails" into fallaciousness (van Eemeren 2010, p. 198)", or as he labels it, "hidden fallaciousness"(van Eemeren 2017, p. 11).

So, in the end, whom should we trust? Which source should we believe?

By only considering the sheer number of medical advertorials released on the daily, it is rational to believe that the messages that we are going to notice first and the most are probably ads, leaflets, consumer guides, factsheets, precautionary, preventive, explicit or subliminal narratives in ads and patients' and doctors' associations' websites.

This is medical information "on the go" that reads fast and should be understood easily. Yet our examples have showed that to make sense of the arguments in these narratives, they need to undergo a process of deconstruction and critical scrutiny, so to test their effectiveness and reasonableness. To expect consumers and patients to do the same analysis that we carried on for each piece of medical advertisement they are exposed to is unrealistic. The risk that many of these advertorials thus end up being accepted by the wide public without even raising an eyebrow is real. It is a scary scenario, considering that these messages appeal to our health, our physical and mental well-being.

The example of OxyContin and the social outrage it caused was provided to show how powerful an informed society can and should act and how the active and conscious participation of citizens in matters of private and public health can lead to tangible positive changes for the collective well-being. Nonetheless, if the vast majority of medical information delivered to the masses is compromised, massaged and distorted, while being kept in the hundreds of messages on the daily, social awareness risks to get mummed even before being called upon. Especially medical advertising should be as much unambiguous and as much clear as possible, or, as Alan

Cassel says: "We need good, clean healthcare information as urgently as we need good clean water"[4].

4. CONCLUSION

In this paper, we applied pragma-dialectical theory on some medical advertorials for mongered conditions to understand what strategic moves seemingly trigger and sustain disease branding in medical mass communication and prevention. We applied argumentation schemes and discourse analysis and found that despite these ads show to be valid examples of strategic maneuvering, they also seem to contain fallacies (hidden fallaciousness). The latter and the strategic use of figurative language can distort and manipulate discourse, thus representing a high danger particularly when it comes to medical communication, where the harms on patients and consumers can be real.

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[4] Alan Cassel is a drug policy researcher at the University of Victoria and author of the books *The Cochrane Collaboration: Medicine's Best-Kept Secret* (2016), *The ABCs of Disease Mongering: An Epidemic in 26 Letters* (2007) and *Selling Sickness* (2005), together with Ray Moynihan.

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Argumentative reinterpretation

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ABSTRACT: a careful observation of human languages leads to question the idea that any utterance that plays a role in argumentation necessarily *has* an argumentative orientation. This paper presents these questioning observations, explains how they challenge this idea, and suggests some hints for a position in agreement with these observations. Two groups of facts are examined: one concerns the status of [B] in [A, therefore B]; the other group concerns segments containing a prosodic break.

1. INTRODUCTION

It seemed unquestionable that any utterance which plays a role in argumentation necessarily has an argumentative orientation (AO). However, a more careful observation of human languages leads to question this idea. The purpose of this paper is to present the corresponding observations, explain how they challenge this idea, and suggest some ideas for a position more in agreement with these observations.

The first group of facts that question this idea concerns the meaning that should be attributed to statements of type [A, therefore B]$_S$ in situations S in which they are understood as formulating a reasoning that leads from A to B. In general, it is usual to consider that in statements of this type, B is a formulation of the conclusion aimed at by a statement of A in S.

It is at this point that the problem I signal arises: if the first member of [A, therefore B]$_S$, [A]$_S$ is clearly an utterance, is its second member [B] also an utterance? If this were the case, [B]$_S$ should have an AO, but since B is just the AO formulation of a (different) utterance, it is not clear which AO [B]$_S$ itself could have. What status can we grant [B]$_S$?

The second group of facts concerns segments of speech containing a prosodic break: according to a recent description of the semantic effects of the prosodic break, it imposes an *argumentative reinterpretation*: when the segment preceding the break has the status of *formulating an AO*, after the break, the same segment acquires the new argumentative status of *being oriented towards another AO*.

Thus, an utterance with an argumentative role would not necessarily *have* an AO but could also *be the formulation* of an AO; human languages would have indicators (like prosodic breaks) of reinterpretation from one of these two functions to the other.

This paper examines the methodological, theoretical and descriptive consequences of such a suggestion.

2. STARTING POINTS

When speaking, we use abstract units of some language and utter them in a perceptible string. When hearers understand such a string, they build (subjective) *utterance meanings* using the (public, conventional) *sentence meaning* of the language units and their (private, subjective) perception of the situation. Those two kinds of contributions to the understanding can be seen as the use of a tool (*sentence meaning*) in order to work a kind of material (perception of the situation) for shaping an *utterance meaning*, or, like described in Harder (1990), as a set of *instructions* in order to build utterance meaning. *Diagram 1* gives a pictorial representation of this idea:
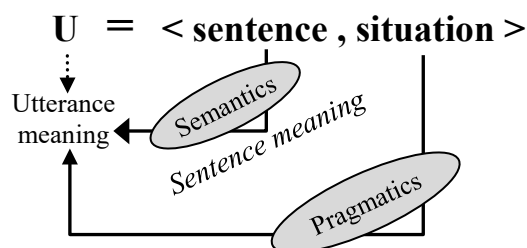

Diagram 1: the characterization of an utterance

With that representation in mind, we can now proceed to examining the facts that challenge the assimilation of *having a role in argumentation* with *having an argumentative orientation*, when speaking of an utterance.

2.1 Autonomy of argumentative links with respect to denotation

It is now firmly established that human languages allow presenting, in a situation S, an utterance $[A]_s$ as an argument in favour of a conclusion C independently from what $[A]_s$ refers to in S. The following example, chosen for its apparent striking absurdity, illustrates that point:

(E1) Max wears a beard; therefore this leaf is red

(E2) Max wears a beard; however this leaf is red

The fact that it is rather difficult to find a situation in which either (E1) or (E2) can be uttered without provoking a feeling of absurdity does not make *using these examples* absurd: on the contrary, this fact emphasizes the generality of our point, for, what produces the feeling of absurdity is that, in (E1) (respectively in E2)), the first segment is presented as an argument *in favour of* (respectively *against*) the second segment, in spite of the absence of conceivable referential relation between the two segments. That clearly proves our point: presenting $[A]_s$ as an argument in favour of C *is* independent of what $[A]_s$ refers to in S… Sometimes it looks absurd, sometimes not, but that is another question. What will be useful to remember is that:

> (a) The argumentative value of an utterance
>   does not rely on its informational value

2.2 Not all utterances have argumentative orientations, but…

It is also generally accepted that not all utterances are arguments. For instance, an utterance of the Spanish sentence

(E3) S*on las cinco* ("it's 5 o'clock")

can be used as an answer to the question

(E4) *¿qué hora es?* ("what time is it?"):

in that use, (E3) is not an argument *and has no argumentative orientation*.

However, in other situations, utterances of (E3) *are* arguments and *do* possess an argumentative orientation. This is the case, for instance, when an utterance of (E3) is proffered in order to urge someone to hurry up, or, on the contrary, in order to relieve stress on someone who believed it was later than 5 o'clock: in these situations, utterances of (E3) *are* arguments.

More generally, for any sentence of any language, one can find a situation in which an utterance of that sentence in that situation is an argument for some conclusion. So that:

> (b) *Any sentence, whatsoever, can be uttered in a situation in which the resulting utterance has an argumentative orientation in that situation*

It follows from (a) and (b) that, since an utterance can be considered to be totally determined by the pair <sentence,situation>, a pair <sentence,argumentative_orientation> is sufficient to characterize those utterances which are arguments. However, in spite of the apparently formal character of that statement, it is ambiguous: section 3 shows in what this ambiguity consists.

3. UTTERANCES *ORIENTED TOWARDS* VS. *FORMULATING* CONCLUSIONS

As was pointed out in the introduction, an utterance may play a role in the argumentative value of statement that contains it, without having an argumentative orientation: we saw the general case of statements of type [A, therefore B], where [B]$_S$ is a formulation of the intended orientation of [A]$_S$ in situation S. A more detailed analysis of an example will allow to better understand why this challenges the assumption we started with. In utterances of (E5):

> (E5) *Ha llovido, entonces, la carretera estará atascada*
> ("it rained, therefore the road will be jammed")

the second member formulates an argumentative orientation of the first member, while in utterances of (E6), the same segment is oriented towards the conclusion formulated by the second member:

> (E6) *La carretera estará atascada: te conviene ir andando*
> ("the road will be jammed: you'd better walk")

Thus, the Spanish sentence *la carretera estará atascada* can give rise to two different types of utterances:

1) the *formulation* of an argumentative orientation concerning the state of the road (E5);

2) an utterance *orientated* towards some conclusion, which hearers can determine taking into account, among other factors, the language units which are used and their perception of the situation in which those units are used (E6).

As a result, speaking of the pair <*S,O*> is ambiguous in that it may refer to either an utterance of sentence *S* with orientation *O*, or an utterance of a formulation of the orientation *O,* by means of sentence *S*.

It follows that, even though an utterance can still be characterized by a pair *sentence* and *argumentative orientation*, such a pair may characterize the utterance in two different manners (either the orientation *is the argumentative conclusion* of the utterance, or the orientation *is what is formulated* by the utterance).

If things stayed as simple, in order to account for what has been observed, we would only have to disambiguate the formulation <S,O>, in order to name utterances, according to one or the other function they play, adding, for instance, an explicit third term for *formulation* or *conclusion*: <S,O,*f*>, or <S,O,*c*>. However, things get more complicated, as we will see in the next section, in which we will also propose a more complex solution.

4. THE NECESSITY OF ARGUMENTATIVE REINTERPRETATION

The facts corresponding to the cases analysed in section 3 can be considered as simple cases, where nothing more is required than the 'meta-disambiguation' proposed above. We will now see, through more complex cases, that (and why) that solution is not general enough, and will propose a more general solution, which supposes a new kind of markers. And, fortunately, we will be able to exhibit this new kind of markers.

4.1 Simple and complex cases (with respect to our concern)

In both examples (E5) and (E6), the global utterance was composed of two segments related by a connector (*entonces* for (E5), the colon for (E6)). But utterances can be composed of several segments, with several (minus one) connectives.

In cases of utterances of sentences with more than one occurrence of a connective, things get more complicated. The observation of examples (E7)-(E9) will show why and how. (The following notations are used for the transcription of the examples: "+" means that the utterance is easy to understand; "?" means that hearers need a major effort of imagination in order to understand the utterance –if they can; "…" indicates a prosodic pause)

> (E7) +*Ha llovido, entonces, la carretera estará atascada, ... por lo que te conviene ir andando*
> +"It rained, therefore the road will be jammed, … consequently, you'd better walk"
>
> (E8) ?*Ha llovido, pero la carretera no estará atascada, pero te conviene ir andando*
> ?"It rained, but the road will not be jammed, but you'd better walk"
>
> (E9) +*Ha llovido pero la carretera no estará atascada, ... pero te conviene ir andando*
> +"It rained, but the road will not be jammed, … but you'd better walk"

Utterances of (E8) are difficult to understand, and this, in spite of the fact that usual semantic descriptions of *pero* (established for a usual mono-occurrent *pero*)[1] provide a straightforward description of what their meanings should have been…

Indeed, the classical argumentative descriptions of A *pero* B indicate

(i) at the presuppositional level, that any utterance of [A *pero* B]$_s$, in any situation s presents [B]$_s$ as oriented towards a conclusion which is opposite to that of [A]$_s$, in the same situation; and

(ii) at the asserted level, that any utterance of [A *pero* B]$_s$, in any situation s is oriented towards the same conclusion as the one towards which [B]$_s$ is oriented.

Descriptions of this type are not sufficient in order to deal with sentence containing several occurrences of *pero*, precisely because they do predict a meaning, obtained by simply applying twice rules (i) and (ii), though utterances of these sentences are not, actually, easily understandable, and when they are understood, they are not understood as predicted by these rules.

In contrast, utterances of (E9), which differ from utterances of (E8) in that they have a pause between the second segment and the second connective, are, however, easily understandable.

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[1] One of the proposals for a description *but* can be found in Raccah (2005: 73-75)

When (E7) is understandable, it is understood that its second member formulates the orientation aimed at with its first member and, then, becomes argument in favour of the third member. For (E9), in a first step, the second member formulates the orientation opposed to the one aimed at with the first member, and, in a second step, is re-interpreted as an argument opposed to the conclusion formulated in the third member.

4.2 The prosodic pause as an argumentative reinterpretation marker

The prosodic pause seems to function as a *reinterpretation marker*: comparing the behaviour of (E8) with that of (E9) supports this hypothesis. The fact that the prosodic pause may have a semantic effect is not really surprising: lots of well-known examples already support that idea, as can be seen in table 1 (pause in a dialog), and table 2 (pause in an utterance), which show the contrasts between utterances with vs. without a pause:

– Do you love me? – Yes I do!	– Do you love me? – … Yes I do!
– Max? – Yes?	– Max? – … Yes?

Table 2: pause in a dialog

This is nice, isn't it?	This is nice, … isn't it?
Max is nice, nice	Max is nice, … nice
? Tom has finished almost	Tom has finished, … almost
Jim was here	? Jim was… here

Table 1: pause in an utterance

There is something common between the effects of all those utterances with pauses (including our examples (E7) and (E9)): they involve an (possibly partial) evaluation of what has been said and / or of possible continuations[2].

The fact that occurrences of prosodic pauses are numerous in dialogs and discourses, combined with the fact that they produce the same effect (instruct an argumentative reinterpretation), at least in a great number of languages, compels to consider that those languages have a corresponding sign (call it the *prosodic pause*) whose meaning is the instruction to reinterpret. A reader who finds that reasoning hard to admit could compare it with the following:

> The fact that occurrences of [kæt] are numerous in dialogs and discourses, combined with the fact that they produce the same effect (instruct to include a cat in the universe of the discourse), at least in some languages, compels to consider that those languages have a corresponding sign (call it /kæt /) whose meaning is the instruction to include a cat.

Since the second reasoning is identical to the first one and is a prerequisite for studying semantics, the introduction, in the first reasoning, of the *prosodic pause* in the realm of the signs of (at least some) languages cannot be dismissed without very good reasons.

A contrastive analysis involving very different languages would be interesting, especially in order to test the surprisingly likely hypothesis according to which all languages share this same sign, ... and with the same meaning.

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[2] Adam Makkai (1980) suggested, almost forty years ago, that "A semantic pause […] is a chance to change your mind in mid-utterance".

5. CONCLUSION

The principal benefits of the work presented here can be divided into (i) *descriptive consequences*, and (ii) *theoretical consequences.*

    (i) In order to correctly account for the facts presented in this paper, one must include the following phenomena in the set of semantic facts that must be taken into account in a semantic description:

    (a) when the utterance of a sentence is involved with the argumentative aspect of a discourse that actualizes it, it may either *be oriented towards* some conclusion, or else *formulate* some conclusion;

    (b) the *prosodic pause* is a semantic unit (like a lexical item of some language), whose meaning is to indicate the hearer that the segment preceding it (the pause) has to be reinterpreted from a *formulation*-utterance to an *oriented*-utterance.

    (ii) Adding facts (a) and (b) in the set of facts that must be taken into account in a semantic description has important theoretical consequences.

    (C1) Argumentative utterances can no longer be simply characterised by a pair (sentence, conclusion): their role with respect to that conclusion (*oriented towards* it or *formulating* it) must also be specified. This change may have interesting consequences on theoretical semantics.

    (C2) Admitting that a prosodic pause in a discourse is the actualisation of a sign of the language (sign that we called *prosodic pause*) requires a change in the conception of what a *sign* is. I haven't explored yet the consequences of such a change, but one can guess that it can lead to interesting challenges in several disciplines, among which, linguistic theory and semiotics.

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Expanding the toolbox for argument reconstruction: Making a (preliminary) case for considering dialogic syntax

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ABSTRACT: Pragma-dialecticians, in order to study the complex speech act of argumentation, have to reconstruct the argumentative discourse. They have an ideal model to guide them through this process, but are supposed to remain as close as possible to the actual discourse, such that the ultimate reconstruction represents the commitments of the protagonist. In addition to the current tools available, I suggest that dialogic syntax may offer complementary insights relevant to the study of argument reconstruction.

KEYWORDS: argument reconstruction, complex argumentation structures, dialogic syntax, pragma-dialectics, resonance, syntactic cues, syntactic implicature

1. INTRODUCTION

Human communication is a complex phenomenon. Various kinds of linguistic action are simultaneously pursued, while various cultural backgrounds are also reflected in one's speech. Consequently, the argumentative discourse which is woven into our speech is often messy and seemingly disorganized. Following the pragma-dialectical theory on argumentation (Van Eemeren & Grootendorst, 1984; 1992; 2004; Van Eemeren, 2010), the analyst has to reconstruct this discourse based on the ideal model of a critical discussion. This model, the problem valid set of rules to realize the hypothesized function of argumentation as a speech act complex to resolve a difference of opinion on the merits, has multiple functions within a pragma-dialectical research project (Van Eemeren & Grootendorst, 2004, p. 59; p. 96ff). First of all, it is a heuristic tool to identify relevant discursive elements. Second, it functions as an analytic guide to determine the function of an utterance within the overall argumentation. Third, as a normative benchmark, it enables the analyst to evaluate the quality of the discourse encountered in practice. Thus, the pragma-dialectical ideal model does not describe how argumentation occurs, but it does describe what argumentation is. It articulates the commitments arguers take on when advancing an argument.

This last observation is why the analyst is allowed to reconstruct the discourse at all: the arguer is committed to wanting to resolve the difference of opinion on the merits. The analyst has to reconstruct the discourse such that the functional role of each contribution is clear (Van Eemeren & Grootendorst, 2004, pp. 96-97). However, ideally, the reconstruction of the discourse should match the intentions of the speaker (as this is what a speaker is truly committed to). Unfortunately, these can never be known absolutely. Yet, arguers continuously alter their commitments while speaking, which can be used instead. Thus, the analyst is given the task to remain close to the actually spoken discourse, while the cues to those commitments provided in their discourse may not prove sufficient to complete the reconstruction, leading the analyst to resort to other, theoretical, strategies (e.g. maximally argumentative analysis, see Van Eemeren & Grootendorst, 2004, p. 117) . Consequently, the analyst may jump from

the talk to the interpretation too soon, running the risk of distancing themself from the argumentation as actually advanced.

In this paper, I review the current toolbox offered to pragma-dialectical scholars to reconstruct complex argumentation structures. Thereafter, I make a case to include dialogic syntax, and specifically its focus on resonance, in this toolbox. Namely, this will allow us to remain closer to the actual discourse without jumping too soon to empirically unsubstantiated assumptions. In this paper, I do not develop a comprehensive, or even applicable, perspective on dialogic syntax which can be used for the reconstruction of argumentative discourse; I merely want to open up this perspective to be developed into a useful additional tool for argumentation theorists. This paper is just meant as an initial meditation on the potential opportunities dialogic syntax may offer.

2. THE TOOLBOX FOR ARGUMENT RECONSTRUCTION

Scholars have been using a variety of tools to remain close to the discourse, and not to interpret the argumentative discourse in a way which is too far removed from the commitments (or externalized intentions) adopted by the arguer in the actual discourse. The job of the analyst consists of searching for clues and indicators which point to these commitments. If no sufficient clues and indicators are present to justify a particular reconstruction, pragma-dialecticians pursue a maximally argumentative analysis (Van Eemeren & Grootendorst, 2004, p. 117). Specifically, this means that utterances are included in the argumentative structure as single argumentation to prevent that no premises are missed and that false premises cannot weaken the argumentation. However, it is essential to keep in mind that the analyst should always try to avoid using this principle, as it means to distance oneself from the actual discourse as a maximally argumentative analysis is justified only on theoretical grounds (see Van Eemeren & Grootendorst, 2004, p. 117). Thus, specifically, what I am after in this paper is whether there is another tool which can be added to the already existing toolbox at our disposal to better avoid using this analytic strategy.

Each of the tools for argument reconstruction should help the analyst to decide among the various alternative possible reconstructions of the argumentative discourse in terms of its structure. There are three basic forms which should be possible to be distinguished through these clues in the discourse: complex argumentation can be multiple, coordinative and subordinative (Snoeck Henkemans, 1992). Multiple argumentation refers to premises which separately justify the same proposition, whereas coordinative argumentation refers to premises which collectively justify the same proposition. Subordinative argumentation concerns premises which form an argumentative chain: a standpoint is defended by one of these premises, which, in turn, is defended by the other premise. Thus, how can the analyst decide which reconstruction to pick?

A first thing the analyst can do to avoid using the strategy of a maximally argumentative analysis is to look for words which suggest that one reconstruction is more suitable than another. Pragma-dialecticians have conducted various studies (e.g. Van Eemeren, Houtlosser, & Snoeck Henkemans, 2007; Snoeck Henkemans, 2003) on how certain words, or combinations of words, are connected to certain argumentative structures and functions. This recurring, or pragmatic, link between those terms and structures can justify an analyst's reconstruction of the argumentative discourse. For example, a discussant could use words which imply that a particular assertion is obvious ("we all know", "we agree", "obviously", see Van Eemeren, Houtlosser & Snoeck Henkemans, 2007, p. 103). Thereby, it is brought into the discourse as a starting point: its argumentative function is to ground the argumentation, and is not subjected to doubt itself. Words like "because" and "for" imply that

what follows should be seen as a premise, as it implies that the following phrase supports the foregoing claim (Van Eemeren, Houtlosser, & Snoeck Henkemans, 2007, p. 110). The use of the words "cause" and "causing" support a similar implication for the argumentative discourse[1] (Van Eemeren, Houtlosser & Snoeck Henkemans, 2007, p. 166). Thus, argumentative discourse is filled with a variety of indicators, ranging from conjunctions to nouns and verbs, which imply certain statuses of and relations between utterances and propositions and can therefore enable the analyst to justify a particular reconstruction of the argument structure.

These verbal indicators are the most salient clues at hand. In order to stay close to the discourse, there are also various less direct clues available (Snoeck Henkemans, 1992). Thus, second, the analyst can turn towards various pragmatic cues provided in the discourse. The formulation and type of standpoint will suggest the need for a particular argumentative structure. For example, if the standpoint is worded rather strongly, it is likely that a stronger defense is needed to justify this position successfully. Consequently, this would help making the case for a coordinative reconstruction of the discourse. However, the context of the argumentation could also provide a need for particular structures. Thus, in order to defend a reconstruction, the analyst will have to look at the setting, situation and institutionalization of where the argumentative discourse occurs as this context may impose certain demands on the protagonist with regards to the required structure of the argumentation. For example, when analyzing argumentation used in a political election campaign, a reconstruction of the discourse as multiple argumentation could be justified on grounds that candidates for the political office have to appeal to different segments of society who have highly different argumentative needs. Thus, each segment needs to be appealed to with a different argument.

Another set of clues identified by Snoeck Henkemans (1992) are dialogical cues. It is presumed by pragma-dialecticians that argumentation is advanced in the light of anticipated criticism. Namely, if one would not expect any criticism, there would have been no need to provide further justification of one's claim. Hence, if there is actualized criticism present in the interaction to be reconstructed, this provides information about the argumentative structure the protagonist is held committed to by their interlocutor. For example, if an argument has been met with doubt, the protagonist has to react. If they decide to not withdraw the argument, but to strengthen their defense, the argumentation should likely be reconstructed as coordinative or subordinative. However, if the argument is withdrawn, and a new line of reasoning is advanced instead, the discourse should be reconstructed as multiple argumentation. Namely, in the case of multiple argumentation, the protagonist can retract a premise without consequences, while this is not the case for coordinative and subordinative reasoning.

Lastly, Snoeck Henkemans (1992) argued that there are also dialectical cues as to how to reconstruct the argumentative discourse. Within the pragma-dialectical framework, different types of argumentation schemes are studied, which are used to connect premises to their respective standpoint. Through the critical questions which belong to each argumentation scheme it is possible to clarify the organization of premises.

I hope that ultimately we can add a fifth type of clues to this toolbox for argument reconstruction: syntactic clues. Of course, the syntax of single utterances may have little to say about argument structures, but *dialogic* syntax (Du Bois, 2014), which focuses on the similar or contrastive use of syntax in utterances, can.

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[1] Note that these indicators can also point us towards the argument scheme used. However, this is not a topic discussed in this paper.

3. DIALOGIC SYNTAX AND IMPLICATURES IN DISCOURSE

Dialogic syntax is a theory on syntax which does not focus on the grammatical structure within utterances, but among. According to Du Bois (2014, p. 359), "[d]ialogic syntax encompasses the linguistic, cognitive, and interactional processes involved when speakers selectively reproduce aspects of prior utterances, and when recipients recognize the resulting parallelisms and draw inferences from them." Thus, what dialogic syntax focuses on is not just the structural organization of an utterance, but the engagement of participants with prior utterances. These syntactic structures are created through the selective reproduction of what has been said before and thus constitute a fully dialogical phenomenon. Consequently, focusing on dialogic syntax, the analyst can formulate various implicatures because the selective reproduction of prior utterances implies certain linguistic, cognitive and interactional processes. That is, the copying, or not, is a way of commenting upon previous utterances. It enables to identify syntactic implicatures.

As dialogic syntax is a phenomenon which happens among utterances, it should be seen as a higher-order phenomenon than 'ordinary' syntax. The unit of analysis in dialogic syntax is the diagraph, which is a "supra-sentential syntactic structure that emerges from the structural coupling of two or more utterances (or utterance portions), through the mapping of a structured array of resonance relations between them" (Du Bois, 2014, p. 376). Thus, the reproduction choices of the speaker with regards to syntactic structure of previous discourse leads to parallel structures across utterances consequently portraying clear similarities and contrasts, referred to as resonance. Namely, the structure of a previous utterance resonates through the current one. Consequently, resonance is not only activating the structure of another sentence, it is a way of elaborating upon each relationship between comparable linguistic elements which results in the utterance carrying pragmatic implications (i.e. syntactic implicatures), primarily because other things could have been said which would not produce this resonance with the previous discourse. The utterance becomes a commentary upon the resonating one.

Consider the following case, example 1, taken from a visit of Donald Trump (DT) to *The Tonight Show Starring Jimmy Fallon* (on January 11th 2016) while talking with the host, Jimmy Fallon (JF), about his just-proposed Muslim Travel Ban. This topic is introduced some lines before the excerpt presented in example 1. Fallon starts off with noticing that Trump often says things which are "a little controversial", like "not allowing any Muslims into the United States". This observation is followed by a response by Trump justifying the need for his proposal. Then, at the end of his argument in defense of his Muslim Travel Ban, he utters what is quoted in example 1 (presented as diagraph, the supra-sentential structure of interest in dialogic syntax).

(1) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (01/11/16)

1. DT		I guess	a lot of people agree		with me	
2.	(0.4)					
3. JF	Well	I mean	some people	don't agree	with you	as well

Thus, after Trump talked about why his then-proposed Muslim Travel Ban would be a good idea, he states that "I [Trump] guess a lot of people agree with me" (1:1). Fallon responds, after a 0.4 second pause (1:2) with "Well, I mean, some people don't agree with you as well" (1:3). Thus, next to the discourse marker "well" (1:3), which indicates a dispreferred response in this case (for various uses of 'well' see Heritage, 2015), there is also a lot of resonance going on, as indicated by the diagraph presented as example 1: Fallon uses a mirroring sentence structure. Not only is the content of the sentence opposed to Trump's, and not only is

this indicated by the use of a discourse marker, but this is also happening through contrastive resonance.

Besides the central opposition between "agree" and "don't agree", first of all, in Fallon's response, "I mean" is opposed to Trump's "I guess". It suggests that Trump's "guess" is from Fallon's perspective not correct. Specifically, his guess is wrong and Fallon has evidence for this. Yet, note that Fallon does not deny the correctness of the content of Trump's guess, which is especially marked with Fallon's additional "as well" (1:3), but also with Fallon's moving away from "a lot of people" to "some people", but its implication. Namely, as Fallon chooses to emphasize that there are people who do not agree "with you [Trump]" -- thereby placing an extra emphasis on Trump as a person -- it becomes clear that this disagreement primarily concerns the initial prompt on Trump being controversial. Thus, by introducing that many people agree with him, Trump attempted to counter this claim. Fallon brings it back to the foreground by emphasizing that his argument is not successful at countering that he is divisive, and thereby rejecting Trump's argument. Thus, through this resonance, Fallon comments on Trump that his guess does not yield the implication that he is not divisive. and that he did not yet resolve the accusation that he is controversial.

This at least shows that dialogic syntax has potential to help the analyst gain insight in the implications carried by a statement with regards to its argumentative function. Here, the diagraph enabled us to observe hidden criticism on a premise defending Trump's standpoint that he is not controversial by putting forward his Muslim Travel Ban. The question is whether dialogic syntax can also imply a particular argumentative structure. For this, it is important to note that dialogic syntax is not just about engagement between utterances of different participants. It is also possible to comment upon one's own utterances (Du Bois, 2014). Each and every utterance can resonate through other utterances. Namely, the primary process of resonance which is relevant in this regard is its use to show alignment among various stances in the interaction (Du Bois & Kärkkäinen, 2012, p. 440).

4. DIALOGIC SYNTAX AS TOOL FOR ARGUMENT RECONSTRUCTION: A PRELIMINARY CASE STUDY

Let's examine an argument to investigate preliminarily how dialogic syntax may interact with the other cues from the toolbox for argument reconstruction to justify our reconstructive analyses. The next example, example 2, is another visit of Trump to *The Tonight Show Starring Jimmy Fallon* (on November 15th 2016). After Fallon has greeted Trump and congratulated him with being the frontrunner in the Republican primaries, Fallon poses the question, as reported in example 2.

(2) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (09/15/16)[2]
1. JF   You (0.3) You still have ti:me you still wanna do this?
2.   >↑I think there is ti::me↑<
3.
4.   [3 lines omitted]
5.
6. DT   We'r:e eh we're doing well. It's been really a lot of fun and
7.   it's eh an amazing movement all over the country it's been
8.   incredible so-. (0.4) No. It's: been an honor for me (0.2)
9.   I have to say. (0.2)

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[2] Transcribed loosely following the conventions of conversation analysis (see Jefferson, 2004).

The question Jimmy Fallon poses to Trump (2:1) is about whether Trump does still want to run for president; moreover, the question is tilted towards a negative response, implying that he does not really want to run. Thus, Fallon suggests that Trump "still has time" to quit if he does not really "wanna do this" (2:1) -- at least, Fallon "thinks there is time" (2:2). With this question, consequently, Fallon casts doubt upon Trump's implicit standpoint that he wants to run for president. In the next lines (2:6-9), after some laughter from the audience and initially hesitating, Trump defends his implicit standpoint. The question we are faced with is: what is the argumentative structure Trump can be held committed to? Let's go through the types of clues we could find, one by one.

(1) Argumentative Indicators. In this fragment, two words catch attention immediately as being relevant to argumentative structure: "so" (2:8) and "no" (2:8). Usually, the word "so" is used to indicate that the information presented before this word supports the next phrase. Unfortunately, next to this indicator is some silence of 0.4 second (2:8). Moreover, after this silence, Trump uses the word "no" (2:8). This suggests that he made a conversational repair (and thus, advanced multiple argumentation). In conclusion, it seems that there are two clusters of propositions: one group before the "so", pause, and "no" (2:6-8) and after (2:8-9). Unfortunately, the conclusion did not follow its likely indicator. Luckily, we already know the standpoint being defended, as the need to defend it was the reason this turn at talk happened at all: Trump wants to run for president. In this turn, there is another word which catches some attention: "and" (2:6). However, as this is a fairly argumentatively ambiguous word, we should just keep in mind that this word connects the two adjacent propositions in some way.

(2) Pragmatic Cues. The standpoint at stake ("Trump wants to run for president") does not by itself imply the necessity of a particular argumentation structure. Given that this performance is part of his bid for the U.S. presidency, the context may provide some cues. The part of the electorate which matters with regards to Trump's standpoint is rather small. Most people either would not vote for him either way or are not concerned about this issue at all. Yet, whereas the first group does not matter at all, Trump has to make sure his argument does not alienate the second. This does not, however, specify whether he needs to advance coordinative or multiple argumentation. Of course, Trump needs to produce an argument that is sufficiently acceptable to Fallon, as he is the only other direct participant in the conversation.

(3) Dialogical Cues. Within this fragment, no dialogical cues are given. Yet, directly after this response, Fallon requests more argumentation: "There's probably a kid watching you right now (...) [and] ask you they wanna grow up [and] be president". Implied is the question of why someone would want to become president beyond just enjoying their campaign. Thus, with this statement, Fallon challenges the argumentation Trump has advanced before because it is not saying anything about him wanting to be president. Fallon rejected Trump's defense because it defends his position that he wants to run president because he enjoys and is even honored by doing this campaign. He does not comment on why he wants the job in the first place. In sum, example 2 presents one argument as the whole turn is criticized through Fallon's comment.

(4) Dialectical Cues. The basic structure of the argumentation seems thus to be: I want to run for president, because I enjoy this campaign. Yet, there are no clear signs as to which argument scheme has been used, and consequently, we cannot determine which critical questions can help determine the argument structure.

(5) Syntactic Cues. Lastly, this fragment has some resonance, and thus there may be a chance that there are syntactic cues as to how to reconstruct this fragment appropriately. Let's take a look at the diagraph in example 3.

(3) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (09/15/16)[3]

1. DT		We	're			
2.		We	're	doing	well	
3.		It	's	been	really a lot of fun	
4.	and	it	's		an amazing movement	
5.					all over the country	
6.		it	's	been	incredible	
7.	so					
8.	No	it	's	been	an honor	for me
9.		*I*		*have to say*		

In example 3, note that there are a couple of parallel structures which seem to mark dialogical engagement. First, there is a contrast between the first part where Trump uses "we are" (3:1-2) compared to the second part where he says "it's" (3:3-8). Thus, he moves from the campaign as a group of people ("we") to the campaign as a thing ("it"). There is also a contrast between him saying "it's been" (3:3, 3:6, 3:8) and when he just says "it's" (3:4). Namely, there is the contrast between talking in the past/passive compared to the present/active. Moreover, when Trump uses "it's been" in the first two instances (3:3, 3:6), he is talking about the earlier-mentioned "we" (3:1-2) passively, which is reifnorced by his last move in the diagraph (3:8) where he explicitly adds "for me" to his utterance. Thus, this line (3:8) constitutes a contrastive parallel structure with the earlier lines in the fragment (3:1-6).

The contrast between "we're" and "it's been" (3:2 and 3:3) suggests a subordinative structure. As Trump implies that they "are doing well" (3:2) *in the campaign* (because they are currently doing well and they are currently doing the campaign), pragmatically, the switch to "it" (3:3) suggests that he produces a commentary on this campaign -- specifically, on the campaign implied in the previous utterance where they "are doing well" (3:2). Through the resonance in syntactical structure between those lines (3:2 and 3:3) the first sentence is implicitly present while uttering the latter. Thus, Trump seems to imply that "we're doing well" (3:2) as "it's been really a lot of fun" (3:3). Similarly, the other uses of "it" (3:4-8) seem to be such a commentary as well. Consequently, in addition to the "fun" (3:3), "we're doing well" is also due to "it [being] an amazing movement all over the country". Here, the word "and" (3:4, see also 2:6) seems to connect these two lines together. In coordination, these lines (3:3 and 3:4) provide a full commentary on them "doing well" (3:2).

The next line, "it's been incredible" (3:6), resonates with them having "fun" (3:3) and thus also contrastively with them "doing well" (3:2), but it also has contrastive resonance with the previous line (3:4). This is an instance where the repetitive structure seems to imply something, but, to me, what it signifies is not yet unambiguous. At this point, I am tempted to hypothesize that it is again a commentary on the previous lines due to the adjacent contrast. Namely, Trump could have said "it's incredible", which would have aligned it more closely with the previous line, producing a different, similarity-based syntactic implicature. However, this is a point to be further investigated, perhaps by taking into account research which connects resonance and stance-taking (e.g. Du Bois, 2007; Du Bois & Kärkkäinen, 2012) or a dialogical perspective on speech acts (e.g. Weigand, 2015).

The last line of the diagraph (3:8) is interesting as it has a strongly resonating character due to the use of "it's been", but contrastive due to the fact that Trump has added "for me" at the end. First, the other sentences lack the qualification *for whom* at all. Second, the implied qualification for the first sentences is not "me" but "we", as the campaign team as a whole was the entity introduced initially (3:1-2). This suggests that this latter statement is

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[3] There is no resonance claimed in the lines presented in *italics* (following Du Bois, 2014).

still a commentary like the other lines, but separate due to its contrastive qualification: instead of *for us*, it is now *for me*. Note, this was also suggested when discussing the argumentative indicators above. Moreover, interpreting this last move as a repair of the earlier argument, it suggests that it is a completely different line of argument than each of the previous lines focused on "we" (3:1-6). Thus, this seems to comment upon the previous turns that it is a different argument for the same point (i.e. the campaign is why I still want to become president).

Hence, this discussion seems to suggest a couple of things:

1. The standpoint at issue is the fact that "Donald Trump wants to become president of the United States";
2. There are two main branches of argument (multiple argumentation), which are split in the middle through the use of "so" and "no", as well as a 0.4 second pause (2:8);
3. There is an instance of repair of the first lines (2:6-8) into the latter ones (2:8-9);
4. The two propositions surrounding "and" (2:6-7) are connected in some way;
5. In some way, the argumentation is one line of defense for the overall standpoint under attack;
6. The lines using "we're" are commented upon by the lines using "it's" (3:1-2 vs. 3:3-8);
7. The contrast between "it's" and "it's been" (3:4 vs. 3:6) suggests a difference in function, most likely again a commentary upon the previous line;
8. The last line (3:8) does different work than the previous lines (3:1-7).

And would result in the reconstruction presented as example 4.

(4) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (09/15/16)
(1. Donald Trump wants to run for president)
    1.1 They [those involved in the campaign] are doing well
        1.1.1a [The campaign] has been really a lot of fun
        1.1.1b [The campaign] is an amazing movement all over the country
            1.1.1b.1 [The campaign] has been incredible
    1.2 [The campaign] has been an honor for Trump

This reconstruction requires me to comment on the previously identified dialogical cue that Jimmy Fallon rejected Trump's argumentation through a single comment. As premise 1.2 was identified through both argumentative indicators and syntactic cues as a repair of the first premises, the argumentation advanced in multiple as the first line of defense has been withdrawn. Consequently, there is only one line of defense left to comment upon. Moreover, in case this reasoning is not convincing, one can note that the dialectical cue undermines the premise that no argument by Trump centering around him liking the campaign is sufficient. Then, the dialogical cue does not suggest that the turn as a whole can only support a single line of argument, just only arguments which are based on a particular premise.

This discussion has not resulted in a case in which dialogic syntax has been systematically introduced as a fifth cue for analysts. However, this was also not the purpose of this discussion. The only case I wish to make is that dialogic syntax offers implicatures which are potentially relevant to the study of argument reconstruction, and the task ahead concerns to further study the meaning of those implied meanings through syntactical engagement with regards to complex argumentation structures.

5. CONCLUSION

In this paper, I first reviewed the practice of argument reconstruction as a fundamental part of pragma-dialectical studies on argumentation. In their attempt to reconstruct the argumentative discourse, analysts run the risk of distancing the resulting reconstruction too much from the actual discourse. Of course, analytic strategies, like conducting a maximally argumentative analysis, are developed on theoretical grounds, but it is always best to try to avoid using these. The only way to avoid this is to find indicators and clues in the actual discourse. In this paper, I discussed four central ways which guide pragma-dialecticians in their pursuits. There are words which are argumentative indicators, but also pragmatic, dialogical and dialectical cues. In addition to these, I proposed to add insights from the theory of dialogic syntax, specifically their concept of resonance, to this list as a syntactic cue.

I recognize that the development of dialogic syntax as a tool for argument reconstruction still lacks proper conceptualization. However, with this paper I hope to have made a case that this perspective has potential as another tool to be added to our toolbox for argument reconstruction. Further work will have to be done to more precisely develop the pragmatic implications of the use similarity and contrastive resonance in argumentative discourse with regards to argumentation structure. A lot of work still has to be done in this respect, but the other tools at hand offer a solid framework which can guide the development of this tool. If cases with resonance structures are found where the argumentation structure can be identified through the other four tools at our disposal, it will be possible to study the exact implications of dialogic syntax, which can then be used in more confusing and messy instances.

This is not the only way to proceed. The study of dialogic syntax and its implications for argument structures could also focus next on the relationship between resonance and stance (e.g. Du Bois, 2007; Du Bois & Kärkkäinen, 2012). Once a better understanding has been developed of how resonance relates to the positioning of the speaker towards the previous utterance implied through parallel structures, it will be possible to articulate the argument structure between the propositions, seen as linguistic objects. This pursuit would probably benefit from looking at speech acts from a dialogical perspective (see, e.g., Weigand, 2015). This would enable the analyst to assess the interactive meaning of directly adjacent speech acts. Of course, ideally, development of dialogic syntax as a tool for argument structure would focus on both strategies: the use of stance and the use of the other four indicators.

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Omnipresent standpoints in late-night talk shows: First steps towards identifying prototypical argument patterns in entertainment-political interviews

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ABSTRACT: Late-night talk shows have become a central medium used in presidential campaigns in the United States. In this paper, we provide the groundwork for research into the prototypical argumentative patterns which are central to this discourse by identifying that this discourse is (1) focus on the omnipresent standpoint "you should vote for me" which is (2) discussed through future policy and the candidate's identity. We conclude that deliberation and promotion are the central genres.

KEYWORDS: entertainment political interview, late-night talk show, omnipresent identity, omnipresent standpoint, political argumentation, presidential campaign, prototypical argument patterns, strategic maneuvering, topical potential

1. INTRODUCTION

U.S. politicians frequently appear at late-night talk shows to be interviewed. These interviews, although their format is aimed at entertaining the audience (Munson, 1993), should be seen as a form of political interview (Parkin, 2014), to which we refer as the Entertainment Political Interview (EPI). This genre becomes particularly interesting when the politician in question is running for office, such as for the U.S. presidency. In this paper, we argue that this interaction becomes a political interview (next to it being an entertainment interview) primarily because the identity of 'politician' has omnipresent relevance in this genre of communication. Moreover, since we focus on the omnipresence of the identity 'presidential candidate' specifically, the consequences upon the interpretation of the discourse become even more significant. Instead of just being a discourse aimed at entertaining the audience, it becomes part of a political campaign discourse. For this reason, the discourse advanced also becomes argumentative, as it functions as a supportive discourse to their presidential bid.

Thus, whenever presidential candidates converses with the host on the EPI, their position as a credible candidate is continuously potentially threatened because everything that

is said in these conversations can be used by the electorate to evaluate their suitability for office. Specifically, the host's talk may undermine the candidates' bid for the presidency as it may highlight an unfavorable quality or problematic idea. The link to their goal of becoming president is a continuously relevant interpretation of the discourse, as, due to the identity 'presidential candidate' and the activity 'campaign' being omnipresent within the discourse, the standpoint "you should vote for me" is omnipresent, as we discuss in section 2. Additionally, we show that this leads to also having an omnipresent standpoint ("you should vote for me") in the discourse. In section 3, we provide an overview of the ways in which the omnipresent standpoint is attacked in the EPI by using Aristotle's typology of 'genres of oratory' to articulate the disagreement space. Namely, if the types of support for the omnipresent standpoint can be articulated, it will be possible to investigate the prototypical argument patterns in this discourse. Lastly, based on the findings on the use of the disagreement space by the participants, we argue that two genres of communication are central to the argumentative discourse on EPI. On the one hand, politicians pursue the genre of promotion. On the other, they participate in deliberation. These genres are the foundation for the prototypical patterns to be identified in this communicative activity type.

2. OMNIPRESENT STANDPOINTS IN ENTERTAINMENT POLITICAL INTERVIEWS

In late-night talk shows, and specifically the EPI, when politicians visit they pursue multiple goals. On the one hand, they visit the show as a celebrity guest. It is commonplace for those shows to invite well-known, popular people – celebrities, people the audience wants to see and hear – to talk about a variety of topics (Munson, 1993). In this role, the task at hand which is highlighted is to maintain an entertaining conversation with the host of the show. On the other hand, they are specifically invited because of their identity as a politician – and a particularly relevant one, since they are running for the U.S. presidency. This everyday identity makes them a worthy guest. However, when politicians appear on these shows this puts them in an interesting position as they have to negotiate between these two identities: them being on the show as a celebrity guest and as a politician in the midst of their campaign may lead to having to fulfil opposite demands.

In their role as a celebrity guest, they are not supposed to pursue their political goals on those shows. They should simply attempt to uphold a light-hearted conversation, which is enjoyable to watch for the show's audience. However, when the politician visiting is a candidate for a public office, and especially the U.S. presidency, it is hard to not interpret anything of their talk as an attempt to support their bid. Each and every utterance may support or undermine their case; each and every member of the audience, present in the studio or at home watching them being broadcasted, is a potential voter. It could be said that their identity as a presidential candidate is omnipresent in the current discourse produced between the entertainment show host and the candidate themself; as such, the whole discourse carries implications based on this identity (see Fitzgerald, Housley, & Butler, 2009). Thus, even though they cannot explicitly campaign and directly claim that they are the better candidate due to their role on the show as a celebrity guest, the audience will, because it is aware of the omnipresent relevance of them being a presidential candidate, be able to interpret whatever has been said as relevant to this standpoint. As such, "you should vote for me" or "I am the better candidate" are continuously implicit standpoints, and all the time being defended by the candidate's discourse. These standpoints could be called omnipresent standpoints.

When Donald Trump (DT) visited *The Tonight Show Starring Jimmy Fallon* (JF) during his campaign for the U.S. presidency in 2016 (excerpt 1 is taken from his visit at September 15th 2016), the first topic raised was about him being a presidential candidate

(specifically, it implied that it was rather odd that that was his current identity), showing the relevance of this identity in this interaction (because it had to be acknowledged right away).

> (1) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (09/15/16)
> 1.   JF   It's nice to see you!
> 2.   DT   It's nice to see you!
> 3.   JF   Thank you for coming back to the show, I appreciate this.
> 4.   DT   Always love it.
> 5.   JF   So, this is getting real?
> 6.   (0.8)
> 7.   DT   Yeah
> 8.   JF   Ya
> 9.   DT   It's getting real, I agree.
> 10.   JF   You still have time, you still wanna do this? I think there's time!

In excerpt 1, the first exchanges between Trump and Fallon of that evening's show are presented. After the usual greetings and pleasantries (1:1-4), Fallon poses Trump a question: "So, this is getting real?" (1:5). Here, Fallon refers to Trump's presidential bid. Initially, it was joked about, but he secured his nomination for the Republican Party, and as such, his bid seems to be "getting real". Note that this line does not only invoke Trump's identity as a presidential candidate, but also challenges it. This would explain the awkwardness and hesitation expressed afterwards (1:6-8), as it remains silent for another 0.8 seconds followed by a fairly minimal response by Trump. With a further reformulation of the question by Fallon as "you still wanna do this" (1:10), Fallon seems to want to discuss Trump's motivations to actually run for president.

Thus, it is not only that Trump's omnipresent identity is invoked and challenged, with this comment, Fallon also undermines Trump's goal of being elected. If Trump does not really want to run, then there is also no good reason to vote for him. It functions as a counterargument to Trump's bid to the presidency, and specifically against his position that one should vote for him. It seems that this discourse is central to presidential candidates' campaigns! This reasoning is further supported by David Letterman, who invited both the Republican and Democrat candidates for the presidency onto his show during the 2000 elections, when he claimed that "the election will be decided here" (quoted in Niven, Lichter & Amundson, 2003, p. 118). Thus, the late-night talk show is also recognized by participants as a central medium in pursuing a political campaign. Participating on these shows is essential to gaining the votes necessary to win. It is precisely a place where candidates can go to defend their standpoints "you should vote for me" or "I am the better candidate".

However, this standpoint is continuously implicit in the discourse. Throughout, the candidates will present and defend substandpoints, following the question or comment posed by the host of the show. In excerpt 1, the substandpoint invoked by the host (through attacking it) was that Trump "wants to become president". In excerpt 2 (numbering continues from excerpt 1, skipping some laughter and hesitations), Trump's response to the challenge to this substandpoint for his omnipresent position that "you should vote for me" is shown.

> (2) Donald Trump at *The Tonight Show Starring Jimmy Fallon* (09/15/16)
> 14.   DT   We're doing well. It's been really a lot of fun and it's
> 15.   an amazing movement all over the country. It's been
> 16.   incredible. So.
> 17.   No. It's been an honor for me, I have to say.

Thus, after Fallon challenged Trump with the fact that he doubts that Trump actually wants to run for the presidency (which is consequently interpreted by the audience as doubts concerning whether one should vote for him), Trump defends that he actually wants to run. Specifically, in the campaign, he is "doing well" and it is "really a lot of fun" (2:14). He has "an amazing movement" (2:15). In one word, the campaign "has been incredible" (2:16). Running for the U.S. presidency is "an honor" for him (2:17). Hence, Trump takes up the challenge posed by Fallon and provides argumentation in defense: Trump truly wants to run for president. In this way, he ensures that he is seen as a viable candidate for the U.S. presidency. Thus, it has implicitly justificatory potential for his omnipresent standpoint that "you should vote for him". Without ever being explicitly mentioned, this standpoint is continuously implied and part of the interpretation of the discourse.

3. TYPES OF SUPPORT FOR OMNIPRESENT STANDPOINTS IN ENTERTAINMENT POLITICAL INTERVIEWS

Strictly spoken, the candidates do not maneuver strategically themselves in terms of the topical potential (see Van Eemeren, 2010, p. 96ff), as they are dependent upon the host to challenge their bid. Yet, the challenge raised is a strategic maneuver by the host in terms of topical potential, which has to be addressed by the candidate, subsequently. Next, we want to look at the possible challenges or defenses – it is just a matter from whose perspective we are looking at the discourse – for the omnipresent standpoint. In this section, we want to make the claim that each of the questions and challenges raised by the host will be a doubt casted upon the omnipresent standpoint that one should vote for the respective candidate. As such, we want to show the different kind of criticisms used to attack and premises used to defend the omnipresent standpoint in entertainment political interviews with presidential candidates. This taxonomy can be the basis of studies on prototypical argument patterns in such discursive environments as it will enable us to formulate the actual genres of communicative activity employed.

One has to study the topical potential analytically by characterizing the disagreement space of the participants (Van Eemeren & Houtlosser, 2001, p. 153). In this paper, we use Aristotle's genres of oratory (Booth, 2004, p. 17). The first genre is deliberative speech. Here, the speaker is focused on the future. It is concerned with figuring out how the people involved are supposed to act, in order to achieve a desirable result. The second genre is forensic speech. This pertains to "attempts to change what we see as truth about the past" (Booth, 2004, p. 17). Speakers who perform this genre of speech attempt to shed light on what has happened. Third, there is the epideictic genre of speech. This concerns attempts to "reshape views of the present" (Booth, 2004, p. 17). With a communicative performance, it is possible to present oneself or someone else in a certain way. It "can change the reality of how we value people and their creations" (Booth, 2004, p. 17). This speech can affect how we currently see someone. It is speech which gives insight into someone's character. Let's look at how late-night talk show hosts have utilized the disagreement space based on this typology.

(1) Deliberative Criticism and Reasoning. In late-night talk shows, the hosts recurrently refer to policies the candidates have proposed. As such, the hosts question the candidates' standpoints "you should vote for me" due to what they propose as a desirable course of action. Outside of their visit to the late-night talk show, candidates articulate a variety of plans, which, supposedly, they want to execute once elected president. Problems the United States is facing could be countered by introducing a Muslim travel ban, building a wall or lowering taxes. Alternatively, health care could be improved, college could be made affordable and taxes could be raised for the rich (all of these examples come from our corpus

of transcribed interactions of presidential candidates in EPIs). A central part of a campaign for the U.S. presidency is to evaluate what plans the candidates have, as these proposals indicate how they will work on improving the country. If the electorate does not agree with their ideas, that these plans will not be effective or sufficient to make the country a better place, their bid for the presidency is weakened. Thus, each of the policies they propose is a substandpoint for their position "you should vote for me".

Consider excerpt 3, concerning Fallon (JF) and Trump (DT).

(3) JF (to DT): But you say things sometimes that go like "that's a little controversial". (...) I mean the Muslim thing is – not allowing any Muslims into the United States.

In excerpt 3, Fallon is asking and inquiring about a proposed policy Trump has said he would want to pursue if elected president. Consequently, this comment by the host would prompt a response about the candidate's future actions. Specifically, Fallon notes that the Muslim travel ban is "controversial", and thereby requests Trump to defend this ban. It requires Trump to produce deliberative speech as he has to explain why his proposed policy is beneficial to America.

In excerpt 4, we show the response of Trump to the comment by Fallon as quoted in excerpt 3.

(4) DT (to JF): But you know, there is something happening. And we are talking about on the short term basis. Temporary. But Jimmy, there is something happening out there.

Here, in excerpt 4, Trump takes on Fallon's call to talk about future policies. He starts his argument in defense of his policy with observing that "there is something happening". His Muslim travel ban is a solution which he hopes to install as president in order to solve these issues "out there".

(2) Forensic Criticism and Reasoning. A second inquiry the host of the late-night talk show can make is about the qualification of past facts. In these cases, the hosts question the omnipresent standpoint based on disqualifying evidence from the past which make them unsuitable to serve as president. Not being able to responsibly deal with emails may disqualify someone to be an appropriate candidate for the presidency (again, these examples are taken from our corpus). Another important aspect of a presidential campaign is to assess the suitability of the candidate based on their past actions. If the electorate does not believe that there is evidence for the candidate being a true potential candidate for the presidency, the standpoint "you should vote for me" will barely meet sufficient support. Thus, each time the host inquires about their past actions, the presidential candidates are invited to advance forensic discourse. It is their task to redefine the situation such that the evidence provides support for their presidential bid.

Consider excerpt 5, where Jimmy Kimmel (JK) suggests a label for Hillary Clinton's (HC) past actions in her role as a member of the Obama administration.

(5) JK (to HC): Look at…. Who could have guessed that this audience would be so enthusiastic about the cofounder of ISIS!

In excerpt 5, Kimmel refers to a widely known fact from Clinton's past, specifically her involvement in the Obama administration's interventions in the Middle East, to question her being qualified to become president of the United States. In this case, the facts are supporting the conclusion that Clinton is "the cofounder of ISIS". With her past actions, Kimmel jokes and emphasizes, she contributed to the rise of a terrorist organization, which is against the United States. Obviously, Clinton does not want this conclusion to stick, as it would severely

undermine her case to gain votes during the upcoming election. Being the "cofounder" of an anti-American organization is not something that contributes positively to one's case to become the leader of the country.

Next, in excerpt 6, consider Clinton's response to Kimmel, where she advances forensic speech to redefine the situation.

> (6) HC (to JK): Yeah, that was one of the crazier things that has been said this campaign.

Thus, in her response, Clinton redefines the situation by calling the observation that she is "the cofounder of ISIS" "one of the crazier things that has been said this campaign". This means that she believes that this conclusion based on the facts is unsubstantiated and therefore wrong. She thus claims that she does not have this anti-American nature. Moreover, she continues to argue that it is exactly her opponent who has this anti-American nature as these "crazy things" are making things better for the terrorists (not shown here).

(3) Epideictic Criticism and Reasoning. Third, the host of the late-night talk show could inquire about qualities the candidate has to succeed as president. In contrast to forensic criticism, this criticism is not based on facts from the past which challenge the bid. This criticism is based on a perception of the character of the candidate, which can only be diverted by using speech to alter this perception. If one is seen as weak, but not because of past acts which have to be redefined, one has to argue their way out. If the perceived character is not what is generally seen as one which belongs to a presidential candidate, the standpoint "you should vote for me" is under attack. An argument should be produced to show that the candidate does have the required trait in order to be an appropriate, even desirable, president.

Consider excerpt 7, which portrays an interaction between Clinton and Fallon.

> (7) JF (to HC): You know, what I'm saying by that? You – a lot of people would go, is, oh, "are you tough enough to be president?" Are you tough enough to be president?

In the discourse preceding this question, Fallon asserts that he would "not mess with her". The question about Clinton's toughness is not a qualification of her past actions, but a general perspective on her character. Clearly, one should be tough enough to be president.

How does Clinton respond to this challenge to her omnipresent standpoint? Her response is quoted in excerpt 8.

> (8) HC (to JF): Yes, I think so. But, you know – look – you gotta be a lot of different things to be a good president.

Here, Clinton makes a case that she is "tough enough to be president". Specifically, she explains that toughness is not the only quality you need. A president also needs empathy and diplomatic skills. With this response, Clinton displays her current skills and character and thereby supports her case.

The three 'genres of oratory' of Aristotle seem to be represented in the discourse of the entertainment political interview. In the next section, we want to connect these genres to genres of communicative activity types (see Van Eemeren, 2010, p. 143) in order to assist the further work to be done in identifying prototypical argumentative patterns in this domain.

4. GENRES OF ARGUMENTATION ON ENTERTAINMENT POLITICAL INTERVIEWS

Given the above discussion on the 'genres of oratory', where we reviewed criticism and reasoning belonging to the deliberative, forensic and epideictic genre, it seems that with regards to political speech on late-night talk shows there are two major themes to attend to. First, there is a focus on *future actions* which determine whether the presidential candidate is the right one to become the next president. In this discourse, the candidates are compared in terms of the quality of their proposals. Which candidate proposes a course of action that is best for the country? Which political agenda is preferable? Second, the forensic and epideictic genre seem to point to a different set of discussions. Here, the criticism is not focused on the candidate's platform, but at their *identity*. The criticism seems to center around whether they truly are a potential member to the category 'president'. Do they have the qualities necessary to be successful and effective? Will they be able to cope with the demands of the job?

With regards to the first cluster of criticisms and arguments, as part of the deliberative genre, this argumentative discourse seems to be deliberation. As Van Eemeren (2010, p. 143) notes, this genre is also commonplace in the domain of politics. As such, we should not be surprised that it plays a central role in the entertainment political interview as well.

With regards to the second cluster of criticisms and arguments, as part of the forensic and epideictic genre, this argumentative discourse seems to be promotion. Namely, the focus on their identity in terms of character, qualification and personality is not to settle a dispute. In a presidential campaign, candidates are branding themselves as a good candidate. The focus on their person is a form of advertising a person to become president.

This conclusion that the discourse on the entertainment political interview consists of two genres, deliberation and promotion, can ground further research into the prototypical argument patterns in this form of communicative activity.

5. CONCLUSION

In this paper, we laid out the groundwork for an investigation into the prototypical argumentative patterns in entertainment political interviews. In order to do this, we first investigated the standpoints being defended. We concluded that in this type of discourse, there is an omnipresent standpoint, as everything a presidential candidate says is considered in light of their presidential bid. Next, we looked at possible criticisms and defenses for this omnipresent standpoint in terms of the topical potential which can be used in strategic maneuvering. We used Aristotle's 'genres of oratory' to organize the criticisms and arguments advanced in the discourse. Third, these criticisms and arguments seemed to lead us to two clusters – two types – of argumentative discourse. On the one hand, arguments seemed to be focused on the proposed policies in terms of a candidate's future actions. This political agenda is assessed in terms of the merits of the course of action for the country. As such, this kind of discourse belongs to the genre of promotion. On the other hand, other arguments and criticism surrounded the identity of the presidential candidate. Past actions lead to a conclusion of that candidate's qualifications to be president. Thus, these facts could undermine the idea that the candidate is an appropriate candidate for the presidency. Additionally, other perceptions on the candidate's character and personality could be posed as criticism without factual backup. In these cases, the candidate has to advance argumentation not to redefine the facts to present a favorable identity, but just to address their identity. These arguments and criticisms surround the genre of promotion. Namely, in political campaigns, candidates are branded as the right person for the job. It is the electorate's task to assess this claim. This conclusion, that both the genre of promotion and deliberation are central to the

discourse on late-night talk shows when a presidential candidate is the celebrity guest, can be the foundation of future research on argumentative patterns on these shows.

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Ethos and pathos: Philosophical analysis

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ABSTRACT: It is argued in this paper that *ethos* and *pathos* have dual natures, with both being argumentative and causal. This dual nature is based on both trust and emotions having a complex nature, that they are composed of both a cognitive component and a non-cognitive component. One can argue with respect to the first, but not the second. The second has a causal role, and this makes *ethos* and *pathos* forceful means of persuasion.

KEYWORDS: causal mechanism, emotive arguments, *ethos*, *pathos*, rhetorical argument

1. INTRODUCTION

Rescher (1998) made a sharp distinction between rhetoric and strictly rational argumentation. In rational argumentation one deploys the resources of inferential reasoning to support a proposition: it is either deductive or inductive type of support. One puts forward some propositions which support another proposition. The first group of propositions are intended to provide probative or evidential grounds for the next. The role of rhetoric is to induce acceptance of propositions by non-inferential appeal.

But then a question arises: How is it possible that non-assertoric content such as emotions, sentiments, and passions can affect or give rise to assertoric content, because these two groups by their very natures are discrete? And how is it possible for the speaker to give rise to emotions, sentiments, and passions in the audience by presenting assertoric content?

These problems are fundamental to the general question of whether emotions, sentiments, and passions can have a role in argumentation, that is, whether *pathos* and *ethos* are really argumentative.

Before we discuss these questions, we will characterize both argument and rhetoric.

2. WHAT IS AN ARGUMENT?

It has become popular to distinguish between three different perspectives on argumentation on the basis of Aristotle's *Rhetoric* (I.2, 1356[a]): the logical perspective, the dialectical perspective, and the rhetorical perspective (Wenzel, 1990; Tindale, 1999). Wenzel associated these perspectives with notions of product, method, and process, respectively, so that logic is about describing and evaluating the arguments; the dialectic is concerned with the method and principles by which an argumentation proceeds; and the rhetoric is about understanding and evaluating arguing as a process of persuasive argumentation (Wenzel, 1990, p. 11; Tindale, 2004, p. 7). Wenzel claimed that separating the perspectives of logic, dialectic, and rhetoric does not imply a classification of different types of arguments, only different perspectives on arguments.

2.1 Logical perspective

Hacking (1973) opened his lecture on Leibniz and Descartes by telling us: 'Leibniz knew what a proof is. Descartes did not.' But what did Leibniz knew that Descartes did not? Leibniz knew that a proof is valid because of its logical form and not because of its content. For Descartes, the truth of propositions depended on not only rationalistic intuition but also the steps in a proof proceeded by intuition.[1]

Leibniz's notion of proof depended on logical form, which was also the Aristotelian theory of the syllogistic. Aristotle saw clearly that logical validity depends on the logical form and not on the subject that is being reasoned. From the very beginning of logic, it was defined on purely logical notions, and it did not depend on any other science or any philosophical considerations (Łukasiewicz, 1951, p. 6). For Frege (1980), a proof is something that can be written on a piece of paper.

Today, logic in a proper sense is the study of logical consequences between sentences. The common way to define a formal logic is to use mathematical notions to define the formal language, proof theory and model theory.

Govier (2014) defined 'argument' as a certain structure of claims, where some claims are an attempt to justify another claim (pp. 1-2). Although she widened the scope of the argument from that of deductive logic closed under logical consequence, including inductive, analogical, and conductive arguments, an argument is still a certain structure of claims that can be written down on a piece of paper.

Regardless of the narrow or broad sense, logic is not about causality. Causality is the natural order, or how nature 'behave', and it can be described by natural laws or something similar. Logic is about relations between sentences that are true, probable, or plausible.

2.2 Dialectical perspective

In the dialectical perspective an argument is viewed within the process of examining a position or a disagreement. It aims to devise rules governing correct exchanges in a dialogue (Eemeren & Grootendorst, 1984; Walton, 2008). An argument is viewed against an overall purpose and function of the argumentation and one might define certain stages in the dialogue with its specific types of rules.

Johnson (2000) formulated a general theory of argument where the main purpose is rational persuasion of the other part in a discussion. But as Rees (2001) pointed out in his review of Johnson's book '[t]he dialectical tier is not internal to the notion of argument as a single structure' (p. 233). Arguments within the dialectical tiers are certain complex structures within the discourse. The basic meaning of 'argument' in the dialectical perspective thus rests on what 'argument' means in the logical perspective.

2.3 Rhetorical perspective

The rhetorical process is governed by the purpose of persuasion of the audience, to impact beliefs or to affect actions.

According to Perelman (1982) rhetoric encompasses not only every discourse and all argumentation, but also things such as the colour or lighting in a restaurant, which is meant to affect the public (p. 162). But then psychology and sociology become the basic theories.

Tindale (1999, p. 6) claimed that of the three perspectives on argumentation, the logical, the dialectical, and the rhetorical, the rhetorical is the fundamental. But searching in

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[1] Descartes made clear in *Regulae ad Directionem Ingenii*, Rule 3 that in a proof there is nothing but intuition that grants the transition from one truth to another one (Descartes, 1985, $369, pp. 14-15).

his work for a definition of argument is to search in vain. One would want to see something regarding how logical notions are extracted from rhetorical ones, but nothing is written about this.

In the rhetorical perspective the character and interests of the arguer and the nature of the audience and its beliefs become important in addition to the arguments.

3. RHETORIC

We will take Aristotle's *Rhetoric* as our starting point, as his theory of argumentation was reasonable, principled, and considerate. We will refer to some key notions in his theory of rhetoric and take these as our framework for discussion.

According to Aristotle there are three features of a speech: the speaker, the subject matter, and the audience. Accordingly, there are also three modes of persuasion (*pisteis*): the character of the speaker (*ethos*), the arguments of the subject (*logos*), and the emotional states of the audience (*pathos*). Of these, *logos* is the most central, the substance of the persuasion. This view fits well with Aristotle's general epistemological view.

Aristotle's term *pisteis* is sometimes translated as 'proof', but it is much broader in its meaning than the common definition of proof today. Aristotle used the term *pisteis* to include all of the rhetorical means. Therefore, it is misleading to simply understand *pisteis* in a purely logical way. Instead, we will use the term 'persuasion'. We will discuss *logos*, *ethos*, and *pathos* but focus on the last two.

3.1 Persuasion by logos

Aristotle said that persuasion by *logos* is when the audience is persuaded by the speech in itself, by way of a proof or something that looks like a proof (*Rhetoric*, I.2, 1356ª19-21). He called the special form of proof in the rhetoric *enthymeme* (*Rhetoric*, I.1, 1355ª5-8). There have been many discussions on the meaning of Aristotle's *enthymeme*, but we will not go into the complexity of the interpretation here.

An *enthymeme* relied on the structure of the syllogistic, which meant the *enthymeme* had to display the structure of premises and conclusion as in deductive arguments (*An.Pr.*, 2.23, 68ᵇ9-14). Thus an *enthymeme* was a structure where a proposition was supported by other propositions. Today, it is reasonable to view *logos* in accordance with development within informal logic.

3.2 Persuasion by ethos

Aristotle said *ethos* is a persuasion by the spoken words that depends on the speaker's character of trustworthiness (*Rhetoric*, I.2, 1356ª5). The speaker's *ethos* first of all comes through the present speech. But the *ethos* also comes from what the audience knows about the character of the speaker beforehand, including the general moral character of the speaker.

He also said that confidence in the speaker's character may be established by good common sense, a virtuous character, and his goodwill towards the audience (*Rhet*oric, II.1, 1378ª6-9). Anyone who has all these qualities will inspire trust in the audience, who will see the speaker as telling the truth and giving good advice. The *ethos* therefore includes both certain features of the speaker's character and the speaker's relation to the audience. The *ethos* of the *Rhetoric* was related to Aristotle's ethics. Thus a good *ethos* is given by the standard of the 'good man', requiring both intellectual skills, moral virtues and the goodwill (Brinton, 1986). Commenting on several writers on rhetorical theory in the Antique, Brinton (1985) wrote that the speaker should have 'competence in the subject-matter at hand, good

intentions, shared values and interests and assumptions with the audience, truthfulness, trustworthiness' (p. 55).

For Aristotle, the notions of truthfulness, trustworthiness, competence, and the like are basically moral and intellectual notions. We think this view of *ethos* presupposes too much of an Ancient philosophical outlook and a too tight connection between *ethos* and ethics. We will here be more modest, because even a morally blameworthy person can give a forceful rhetoric. We will rather use Searle's theory of speech act (1969). Among the conditions in his definition of successful and non-defective speech act is the sincerity condition, that the speaker is sincere in her utterance of *p*, and the competence condition, that she has evidence or reason for the truth of *p* (p. 66). The audience could presumptively accept *p* if the audience thinks the speaker has evidence for *p* and believes the speaker holds *p* to be true.

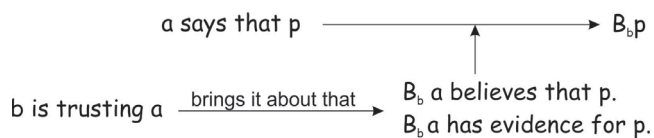We will give a tentative schematization of the structure of *ethos* as the following:

$$a \text{ says that } p \longrightarrow B_b p$$

$$b \text{ is trusting } a \xrightarrow{\text{brings it about that}} \begin{array}{l} B_b \ a \text{ believes that } p. \\ B_b \ a \text{ has evidence for } p. \end{array}$$

Figure 1: The structure of persuasion by ethos.

Figure 1 spells out the conditions for taking the speaker's speech act as evidence for *p*. But how is it that audience b can accept the sincerity and preparatory conditions, and presumptively accept *p*? First, b has to trust the speaker. Trust is not a belief. It has as its intentional content the character of a person, not a proposition, which beliefs have as their intentional objects. Trust is not an emotion, because it is something long-term. We will call trust a sentiment. It stands in a causal relationship from certain antecedent conditions for its arousal and can have beliefs as its consequences. If b has trust towards the speaker, it will causally trigger b to believe the sincerity and preparatory conditions are fulfilled. But trust can be broken if b discovers the speaker is insincere. It is possible for another agent to start to argue against the trust by an *argumentum ad hominem*, and if this is successful, the audience may discard its trust.

Ethos is working through the audience's trust towards the speaker. The role of trust is not argumentative but causal. We will later discuss the very nature of emotions and sentiments. The key role of trust in *ethos* means that *ethos* is partly of argumentative nature and at the same time rests on a causal mechanism.

3.3 Persuasion by pathos

Persuasion by *pathos* consists of touching and moving the emotions, sentiments, and passions of the audience by speech. In virtue of this the audience is affected in such a way that they accept or reject a proposition or desire to perform or refrain from participating in an action (*Rhetoric*, I.2, 1356ª14-15). Persuasion by *pathos* is very effective in producing effects on the audience's beliefs, thinking, and behaviour.

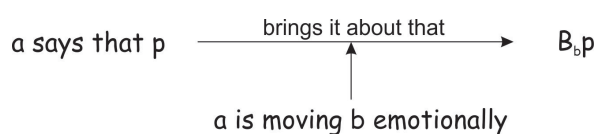We schematize the structure of *pathos* in Figure 2:

$$a \text{ says that } p \xrightarrow{\text{brings it about that}} B_b p$$

$$a \text{ is moving } b \text{ emotionally}$$

Figure 2: The structure of persuasion by *pathos*.

This structure indicates that *pathos* relies on a causal connection that goes through the emotion of the audience. The structure is not to be understood as an argument. We will come back to how this can be understood.

The standard view within informal logic on argumentation with emotions states that appeals to emotions are simply fallacious, for example *argumentum ad misericordiam* (appeal to pity). This is because the standard view holds that affectional states cannot provide reasons for a proposition (belief)—they will simply be irrelevant reason (Govier, 2014, p. 170). The basic view is that emotions are akin to feelings and they are of a different category than propositions and beliefs.

Although it may be fallacious, it is nevertheless forceful, which is certainly puzzling. To give an explanation of this, we need a theory that explains why appeal to emotions can be such a forceful persuasion; how emotions are triggered; and how they cause effects on beliefs, thinking, and action.

4. EMOTIONS AND OTHER AFFECTIONATE STATES

There are many works that describe the role of emotions and feelings in argumentative settings, but we seldom find any characterization of the notions (see, for example, Walton, 1992; Gilbert, 2004; Tindale, 2004). The lack of any characterisation makes them descriptive in character, wherein there are many examples with accompanying analysis of the structure of the examples; the works are not explanatory of the role of the emotions. We will here refer to modern theories of emotions.

4.1 Characterization of emotion

In argumentation, one puts forward propositions *pro* or *con* with respect to another proposition. Argumentation is thus essentially about propositions. The problem of how emotions can enter into argumentation is fundamentally about the relationship between propositions and emotions. We need a theory of emotions to explain this.

Examples of emotions are anger, fear, hate, friendliness, love, gratitude, and pity. They are of a certain type and we classify them by general terms, for example, 'anger', and define them. They typically arise quickly and last for a short time. Their function is typical to create a readiness for action, but they also affect our beliefs and thinking. To have emotions constitutes the normality of the psychology of human beings, and they constitute a central part of our rationality (Elster, 1999).

The traditional view on emotions and beliefs (propositions) see them as discrete entities. Because they are of different sorts, neither can affect the other and consequently one cannot argue about an emotion.

More recently, we have seen the development of a cognitive theory of emotion (see for example Frijda, 1986; Lazarus, 1991; Scherer, 1999). This new orientation is referred to as 'appraisal theory'. This type of theory echoes much of Aristotle's theory of emotion. A key feature of the new orientation is that emotions come with a cognitive antecedent.

An emotion is a complex attitude that has several features: cognition, evaluation, motivation, and feelings (BenZe'ev, 1996). Emotions are situated and carry with them information about aspects of the agent's situation. Emotions also have an evaluative feature, about the personal significance of the information. Agents value a situation differently and this appears in the personal significance of the information. Given the evaluative feature of the situation, there arises a motivational feature: a desire or inclination to act. Finally,

emotions are accompanied by feelings. Feelings are certain primitive modes of consciousness. Emotions and feelings are fundamentally different in that feelings are not themselves directed to any object; they are not intentional. Feelings are a part of emotions, but emotions cannot simply be reduced to feelings. Because emotions typically arise in a social situation and have a propositional content, they are thus principally communicative in character. But feelings are foremost private in character, such as the feeling of pain.

Elster (1999) characterized emotions by three groups of conditions: cognitive content, subjective feel, and visceral features (pp. 246-283). The cognitive content is composed of the cognitive antecedent and the intentional object of the emotion. The cognitive antecedent makes an emotion something other than a simple visceral state, such as hunger or pain, and makes the emotions part of our rational life. An emotion can have as its intentional object a proposition as well as an object, such as a person.

The subjective feel is the unique experience of the agent; on the other hand, visceral features include both the physiological arousal and outward expression. Visceral features include the emotion having a valence on the pleasure–pain dimension and a characteristic action tendency. The visceral attributes are common between emotions and other states such as hunger or pain. Often, the visceral attributes of an emotion are the most outstanding to others observing an agent that is moved emotionally—what an observer sees in the behavioural manifestations. These features become a part of the grounds for making a hypothesis about what emotion an agent is having. The visceral attributes make an emotion something other than simply a belief–desire complex.

The appraisal view put forward here is clearly a simplified view of how emotions function in our nature. Emotions also work in the opposite way by affecting our beliefs and how we think. Frijda and Mesquita (2000) provided a multitude of evidences for the fact that emotions can cause creation of beliefs, strengthening or weakening of beliefs, other emotions, or sentiments. For example, if agent a has become angry at agent b, this might lead a to look for and discover new information about b; a might even accept rumours he hears about b, which in turn strengthens a's angriness towards b.

4.2 Other affectionate states

Frijda described emotions as shading over to similar more persistent psychological events, which he calls 'sentiments' and 'passions' (1986, p. 101). Emotions rise and fall quickly, but sentiments and passions are long-term affectionate states that are also directed towards other people. Examples of such are trust, friendliness, and antipathy. Although emotions are characterized by their action tendencies, sentiments and passions normally do not involve a change in action tendencies. Nevertheless, they may result in spontaneous action, for example, when love causes someone to buy flowers for the beloved. When meeting the loved one, the flowers are given, emotions burst out, and perhaps action occurs as well.

Certain sentiments, such as trust, involve a readiness to accept what another agent says, whereas other sentiments, such as distrust, may involve reluctance to accept it. Because a sentiment such as trust has cognitive antecedent, one can argue about it similarly to arguing with emotions.

In ordinary language, we sometimes use the word 'emotion' to refer to all of emotion, sentiment, passion, and feelings (see for example Gilbert, 2001; 2004). We might also use the term for a typical emotion, such as 'hatred', to refer to an emotion, a sentiment, or a passion. We often focus on the feeling when talking about having an emotion, as in 'I feel pity about …'. The focus is on the most salient feature for the agent having the emotion.

4.3 The causal mechanism in social science

Unlike propositions and beliefs, emotions have causal power; most notably, they can cause us to act. Our minds work as a causal mechanism in the way that emotions develop, but the notion of causality is rather problematic in this connection. It may work well in some areas of natural science, but in social science and in considering the mind, it is problematic. Both Hempel's (1965) covering law model and probabilistic explanation are problematic.

Elster and others have proposed an alternative model for causal explanation, which they call 'mechanism' (Elster, 1989; 1999; 2007; Hedström & Ylikoski, 2010). According to the notion of mechanism, we cannot predict but can explain what has happened with reference to previous conditions.

Elster characterizes two types of mechanism: Type A, where we do not know the exact conditions that trigger an event and there is indeterminacy; and type B, where we do not know the exact consequences of an event and there is indeterminacy.

Sometimes, similar situations can trigger opposite reactions, and we explain the reactions with the same situation. For instance, we explain that a person became an alcoholic with reference to the fact that he grew up in a home with two alcoholic parents. Another person became a fanatic in never drinking alcohol, and we explain this with reference to the fact that she grew up in a home where her parents were alcoholics. Both explanations seem reasonable, and thus show we cannot predict the outcome of children growing up in homes with alcoholic parents.

4.4 How emotions arise

How we perceive a situation gives us the cognitive antecedent, our beliefs about the situation. The link from the cognitive antecedent to the emotion is a causal one. Given our evaluation system and our motivation, visceral features and feelings are triggered. A certain cognitive antecedent can create different emotions in different agents, one may become angry, another getting fears. The difference depends partly on different perceptions of the situation, and partly on having different evaluation systems.

Thus, given a certain situation and cognitive antecedent, we cannot predict if a certain emotion most likely will develop in an agent. However, afterwards we can give a hypothesis about the probable causes of developing the specific emotion.

5. EMOTIONS AND ARGUMENTS

We have seen that an emotion is composed of three groups of conditions: cognitive content, visceral features, and subjective feel. An argument with its propositional content can be directed only towards the cognitive content, not the other two. An argument cannot in itself directly affect the visceral features, nor can it affect the subjective feel, as neither of them have propositional content.

We shall first address the cognitive antecedent of an emotion. An agent can argue *pro* and *con* in the usual way with regards to this. What is special with the context of emotion is that the argumentation may affect a causal mechanism that may give rise to, strengthen, or weaken an emotion.

Let us first consider a case where a speaker a says *p* to an audience b. In short for agent b having an emotion of type *T* with cognitive antecedent *p* we write '*emotion$^T_b(p)$*'. We will assume only informal readings for this formula. In what follows, we assume that the

audience considers the speaker to have a good *ethos*, and thus considers the speaker's speech act as evidence for *p*, and the audience will presumptively accept *p*.

Depending on b's evaluation system, b might form a relevant emotion, $emotion^T{}_b(p)$. The link from believing *p* to forming the $emotion^T{}_b(p)$ is a causal mechanism. There is nothing argumentative in this link.

But considering *p*, agent b might reason to *q*. As a consequence of realizing *q*, b might or might not form an emotion with *q* as cognitive antecedent. Part of such a chain is normal reasoning, another part is causal mechanism. The reasoning in this is with respect to the propositional content. There is also a possibility that b does not form any emotions at all. It might even be possible that b finds *q* unacceptable and starts to argue against *p*.

Let us now consider a case where agent a does not say anything at all but has an emotion and displays it. In other words, a displays certain visceral features. When observing a and the situation, agent b forms a hypothesis about what type of emotion a is having and its cognitive antecedent. However, b also needs some knowledge about a's value system. This may be based on knowledge about a or cultural knowledge.

With the right conditions (b's evaluation system), b might form a similar emotion. There need not be any argumentation in this process. The emotion that b forms might be of same type as a's emotion, but it need not be so.

The hypothesis about a's emotion is a relatively unsure empirical hypothesis and needs to be tested and evaluated in a communication exchange between the two.

But given the hypothesis about *p*, agent b might start to reason about *p* and come to *q*. Realizing *q*, this might trigger b to form $emotion^T{}_b(q)$, regardless of having formed the first emotion or not.

Let us now turn to the other features of an emotion, the visceral features and subjective feeling. These are also essential features of an emotion. Similarly to the fact that one cannot direct arguments towards hunger or pain, one cannot direct arguments towards visceral features or subjective feelings. Because they have no propositional content, visceral features and subjective feelings cannot enter into arguments.

When we consider arguing about emotions, we need to be careful how we view the matter: We cannot detach everything but the cognitive content and focus only on this. In that case, we are arguing only about propositions or perhaps belief–desire complexes. This means one cannot argue with respect to an emotion in entirety. But when arguing about the cognitive antecedent of an emotion, the context is the emotion in its entirety, and the rise and fall of the emotion is a matter of causal mechanisms.

Micheli (2010) asserted a thesis that emotions can be objects of argumentation. In his argumentation, he focused on the cognitive feature of emotions. He in effect treated emotions as nothing more than the propositional trait, but this is an oversimplification: Because emotions come as a 'packet', one cannot detach everything but the cognitive component and still have an emotion. What is missing in Micheli's work is the notion of causal mechanism.

As a consequence of this view, he ended up removing the distinction between *pathos* and *logos*, reducing *pathos* to *logos* (p. 16). This is problematic, first because we lose the outstanding features of emotions, the visceral features and the subjective feeling. Second, by addressing only the cognitive part of emotions, they lose their causal role in our beliefs, thoughts, and action.

A more adequate treatment of emotions in argumentation is to carefully distinguish between what argumentation can address and what is part of the causal role of emotions in our beliefs, thoughts, and action. Features being a part of the causal role cannot be reached by argumentation.

Micheli criticized the tradition that treats appeal to emotions as irrelevant ground in arguments, wherein they are thus considered to be fallacious (Govier, 2014, pp. 170-171).

With respect to the cognitive antecedent, Micheli was right in his critique. Appeal to emotions, for example, appeal to pity, may be legitimate in argumentation. But with respect to emotions in entirety, emotions get a causal role in our beliefs, thoughts, and action—not an argumentative role. Thus the traditional view still has something to say.

Because of its dual role, an emotion such as pity may be a forceful means of affecting people's thinking and action. This forcefulness does not come about through argumentation alone but through the causal role.

BenZe'ev (1995) accepted the complex view of emotions and argued that we need a broader view of argumentation than restricting it to the propositional view. He did not give any characterization of this sort of argumentation, only said that 'an emotion can often be seen as a non-typical form of argumentation' (p. 190) and that 'this sort of argumentation is different from the intellectual, propositional ones' (p. 192). The core of his view was that emotions are functional responses to certain circumstances. Being functional, they are rational according to Ben-Ze'ev though not propositional argumentative. Being rational, they should be viewed as argumentative.

But his notion of function was rather unclear. We need some theory to define the term, which is exactly what the theory of causal mechanism does. Elster (1999) explained how emotions can be a part of our rationality and his theory is still relevant. When accepting the distinction between argumentation and causal mechanism, there is no need for any non-propositional theory of argumentation.

6. CONCLUSION

In this paper, we have given an argumentative analysis of *ethos* and *pathos*. Emotions and sentiments are 'closed under' the agent's rationality, but at the same time, they have a causal role to play in the agent's beliefs, thoughts and behaviour.

Persuasion by *ethos* can be given an argumentative analysis, but we have seen how this depends on the audience's trust, a sentiment. From the audience's trust, there is a causal path to the audience coming to believe that the speaker is sincere and competent. Given this, the audience can tentatively accept what the speaker says.

Persuasion by *pathos* relies on the emotions of the audience. Referring to contemporary theory of emotions, we have seen that agents can argue *pro* and *con* in the normal manner about the cognitive antecedent of emotions and sentiments, but arguments cannot be directed to the subjective feelings or visceral features of these states, as they are unreachable by arguments. Thus one cannot argue about emotions in entirety.

Emotions and sentiments are triggered according to a causal mechanism. The consequences of them are also triggered according to a causal mechanism. The triggering of emotions by a causal mechanism makes *pathos* a powerful means of persuasion.

Thus both *ethos* and *pathos* are partly argumentative and partly causal, and neither can be reduced to *logos*.

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Algorithms as arguments: A working theory

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ABSTRACT: This essay develops a novel analytic approach for critical engagement with algorithms, both at the level of their discursive construction into complex arguments and at the level of how they transform and reshape material culture. Ultimately, I argue that rhetoric and argumentation scholars have much to offer to the critical study of algorithms: not only can we teach others how to unpack them as complex arguments, we can also illuminate the hidden agendas concealed within.

KEY WORDS: algorithms, argument, Latour, rhetoric

1. INTRODUCTION

> We imagine . . . algorithms as elegant, simple, and efficient, but they are sprawling assemblages involving many forms of human labor, material resources, and ideological choices. . . . To truly grapple with the age of the algorithm and our growing entanglement with computational cultural processes, we need to take action as scholars, teachers, and most of all performers of humanistic inquiry.
>
> --Ed Finn, *What Algorithms Want*, pp. 7-13

Algorithms have never been more influential, yet our collective understanding of how they transform massive networks of cultural power has not kept pace. This is due in part to narratives that consistently stress human agency and in part to corporate interests who benefit from keeping algorithms proprietary. Whatever the causes, algorithms today operate as black-boxes largely inaccessible to the majority of citizens whose worlds they continuously reshape. We do not understand as a result the unparalleled productivity of these algorithms, how they work, nor what they *mean* for the social collectives they transform.[1] We cannot see the parameters of judgment—both human and nonhuman—that constitute them; thus those parameters appear as horizons, always present yet distant and untouchable. Unable to see or understand their judgment parameters, we have no comprehension of what these algorithms assume to be true, nor what might happen if those assumptions are violated. This essay develops a humanistic rhetorical approach to reading algorithms with the hope of making the horizons of judgment within them more accessible—not only to challenge the naïve apotheosis of algorithms within a growing algorithmic culture, but more importantly to position rhetoric and argumentation scholars as critical informants, intellectuals who can answer Ed Finn's call in the epitaph and open up these black-boxes for fellow citizens, examine the hidden assumptions therein, and study how they *actively transform* our social-material worlds.[2]

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[1] On issues of algorithmic inaccessibility see Finn, 2017, especially chapters 1 and 3.

[2] The concept of the horizon of judgment refers to the network of human and nonhuman assumptions, constraints, and delimitations necessary for a mathematical algorithm to have specificity and validity. I use the metaphor of horizon to underscore the distant but no less present domain of validity that constrains every mathematical algorithm.

Our route to a rhetorical analytic of algorithms, one capable of addressing both their discursive construction *and* the ways they transform the social-material world, must first address the critical literature on algorithms. Doing so reveals an asymmetry in which a great majority of scholarship has focused on problems of algorithmic implementation (perpetuation of bias, inequality, etc) to the exclusion of algorithmic construction. The main problem with this asymmetry is that calls for a regulatory ethics of algorithms is emerging from the critical literature sans a deep understanding of the practices of argument construction that constitute algorithms in the first place. Without an understanding of those processes of construction, any ethics of algorithms is highly unlikely to have the effects intended.

In this essay I begin to develop an analytic approach designed to address both the discursive construction and social-material consequence of algorithms. To do so, I suggest we turn to two allied resources: the first comes from a growing body of research into rhetoric and mathematics.[3] From this research we can borrow ideas and methods for engaging with the construction of algorithms as complex discursive processes that do not merely reflect an *a priori* reality hidden from quotidian view but instead actively constitute new realities as they produce new social relations that enable novel hybrids to emerge and expand our social-material world. Tracing the social-material consequence of algorithms, however, requires a second analytic resource, one that I argue Bruno Latour's work provides in an undeveloped form. Across Latour's many projects we will find innovative ideas for study of mathematical discourse—and the algorithms that emerge from it—as networked modalities of argument that materially expand the social collective.[4] The goal of this essay is to interweave these two resources into a hybrid analytic capable of engaging with the complex algorithms that increasingly shape contemporary culture.

2. CRITICAL ALGORITHM STUDIES

Algorithms are rapidly transforming the human experience. Consider, for instance, the elementary but significant shift in how we remember. Prior to the twenty-first century, remembering and forgetting happened individually and collectively through rituals, oratory, photography, monuments, museums, the list goes on. Yet with each mnemonic practice humans had a central role. In recent years, however, a new mnemonic regime has emerged—a memory practice governed primarily by algorithms, one Neal Thomas describes as a "mnemotechnology" that "embeds a neoliberal logic into memory" (Thomas, 2013, p. 10). The edges of this regime come into focus when an algorithmically selected photograph emerges unbidden on Facebook (or any other social media platform). Why that image? How was it selected for recirculation? While answers to these questions are strategically proprietary, one need not see Facebook's algorithmic code to note how the motives for remembrance have shifted from the social (about ethos, identity, association/dissociation, etcetera) to the economic (about how recollection can create surplus value). Likewise, one might note the change in one's own role relative to this algorithmic memory work—from catalyst and inventional resource to recipient and node in a techno-economic network of circulation.[5]

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[3] For the original article on rhetoric and math see Davis and Hersh, 1987. For useful recent review of literature on rhetoric and math see Reyes, 2014; Wynn, 2012.

[4] It is important to note here that while I take up Latour's ideas about mathematical discourse as a provocative way to extend thinking in rhetoric and argumentation studies about mathematical algorithms, I do not see it as necessary or productive to take up Actor-Network Theory (ANT) as a whole. Doing so would entail an extended theoretical discussion well beyond the scope of this essay.

[5] As Bernard Steigler notes, "something absolutely new happens when the conditions of memorization . . . becomes concentrated in a technico-industrial machine whose finality is the production of surplus value. . . .

Significant in their own right, the algorithmic shifts in mnemonic practice mentioned above amplify another critical problem: increasing levels of what one might call "transparent opacity." By that seemingly paradoxical union I mean to underscore how algorithmic culture simultaneously enables powerful forms of publicity and surveillance (most social media platforms benefit from both) *and* increasingly numerous obstacles for understanding how decisions happen within algorithmically driven domains. These twin phenomena are of central interest to a growing number of scholars within critical algorithm studies, giving rise to—in Frank Pasquale's memorable phrase—not simply a collection of "walled gardens" but a culture that "closely resembles a one-way mirror" (Pasquale, 2015, p. 9).[6] On one side of that mirror stand private corporations and government institutions using sophisticated algorithms to "know" its customer/citizenry. From this privileged position, a population becomes increasingly transparent (tracked, quantified, computed, and controlled). On the other side, however, people encounter numerous obstacles to understanding the forces behind complex decision making. Those obstacles come in many forms: the technical complexity of mathematical code; established legal precedence that enables proprietary claims; and the recursive evolution of "learning algorithms" that are difficult for even the best engineers to decode.[7]

This one-way mirror is rapidly destabilizing traditional social institutions. Representational democracies are under algorithmic attack from abroad. Algorithms producing "fake news" regularly undermine the credibility of a "free press" as a check on demagogic power. Algorithmically governed crypto-currencies are competing with and transcending Federal Reserve Banks. Centralized educational systems are scrambling to adapt to digital pedagogy platforms. Even our juridical institutions are under extreme pressure from the rapid proliferation of algorithmically enabled forms of surveillance, drone warfare, gene editing, and cloning (to name a few).[8] For many scholars, the problem here lies not with the algorithms themselves—those can be beneficial or detrimental—but with the associated acquiescence to an increasingly influential yet silent and opaque bureaucracy. As Cathy O'Neil notes, "we have a total disconnect between the people building the algorithms and the people who are actually affected by them" (O'Neil, cited in Upchurch, 2018).[9] That disconnect is undermining basic democratic principles, where informed decision making depends on information access and where privacy grants citizens the autonomy to thwart authoritarianism. "When every move we make is subject to inspection by entities whose procedures and personnel are exempt from even remotely similar treatment," Pasquale concludes, "the promise of democracy and free markets rings hollow" (Pasquale, 2015, p. 4).

In response to these challenges, scholars have called for an ethics of algorithms. Efforts are currently underway to create legal standards for privacy and data use as well as greater transparency regarding profiling practices and information filtering (see Mittelstadt et. al., 2016, pp. 12-14). Again, for most scholars algorithms are not the problem. The problem is with their implementation, and specifically how that implementation perpetuates subjective biases or exacerbates inequalities. Scholars have thus called not just for *a priori* ethical

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There has today occurred a veritable inversion in the relation between life and media: the media now relates life each day with such force that this 'relation' seems not only to anticipate but ineluctably to precede, that is, to determine, life itself" (Stiegler, 2009, pp. 80-81).

[6] For a recent review of critical algorithm studies, see Mittelstadt et. al., 2016.

[7] Pasquale and many other scholars see in the rise of an algorithmic culture the simultaneous and correlated rise of societies of control. On the structure and characteristics of societies of control see Deleuze, 1992; Hardt and Negri, 2000; Ascher, 2016. On the recursive structure of complex "learning" algorithms see Gillespie, 2016; Neyland, 2015.

[8] For an excellent collection of relevant literature on these issues see The Social Media Collective reading list on "Critical Algorithm Studies" (https://socialmediacollective.org/reading-lists/critical-algorithm-studies/).

[9] O'Neil details the rise of this opaque bureaucracy in her book *Weapons of Math Destruction* (O'Neil, 2016).

standards but also creation of an independent auditing agency that can address issues as they emerge, something especially important within the context of adaptive "learning" algorithms that evolve as they process data.

The increasing presence of adaptive learning algorithms, however, places pressure on scholars to go beyond problems of implementation. There are countless studies of how algorithms promote bias, inequality, subjective values, a culture of secrecy, and ideological polarization. Yet nowhere near the same level of scrutiny exists for the *construction* of algorithms. To some extent this asymmetry makes sense: humanists and social scientists are naturally drawn to the socio-cultural consequences of algorithms and, at the same time, few have the training to unpack technical mathematical code. As a result, the critical literature on algorithms is rich with analyses of implementation problems (promotion of bias; fragmentation of social institutions; spread of positivistic culture) yet thin on study of how algorithms are built. This observation is hardly new: as Marc Lenglet notes, "when we want access to what they precisely make . . . we face a black box that we usually fail to understand thoroughly and open completely" (Lenglet, 2013, p. 319). That failure has a high cost, since most recommendations for an ethics of algorithms are emerging sans a deep understanding of how complex algorithms are assembled, much less how they evolve.[10]

What we need to address this asymmetry is a critical mathematical approach to algorithms, something that can attend closely to both their discursive fabrication and their social-material consequence. Rhetorical analysis of mathematical discourse, when combined with Latour's approach to math, offers a promising path.

3. RHETORIC, MATHEMATICS, AND ALGORITHMS

Rhetorical scholarship on mathematical discourse has a few key strengths central to the study of algorithms. First, rhetorical scholars approach math from an abiding interest in language, persuasion, and how discourse can move an audience. As such, rhetoricians are highly suspicious of implicit or explicit claims to objective truth. Such habits of mind position us well to question discursive processes that claim to move from conjecture and thought-experiment through mathematical modeling techniques to seemingly objective algorithmic technologies. A common presumption within contemporary culture is that mathematical discourse has the power to expose subjective bias and purge subjective judgment, yet those trained in rhetoric know that all symbol systems—whether mathematical or not—select and deflect reality, meaning that all symbol systems have horizons of judgment and that claims to objectivity often serve to conceal those horizons. Rhetorical scholars are hence inclined to examine not how math derives truth but how it enhances the power of arguments in the minds of particular audiences. How does the use of mathematics bolster an author's credibility? How can math create the appearance of objectivity? These are just some of the questions that rhetorical scholars ask that can serve as useful starting points for critical engagement with algorithms (see Mudry, 2009; Seife, 2010; Majdik, 2011).

If rhetorical study were to stop there, however, one would not get very far in revealing the horizons of judgment within complex algorithms. Those horizons are intricately woven networks of human and nonhuman agencies, assumptions, and delimitations that often begin

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[10] Over-emphasis on algorithmic implementation also tends to treat algorithms as finished products, thus reinforcing the perception of them as cold, objective, and refined machine technologies instead of, as Gillespie notes, "in fact a fragile accomplishment" (Gillespie, 2014, p. 169). When scholars speak of algorithms, Gillespie observes, they often reify into a singularity what is in actuality "a complex sociotechnical assemblage" (Gillespie, 2016, p. 24). A few scholars are beginning to address the assemblage of mathematical discourse constitutive of complex algorithms. See especially Kockelman, 2013.

in recognizably rhetorical forms of natural language, only to be translated into and transformed by mathematical discourse. To examine those practices of translation one must go beyond study of the rhetorical effects of math and delve into mathematical discourse as a constitutive rhetorical force.

When rhetorical scholars describe math as a constitutive rhetorical force several points are implied. First, mathematics is no longer treated as an arhetorical medium of truth that might or might not be rhetorically distorted. This amounts to a major challenge to conventional views of both math and rhetoric. Mathematical objects are typically conceived as existing independent of human cognition. Mathematical symbols are, accordingly, more or less adequate representations of ideal mathematical objects, and the purpose of doing mathematics, as mathematician Brian Rotman suggests, is to discover "objective irrefutably-the-case descriptions of some timeless, spaceless, subjectless realm of abstract 'objects'" (Rotman, 2000, p. 30). From this perspective—broadly known as "mathematical realism"—mathematical discourse is always secondary to genuine mathematical thought and the ideal objects which that thought contemplates. As such, any role that rhetoric might have regarding mathematics is largely parasitic, at best helping spread mathematical truths and at worst actively obscuring them. A shift to rhetoric as constitutive, however, challenges this realist paradigm and the metaphysics that traffic with it. Instead of considering mathematical statements as better or worse representations of preexisting mathematical objects, a constitutive approach encourages scholars to see symbols, inscriptions, and arguments as the material out of which mathematical concepts emerge, coalesce, and are (if successfully articulated) integrated into existing mathematical lore. Thus rhetoric—not as persuasion but as symbolic action *in toto*—plays a significant role not just in the communication of math but in the very practices of invention within mathematics.

This brings us to the second implied point: Rhetoric—as embodied material practices of inscription—is not an enemy or an obstacle to mathematics but rather an engine of its evolution. From a constitutive perspective, what is most interesting about math is not the *a priori* reality it reveals but how mathematical propositions and apparatuses—such as the golden ratio or the Cartesian coordinate system—actively constitute realities as they emerge and interact with the social-material world.[11] Rhetoric and mathematics, then, are not separate nor at odds but rather intricately intertwined. One might even say that rhetorical processes of symbolic action lie at the heart of mathematical invention, as Reyes has shown with the invention of the Calculus and infinitesimals and Lakoff and Núñez with their cognitive metaphor analysis (Reyes, 2004; Lakoff and Núñez, 2000).

This constitutive rhetorical approach invites scholars to engage with algorithms anew. As mentioned above, most critical scholars do not see a problem with algorithms as such, but instead with the people or institutions behind them.[12] From this perspective, most if not all agency remains (comfortably) in the hands of human actors, with algorithms as an extension or enhancement of that agency. A constitutive approach, however, sensitizes one to the

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[11] A fuller explication of a constitutive approach to mathematical discourse can be found in Rotman's work (see especially Rotman, 1993; Rotman, 1987). Within rhetoric and argumentation studies see Charland, 1987; Reyes, 2004; Mudry, 2009. Barad's excellent book *Meeting the Universe Halfway* shows how a constitutive approach challenges several intellectual orthodoxies, including the central tenet of representationalism that assumes words and things are both independent and determinate; the atomistic metaphysical belief that the world is composed of individual entities with definite boundaries and characteristics; and the foundationalist faith in the separability of knower and known concomitant with the notion that proper experimental measurement reveals the intrinsic properties of independently existing objects (Barad, 2007, p. 107).

[12] There are a few scholars that buck this trend, challenging the human-centric approach to algorithms (see Gillespie, 2016 and Kockelman, 2013), yet those challenges are few and far between and seemingly constrained by the absence of a critical method that effectively engages with the mathematical discourses constitutive of complex algorithms.

congealing of agency as human actors triangulate their thinking with nonhuman actors, including symbol systems, discursive formations, and environments of encounter. Such sensibility is alive to the agencies of discourse and symbol and how those agencies interact with and sometimes exceed human agency even as humans use those symbol systems to articulate "their" thoughts. One must be careful here, as it would be too convenient (especially for corporate entities) to offload agency onto algorithms, thereby minimizing individual and collective responsibility. Instead, a constitutive approach demands a symmetrical treatment of the various distributed agencies at play in complex algorithms. Analytically, this manifests as a tacking back and forth between traditional forms of human agency, the forces of agency within discursive formations, and the material agencies that algorithms both draw upon and occasionally transform.

4. A LATOURIAN EXTENSION

However promising this constitutive approach to algorithms, questions persist. If, as constitutive theorists claim, rhetoric is the material out of which new mathematical objects emerge (algorithms and otherwise), how exactly does that happen? Surely argument and inscription alone are necessary but insufficient conditions. Equally vexing, if algorithms really do reconstitute realities as they interact with those realities, how do we explain such alchemy? How, in short, does the language of math become materially manifest in the world? Bruno Latour's work might seem a strange place to find answers to these questions, preoccupied as he is by science studies and his Actor Network Theory (ANT). When gathered together, however, Latour's engagements with math (which are spread throughout his many projects) offer several productive ways to *trace the materiality of mathematical discourse*. And it is the tracing of that materiality that will carry this analytic from the academic and technical spheres into the public sphere, where algorithms are rapidly reshaping material culture.

Following Latour's lead, let us begin with a vignette: King Hiero sits on his throne—troubled by the forces threatening Syracuse—when a letter is delivered from a young man named Archimedes, who (according to Plutarch) made the astonishing claim that "with any given force it was possible to move any given weight" (Plutarch, 1967, pp. 7-9). The young Archimedes was so bold, tells Plutarch, that he professed, "if there were another Earth, and he could go to it, he could move this one" (Plutarch, 1967, pp. 7-9). Astonished, King Hiero requested a demonstration, leading to the oft told story of Archimedes raising a "three-masted merchantman of the royal fleet" simply by "setting in motion with his hand a system of compound pulleys" (Plutarch, 1967, pp. 7-9). Struck by the potential of his art, King Hiero immediately set Archimedes to work at designing "offensive and defensive engines to be used in every kind of siege warfare" (Plutarch, 1967, pp. 7-9).

However incomplete Plutarch's account, for Latour it reveals several interesting things about mathematics. Math, according to convention, is the language of abstract thought, the contemplation of the common forms that lie beneath the appearance of things. As Bertrand Russell once opined, "mathematics takes us still further from what is human, into the region of absolute necessity, to which not only the actual world, but every possible world, must conform" (Russell, 1907, p. 30). Russell's mathematical realism—the dominant narrative of math since Plato—tells of a world of abstract but unchanging objects hidden from quotidian view.[13] Math here becomes an escape from and corrective to the whims and follies of

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[13] For evidence of realism's continued influence within mathematics see Putnam, 1979 and Resnik, 1997, both highly regarded and widely circulated texts.

politics.[14] But from Plutarch's account (and the many others like it) Latour assembles a different mathematics, one that does not escape but rather *extends* politics; a practice of thinking that assembles powerful apparatuses of translation through which our social collectives *materially expand*. Indeed, Archimedes did not simply reveal to King Hiero the secret power of ratios exercised through compound pulleys; instead, he massively transformed "power relations through the intermediary of the compound pulley;" in doing so, "he also reversed political relations by offering the king a real mechanism for making one man physically stronger than a multitude" (Latour, 1993, p. 110). Pre-compound pulley, the Sovereign, while representative of his people, was not stronger than his people. Post-compound pulley, the Sovereign—allied with a new technology—was suddenly more formidable, and thus less indebted to his subjects for his power. How to make sense of this moment of empowerment? One could, as Plutarch does, tell a story of transcendence, Archimedes becoming the sage, tapping the secrets of nature written in mathematical code. Doing so establishes a clear hierarchy between math and politics: the latter indebted to the former, the former purified of the latter. Latour offers us a different reading.

What is fantastic about mathematics for Latour is how it accomplishes the opposite of what we are told. Instead of allowing humans to transcend the political and the social, math in fact actively extends those realms through novel alliances. In the Hiero-Archimedes story, we find an emergent alliance between a political form and the compound pulley that materially transforms the social collective. King Hiero's power has expanded not merely through Archimedes' genius but also through a new association between humans and nonhumans (compound pulleys; reengineered siege engines) that Archimedes' mathematical propositions made possible. But those mathematical propositions do not reveal an *a priori* law of nature and Archimedes did not "discover" said law. Thinking in these traditional metaphysical ways only apotheosizes math while concealing the practice of mathematics as a practice of assemblage, one that far from separating humans from nonhumans in fact breeds hybrids of humans and nonhumans, materially expanding our social collectives in the process.

Everything sensible seems simple once said, but the difference between this Latourian understanding and the conventional realist understanding of math is profound. Realists, as we know, make the ontological presumption that mathematical objects exist *a priori*. Ontologically, they are absolute beings that transcend all historical and environmental change; they are, as Russell opined, that "to which not only the actual world, but every possible world, must conform." Change is thus an illusion, an appearance that conceals the unchanging truths that lie beneath, which only humans (that highest of being) can discover through the forms of pure reason that gave rise to math in the first place.[15] In contrast, a Latourian approach rejects (at least initially) all ontological presumptions and instead begins with practice, seeking to understand not what mathematics "is" but what mathematics does, how it works, how those who think mathematically practice their art. In doing so he finds that math is not that to which all things must conform but rather *a practice of translation that renders what was once incommensurable commensurable.* In this light, Archimedes' propositions were powerful because they rendered commensurable what was, prior to the compound pulley, incommensurable: politics and ratios, the one and the many. The consequences were extensive:

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[14] Martha Nussbaum shows how geometry emerged for thinkers like Parmenides and Plato as an alternative to *doxa* and *tuche* (opinion and luck/chance)—see Nussbaum, 2001, p. 110.

[15] For economy's sake, I dare not go too far into the woods on this point. Suffice it to say that whole books have been written teasing out the implications of mathematical realism on everything from mathematics itself to mathematics pedagogy to the ontological positioning of the human *vis a vis* nature to the relationship between democracy and the mathematical and natural sciences. For those interested in pursuing such topics from a rhetorically friendly perspective, see Rotman's and Latour's work.

> Up to that time, the Sovereign represented the masses. . . . Archimedes procured a different principle of composition for the Leviathan by transforming the relation of political representation into a relation of mechanical proportion. Without geometry and statics, the Sovereign had to reckon with social forces that infinitely overpowered him. But if you add the lever of technology to the play of political representation alone, then you can become stronger than the multitude (Latour, 1993, p. 110).

The two key phrases here are "principle of composition" and "transforming the relation," for they capture two points essential to understanding *how* math works for Latour. Point one: *mathematical propositions are principles of composition*; they are not representations of transcendental truths, they are actors that enact a re-composition of the existing collective. This means that mathematical propositions have an agency unto themselves that is excessive to human agency. Archimedes was certainly aware of how his mathematics of ratios made commensurable the incommensurability of the large and the small, but it's unlikely he foresaw how those same propositions would recompose relations of power between Sovereign and citizen. These unintended reverberations—or, following Barad, "diffractions" —are traces of the agency of mathematical propositions (Barad, 2007, pp. 71-94). Understanding mathematical propositions as actors (or actants) renders any claim that they reflect an *a priori* reality nonsensical, since they so clearly transform and extend the collective of humans and nonhumans that we call reality. In order to understand how math works as a networking force, then, Latour suggests we must forego the metaphysical logics of representation for the modalities of translation and mediation.[16]

Translation and mediation bring us to point two: like all discursive formations that perdure, mathematical discourse is a powerful system of translation and mediation out of which new hybrids emerge, and those hybrids can, in the right circumstances, "transform the relations" of the networks that compose our world. If we want to understand how mathematical discourse becomes materially manifest, we cannot begin with the presumption of the *a priori* object, which conceals from view the material practices of inscription, translation, and assemblage that constitute mathematics; instead "we start from the *vinculum* itself, from passages and relations, not accepting as a starting point any being that does not emerge from this relation that is at once collective, real and discursive" (Latour, 1993, p. 129). What careful rhetorical study of mathematical practice teaches us (perhaps better than any other discursive form) is that there are not two worlds, one made of symbols and one made of things, but one world of relations and that, while some of those relations certainly existed prior to human thought (relations between oxygen and hydrogen for instance), many others have emerged through the practices of inscription and symbolic action that bind humans and nonhumans together in increasingly novel ways.

How exactly do these practices of inscription give rise to novel relations? Consider the annual census: every ten years the demographers office, one center of calculation among many, uses numbers to "know" a population. But the power of mathematizing a population does not lie in the numbers themselves; it lies in the concentration of diverse phenomena— age, gender, wealth, religious affiliation—into *one form*. Centers of calculation gather data "from totally unrelated realms but with the same shape (the same Cartesian coordinates and the same functions, for instance). This means that *transversal* connections are going to be established in addition to all the *vertical* associations made by the cascade of rewriting" (Latour, 1987, p. 244). Numbers, then, are a basic technique of mathematization, which is a practice of *vertical and transversal rewriting*, of translating the world into mathematics—into a formal language that renders commensurable what once appeared incommensurable. Out of that process many new potential relations emerge. They are potential relations precisely

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[16] Latour's position here is consistent with his broader philosophical rejection of modernist metaphysics, which emerged historically with the rise of Cartesianism, modern algebra, and a renewed commitment to mathematical realism (see Cifoletti, 2006; Latour, 1993; Latour, 1988).

because they do not yet exist. But once the census data is collected and analyzed one can begin to link the number of babies in the land with something like fertility rates, which might correlate with pollution or the size of public parks or the quality of schools. Numbers, in short, manufacture a commensurability of form that encourages the humans that interact with them to *imagine* novel relations, unconstrained as they are by the radical heterogeneity of everyday life. Those humans can then take those novel relations to those in power (just as Archimedes did), and those novel relations can then lead to the creation of new hybrids, new machines, new institutions that ultimately reconfigure the social-material world. This is how agencies congeal. [17]

Thinking of mathematical discourse in this fashion advances the rhetorical study of algorithms in several ways. Through a neo-Aristotelian approach scholars study the strategic use of algorithms to persuade and/or manipulate an audience. Through a constitutive approach scholars examine the powers of algorithmic subjectification and the role symbolic action plays in the invention of new algorithmic relations. But with a Latourian approach we can extend beyond symbolic-conceptual realms and study algorithms as discursive-material assemblages. The task of a rhetorical study of algorithms shifts accordingly, focusing not on suasion in or through them but on how algorithms translate the existing relations of a collective into new relations; how those new relations form novel hybrids of humans and

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[17] European exploration of the East Pacific in the eighteenth century offers one last example to underscore the materiality of mathematical discourse. When Lapérouse first visited the East Pacific (which was then called Segalien) in 1787 he was weak: he had no knowledge of the land, the navigable straights, or the points of danger; he was dependent on his native guides. Yet when he returned a decade later he was stronger—no longer dependent on those same guides. What changed in ten years? The modalities of number and calculation combined with the Cartesian-coordinate system allowed explorers to extract traces through the use of log books; those traces enabled the production of navigational maps; those maps facilitated flows of capital, extraction of resources, exploitation of peoples. Through numbers and Cartesian coordinates and logbooks Segalien was transformed into the East Pacific, which did not name a place as much as it did a new relation of power we now call colonialism. And colonialism is in part a name for the desire to control at a distance. "How to act at a distance on unfamiliar events, places and people? Answer: by *somehow* bringing home these events, places, and people" (Latour, 1987, p. 223). Numbers, Cartesian coordinates, logbooks: combined they formed an apparatus that transformed the ragged unknown coastlines of Segalien into the stable forms of East Pacific navigational maps. How? The inscriptions in the logbooks, through number and an agreed upon system of coordinates, became "immutable mobiles," which traveled back from Segalien to the centers of calculation in Europe, which then allowed European scientists to create simulacra (navigational maps) of what they increasingly referred to as "the East Pacific" (Latour, 1987, pp. 242-247). Those simulacra had a number of material consequences: (1) they allowed Europeans to *simulate* their next expedition before ever leaving shore; (2) as a result, those Europeans became less indebted to the peoples of Segalien for their safe passage; (3) simultaneously, the heterogeneity of the peoples and places of Segalien were transformed into the stable forms of the simulacra, rendered into faceless image; (4) the simulacra worked in tandem with other cultural forces to slowly transform the subjectivities of Segalien into the objectivities of the East Pacific; (5) those objectivities could now be easily *located, extracted, and sold*. The point of these examples is not to condemn math for reductionism, which would be a massive misunderstanding of how it works, but on the contrary to try to understand the unparalleled productivity of the mathematical sciences. Reduction of incommensurability to commensurability, heterogeneity to homogeneity, is only the first moment of mathematization and if emphasized too much can eschew the fact that the purpose of such reductionism is not sameness but transformation, differentiation, and extension. Through a reduction to similarity of form math can reveal potential relations that often materially transform networks. Like an atomic detonation that must first implode before exploding, math first reduces or, better yet, transforms into a common form the elements and constraints of the problem-situation, which occasionally leads to the realization of a novel relation that (again, occasionally) becomes materially manifest in the world. This is why Latour says, "The sciences multiply new definitions of humans without managing to displace the former ones, reduce them to any homogenous one, or unify them. They add reality; they do not subtract it" (Latour, 1993, p. 137). Just like Archimedes' compound pulleys, European navigational maps were in the eighteenth century novel hybrids that materially expanded the collective of humans and nonhumans that existed at the time.

nonhumans; and ultimately the consequences of those relations for the collectives we find ourselves in.[18]

None of these approaches in isolation, however, would be up to the task of examining the horizons of judgment within complex algorithms. Those horizons are diverse phenomena, full of intention, motive, analogy, delimiting assumptions, human-nonhuman hybrids, vertical and transversal relations, commensurabilities, and domains of validity; and that does not begin to mention how well these horizons are hidden from view, buried through strategies of argument and various appeals to realism (some subtle, some overt). This again is why I use the metaphor of *horizon*—something always far off, present but intangible. Rather than take a strictly Latourian approach, then, we need to draw from all our resources—from a neo-Aristotelian attention to argument structure and appeal, from a constitutive interest in symbolic action as the substance of mathematical invention, and from a Latourian focus on practices of translation that actively transform problem-situations and create space for new hybrids to emerge. Only through this imbricated reading strategy can we begin to bring the horizons of judgment within complex algorithms into view such that critical scholars can begin to reveal the assumptions and delimitations within all algorithms, which might just challenge the entrenched but naïve apotheosis of algorithms as objective, unbiased technologies.[19]

4. CONCLUSION

In order to address algorithms as complex entanglements of mathematical discourse and rhetorical argument with horizons of judgment that ultimately enable the transformation and expansion of the social-material world we must extend our understanding of both rhetorical argument and math. Within the configuration that animates this analysis, for example, rhetoric expands beyond argumentation and symbolic action without leaving them behind; rhetoric extends to include the study of symbolic-material relations, their emergence, their productivities and their material consequences, adding to our accounts of words and deeds what Nathan Stormer describes as studies of "addressivity," or the ways symbolic-material practices establish "a set of capacities for address that forms and fades within fields of power" (Stormer, 2016, p. 306). One's scholarly positionality shifts accordingly, from the confines of negative critique—who did this; who's responsible; or even, how did algorithms betray us with obfuscation and reductionism—to the realms of symbolic-material production, where we ask instead—how do symbolic-material practices make certain forms of addressivity possible; how does math as a symbolic-material practice translate, transform, and mediate, enabling novel algorithmic relations to emerge that expand our social collectives; what forms of agency must we account for in order to understand the unparalleled productivity of algorithms; how can we trace the ontological force of algorithmic relations and the ways they shift our capacities for address—how they mark us as we mark them?

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[18] The question of what becomes of rhetoric through a Latourian approach would require a whole other essay to adequately address. Suffice it to say that for all his strengths, this question reveals a weakness in Latour's thought, for he marshals a fairly conventional notion of rhetoric as agonistic argument and persuasion (see especially Part I of Latour, 1987) even as his novel approach seems to call for an equally novel notion of rhetoric. A burgeoning scholarly conversation is currently emerging around this very question, and at this point I find Nathan Stormer's notion of rhetoric as polythetic the most developed response (see Stormer, 2016, p. 300). Another excellent point of entry into this conversation is Lynch and Rivers, 2015.

[19] This approach is both pragmatic and philosophically disinclined to adoption of a single method, for the point of analysis here is not merely to reveal the hidden or to illuminate (though those are crucial elements of analysis) but more importantly to multiply our critical capacities for address and encounter with algorithms within any field of power. On analysis as a force of multiplication see Latour, 2005, p. 144.

These questions implicitly reject old modernist divisions between rhetoric and math, humans and nonhumans, societies and natures, not out of some antipathy for the past but because those ontological relations are becoming increasingly inadequate for understanding the proliferating realities of the twenty-first century. Instead, this essay attempts to practice methodological symmetry, which requires one to attend to the multidirectional feedback loops between rhetoric and math, humans and nonhumans, societies and natures such that those divisions begin to transform into hybrid networks and we begin to see their productive and increasingly consequential relations. Those new relations are the entities that mark the irreversible entanglement of symbolicity and materiality, the results of which often expand our social collectives. Ultimately, the theory developed here seeks to promote critical engagement with practices of mathematization (algorithmic automation being one form), with the hope of encouraging others to become critical informants—citizen-scholars with the skills to unpack the algorithmic black-boxes within fields of power and trace the ways they translate and expand material culture. In this way rhetoric and argumentation scholars will be in a better position to contribute something of value to an increasingly mathematized and algorithmically driven world.

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Narcissists and despots: Mediated arguments about the North Korean nuclear threat

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ABSTRACT: This study is a narrative analysis of social media arguments that emerged from the denuclearization conflict between North Korea and the U.S. with a focus on the relationship and exchanges between Kim Jong-Un and Donald J. Trump. The stories about the possible future of this diplomatic relationship and the world in general differed enormously depending on the political stance of the arguer. The Twitter data are analyzed both as single messages and as threads that constitute conductive arguments and definitional stories that together support ideologically driven master narratives. These tweets also incorporated a strong sense of argument as play through visual political humor and strategic maneuvering.

KEYWORDS: conductive argument, media diplomacy, North Korea, political orientation, South Korea, thematic analysis, Twitter, United States

1. INTRODUCTION

The Singapore summit between Kim Jong-Un and Donald J. Trump in June 2018 was organized to discuss the denuclearization of the Korean Peninsula. This event was widely understood to be an attempt to reduce tensions between Washington and Pyongyang, and also between the two leaders - Kim and Trump, and perhaps make actual progress toward a treaty. Barely six months prior to the summit, the state of relations between the two countries was such that all-out war, rather than diplomatic discussions, was discussed globally as a serious possibility (Haruki, 2018). At the end of the summit, both sides declared that it was a great

success, however, international affairs experts were skeptical about the nature of the agreements given the broad language of the joint statement and the lack of details (Hass, 2018). At the time of this writing, negotiations are not progressing, but the inflammatory rhetoric is more sporadic and less personal.

This study is grounded in the knowledge that public disagreements between nations with stockpiles of nuclear warheads, about those potentially world-ending weapons, can unnerve populations around the world. As anxieties increase, the opportunity for ripple effects across nations rises and could lead to a number of unhappy scenarios including what military experts call "accidental war" (Mosher, 2018). To better understand the impact of this tense relationship between these two leaders, this study investigates the online conversations that were taking place about this rather startling turn of events to better understand how two nuclear powers, led by two volatile and incendiary personalities were shaping the narratives of likely outcomes for the future --locally and globally.

2. HISTORICAL CONTEXT

North and South Korea were split into two nations following the defeat of the Japanese occupying army in 1945. In 1950, the Northern regime invaded the South and a horrific war commenced. The US and UN allies returned to this region of the Pacific and helped repel the invaders, but China then entered the war to aid the North and this prolonged the conflict. A cease-fire was reached in 1953 but approximately 2 million people had been killed, 900,000 from China (Lucas, 2015). To this day, emotional memories of the war remain a vivid part of the fabric of both North and South Korea (Shorrock, 2018).

The two Koreas were roughly on par economically until the late 1960s when North Korea began to stagnate after the collapse of the Soviet Union and the Communist bloc, and repeated famines (Weissmann, 2011). The South, however, emerged as an economic powerhouse (an Asian 'Tiger') with a strong export economy in high-technology goods; it overthrew a series of dictatorships and consolidated its democracy (Sarel, 1996; Rich, Choi, Carlsen & Specia, 2018).

North Korea, officially as the Democratic People's Republic of Korea (DPRK), is under the rule of the third generation of the Kim family - Kim Jong-Un - one of the most authoritarian and repressive regimes in the world (Weissman, 2011). The situation on the Korean Peninsula remains tense, with approximately 28,000 U.S. military personnel stationed there to deter Pyongyang, which is armed with not only a large conventional force but also nuclear weapons, the latter being the product of a decades-long effort (Warrick & Vitkovskaya, 2018). The proliferation efforts have started and stopped many times as the United States, South Korea and other nations have alternately threatened, negotiated, and gone to the United Nations to win the support for economic sanctions intended to discourage the development of the nuclear capacity (Diamond, 2017).

North and South Korea are separated by the Demilitarized Zone (DMZ), a narrow strip of land that is surrounded by thousands of troops and tons of conventional weapons. The North Korean military has an estimated 12,000 pieces of tube artillery and 2,300 multiple launch rocket systems around the DMZ (McCarthy, 2017). The ascension of Kim Jong-Un to power in 2011 has proved to be a turning point where the proliferation of nuclear weapons and other weapons of mass destruction (WMD) accelerated. Threatening to turn its enemies (i.e., South Korea and the U.S.) into "heaps of ashes" (Browne & Starr, 2016), Kim proceeded to fire an intercontinental ballistic missile (ICBM) that passed over Japan a year later, along with reports that he boasted that North Korea's missiles could strike Guam and the West Coast of the United States (Ripley, 2017). Past U.S. presidents had responded to such threats through diplomacy and by imposing harsh economic sanctions. The election of Donald Trump

signaled a new era, however, as Trump communicated to the world that he could be just as brash and aggressive at the North Korean dictator.

During the second half of 2017, Trump and Kim began exchanging disparaging remarks, threats and personal insults. These claims ranged from "mentally deranged U.S. dotard" (from Kim to Trump) to "Little Rocket Man" (from Trump to Kim) (Stevens, 2018)). These statements were conveyed via two distinct communication platforms - official North Korean media such as the *Korean Central News Agency* and *Rodong Shinmun* (*de facto* and *de jure* propaganda) for the insults hurled by Kim. Although Twitter has long been Trump's favorite means of communication (Liasson, 2017), he has also used public speeches, and media interviews, to counter Kim Jong-Un's threats with his own taunts which have ranged from his famous "fire and fury" threat against the DPRK, to his vow to "totally destroy" North Korea if the U.S was forced to defend itself or its allies (Bierman, 2017; Ward, 2017). Kim's rhetoric was surely not outdone, as he declared his intent to "definitely tame the mentally deranged U.S. dotard with fire" (Ward, 2017). Refusing to allow Kim the last word, Trump went so far as to call Kim "Rocket Man" in a speech before the United Nations, with this morphing into "Little Rocket Man" on Twitter (Novak, 2017; Associated Press, 2017).

This escalation of words and provocative acts in the days preceding the Winter Olympic games, hosted by South Korea in early 2018, significantly stirred up the political tensions. The threats, however, were somewhat lessened when the International Olympics Committee (IOC) reached out to Kim Jong Un to invite the DPRK to find a way to participate in the Pyeongchang games. What followed was a series of diplomatic efforts led by President Moon of South Korea that eventually led to a series of inter-Korean summits, in April and September 2018.

At the turn of the century, Beck (2000, p. 38) introduced the concept of "world risk society" claiming, "threats create society, and global threats create global society." Nuclear war probably represents the greatest global risk facing humankind. This study is part of a larger project that examines how the US-DPRK's roller-coaster foreign relationship was being discussed by publics around the world and investigates, in particular, how the escalating controversy over personal insults and threats of mass destruction, followed by what appeared to be an abrupt turn to *rapprochement,* helped shape public understanding and attitudes about the future of the world. Social media is currently one of the best venues for public discourse and Twitter is an appropriate space for this research since it has been energized by Trump's devotion and is used by many others of all political stripes to share their opinions on issues great and small (Naughton, 2018). This study examines these tweets to discover the contours of digitally mediated public arguments surrounding these events. Due to space limitations, this study focuses only on tweets in English.

3. LITERATURE REVIEW & THEORETICAL RATIONALE

This study takes a media diplomacy perspective. Media diplomacy merges formal governmental diplomacy and public diplomacy, journalism, and now social media interactions and explains how people come to understand rapidly developing controversies and conflicts. Unlike formal diplomacy, public diplomacy arguments are framed within multidirectional information flows from a variety of sources. Media diplomacy permits political actors to "use the media to send messages to leaders of rival states and to non-state actors (Gilboa, 1998, p. 63). This was demonstrated in this instance when both Kim and Trump used the media to speak directly to each other (especially since the two nations do not have formal diplomatic relations), to other nations and to the general public. This confrontation represents an example of the way in which new media technologies afford changes in global affairs.

Castells (2009) argued that new developments in communication technologies and media systems have led to the creation of an increasing array of strategies for both states and non-state actors to exercise their power in what increasingly is becoming a 'networked' society.

Castells (2012, p. 5) argued further that technological developments in media have also altered the power relations between nations, and "this is why the fundamental power struggle is the battle for the construction of meaning in the minds of people." Nye (2004), writing about the concept known as "soft power," noted that "politics has become a contest of competitive credibility. The world of traditional power politics is typically about whose military or economy wins. Politics in an information age may ultimately be about whose story wins." Trump and Kim's exchange of threats constituted rival stories that fed into narratives at multiple levels, competing for the attention and adherence of other governments and the world's citizenry.

Media diplomacy narratives are, by their instantiated praxis, less controlled by the authors of their starting arguments; they often become quickly co-constructed with others on social media who have stature in the mediaverse (pundits for example) and possibly with members of the general public (through memes that go viral or tweets that dominate trending lists) (Riley, 2014). Thus our approach is to utilize the concept of conductive argument (Wellman, 1971; Govier, 1987; Zenker, 2011; Blair, 2013). The theory of conductive arguments explains how in the flow of arguments, often narrative or enthematic, incomplete arguments become understandable within the context of the master narrative. These smaller arguments may not have been individually compelling, but when taken together they can provide arguers with the confidence to render conclusions (Zarefsky, 2014). Blair (2013, p. 12) argues that as these arguments unfold, "new information calling the premises or the conclusion into question can appear, and for some arguments a reformulation of the premises or the conclusion in light of that new information can save the gist or spirit of the argument, although the revised argument will be literally different from its predecessor."

The new information that arguers encounter is evaluated in accordance with their existing beliefs. We see humans as "storytelling animals" and they evaluate new arguments in accordance with the tests of narrative probability and narrative fidelity (Fisher, 1987). Rather than being "blank slates," audiences have prior beliefs that had been actively shaped, which in turn influence their engagement with media narratives (Hollihan, 2014, pp. 12-13). Hollihan (2014) also found that legacy media, primarily newspapers and national network TV news sources, provided coverage that was often closely aligned with national diplomatic and foreign policy narratives; social media, in contrast, tended to greatly amplify more extreme positions both on the left and the right on these same issues. Interactions on social media, in turn, may constitute one aspect of public opinion that alters the way legacy media covers a given issue (Chen & Zhang, 2016), and this bidirectional framing interaction between the two types of media may lend itself to more emotional appeals made by online media outlets on Twitter (Guggenheim, Jang, Bae & Neuman, 2015).

This study also draws upon the analytical tool of strategic maneuvers from pragma dialectics but with an expanded conception of "reasonableness" as a framework to analyze media diplomacy efforts (van Eemeren, 2010). Strategic maneuvering recognizes that arguers create arguments that achieve their intended outcomes while simultaneously living up to the expectation that their claims are reasonable. In this study the data are constituted by arguments that may be linked to official statements, or legacy media videos, and social-media outlets through Twitter, (and yes, the DPRK has an account) in English. Rather than a unidirectional influence of framing from media outlets to the public (Entman, 2004), a more interactive, 'bottom-up' framing process is evident in the digital space (Nisbet, 2010, cited in Groshek & Al-Rawi, 2013). Social media audiences may be less likely to engage in macro-level frames that create context for stories and more likely to experience micro-level framing

that draws upon "strongly connected interpretive packages" (Qin, 2015, p. 179). This view of framing closely aligns with the principles of narrative reasoning (Fisher, 1987).

4. METHOD & RESEARCH QUESTIONS

Tweets were collected through the DiscoverText platform using the open API. Tweets were imported every 15 minutes using the following boolean search terms: "Trump AND Kim" and "Trump AND Moon NOT Kim." This logic was designed to observe how Twitter users were articulating and engaging with the national leaders as individuals and as pairs--Trump and Kim, and Trump and Moon--which in turn constituted a focus on the U.S. and DPRK, as well as between the U.S. and the Republic of Korea. This sampling frame of Twitter data was cleaned by first removing duplicate tweets, and second, by testing highly prolific Twitter accounts to check for potential bots such as excessive, incessant tweeting (Aral & Walker, 2012; Ferrara, 2017), followed by cross-checking with *Botometer* (https://botometer.iuni.iu.edu/#!). Twitter accounts not deemed legitimate were removed from further analysis.

The cleaned dataset was then filtered to select tweets from March 10th to June 15th, 2018. This time frame coincided with two significant events: first, the visit of a high-level South Korean delegation to Pyongyang, announcing a North Korea-U.S. Summit (March 5th), and second, the actual summit between Trump and Kim which was held in Singapore (June 12th). The final dataset contained 104,153 tweets. The metadata indicted that slightly under 22% of the entire dataset consisted of unique tweets, i.e., those that included commentary by the Twitter user which were of primary interest in this study.

Three coders completed three rounds of coding, each using a randomly selected sample from the larger dataset. The first two samples were investigative: they were used to develop the coding protocol for liberal and conservative tweets with an inter-rater reliability of approximately .75. The random sample for the third round of coding (n = 1050) constituted the qualitative theoretical sample for this study (following Glaser & Strauss, 1970), where researchers jointly analyze data. A thematic analysis was used to identify, analyze and uncover patterns for each of the research questions. This approach can organize and describe a given dataset in a variety of ways depending on the content and structure of the dataset (Braun & Clarke, 2006) and has previously been used with political Twitter data in Australia (Burgess & Bruns, 2012).

4.1 Research Questions

Because the political discourse is currently so polarized, it is important to identify the political orientation of Twitter users whenever possible so a preliminary analysis was developed to code the political orientation of an account through a qualitative analysis of each of the: tweet, prior tweets in a Twitter user's timeline, and the Twitter user profile. This approach is consistent with prior research that categorized the profiles of Twitter users (Vainio & Holmberg, 2017; Paskevicius, Veletsianos, & Kimmons, 2018). Also, recent research has documented that liberally oriented Twitter users tend to be linked with liberal-leaning political content, and conservative Twitter users show a preference for conservative-leaning content (Himelboim, McCreery & Smith, 2013). Thus while there tends to be little ideological exposure to arguments and stories from other perspectives, on certain policy issues liberals were more likely than conservatives to engage in cross-ideological retweeting (Barberá, Jost, Nagler, Tucker et al., 2015, p. 1539). Previously, master narratives, defined as "culturally shared stories that guide thoughts, beliefs, values, and behaviors" (McLean & Syed, 2015, p. 323) were identified for two polarized political groups - Trump and Clinton

supporters - in the aftermath of the 2016 Presidential Election by coding for despair or hope expressed about America's future (Dunlop, Harake, & Wilkinson, 2018). Master narratives are sometimes clearly stated in tweets such as "America is going to be great again" but they can also be identified through what Bennett (1979) described as "definitional stories," where smaller story pieces fit into a developing narrative thus the coding is sometimes of individual tweets and sometimes of threads that will be analyzed conductively as a group.

RQ1. Which political orientation dominates the discourse around the possible denuclearization of North Korea and what stories define each perspective?

RQ2. How are liberal- and conservative-leaning tweets imagining the narratives of the future international relationships that Trump, Kim and Moon will create for their countries involving either nuclear war and/or possible denuclearization?

RQ3. What if any narratives and arguments are being developed to describe the future of U.S. - DPRK relations that appear to be independent of these individual leaders?

5. RESULTS AND DISCUSSION

The Twitterverse took significant notice of the North Korea/US negotiations on May 10, the date that marked the start of the top ten dates by volume of tweets in our sample (Figure 1). That day the U.S. citizens who had previously been detained in North Korea were released and returned to the US, which likely served as sign evidence that the Summit negotiations around denuclearization were not just bluster and were beginning to show actual results. Unsurprisingly, June 12th (the day of the Trump-Kim summit) generated, by far, the largest number of tweets for a single day (13,611 tweets). May 24th, when Trump sends Kim a letter canceling the summit, turned out to be the second most active day (7,703 tweets) in our sampling frame. In this sample, the most commonly used hashtags were #Trump and #NorthKorea (2,670 and 1,047 tweets, respectively). The next most common hashtag was #MAGA (Make America Great Again) but after that, none of the hashtags significantly dominated over others.
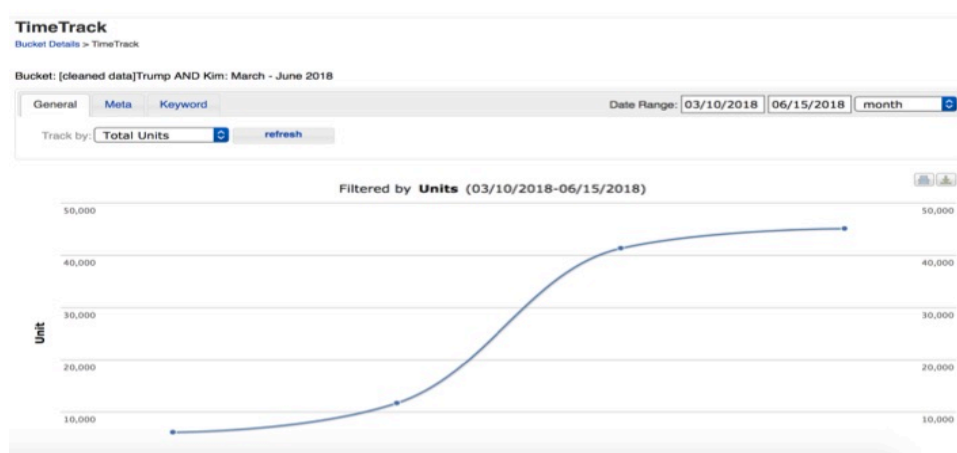

Figure 1. Volume of Tweets

For RQ1, the coding of accounts for political orientation was further split into two groups: the accounts of individuals and those of media organizations. Individual accounts were 14% Conservative, 33% Liberal and 52% Neutral. Justified by cross-checking with a specific media bias fact-check website (https://mediabiasfactcheck.com/), as was done in prior academic research (see Darwish, Magdy, & Zanouda, 2017). Over three-fourths of the tweets that had embedded URLs to media websites that were progressive-leaning media (76%); and a little less than a quarter (23%) of all tweets were linked to conservative-leaning outlets.

The results of RQ2 indicate that the Twittersphere was very energized by Trump and Kim, both extraordinary characters in a highly charged drama. The primary storyline of the future for conservatives was simple: Trump will prevent a nuclear war! The messages such as the ones pictured below were mostly about how the democratic establishment thought Trump would never be successful internationally. These stories simultaneously reaffirm Trump's arguments about complete verifiable denuclearization, which are unsupported by any evidence, but are offered as a definitional story. In one thread, Trump is positioned as hero and savior in a movie plot line where he saves us all from nuclear war, a storyline that conservatives claim would be unbelievable if pitched in Hollywood (because they are liberals all), but the joke is on them because this is true and it is going to be our real future!

A subsequent tweet that was highly retweeted maintained that Trump is the hero and Pelosi is the disbelieving villain along with the un-American democrats (Figure 2). Democrats are similarly scoffed at for first being dystopian about the future -"OMG There will be war" - and then for shifting to: "Trump is worst president ever for shaking hands with Kim," a *Tu Quoque* argument (fallacy of hypocrisy). This story builds on multiple previous tweets to create their claims in support the master narrative.
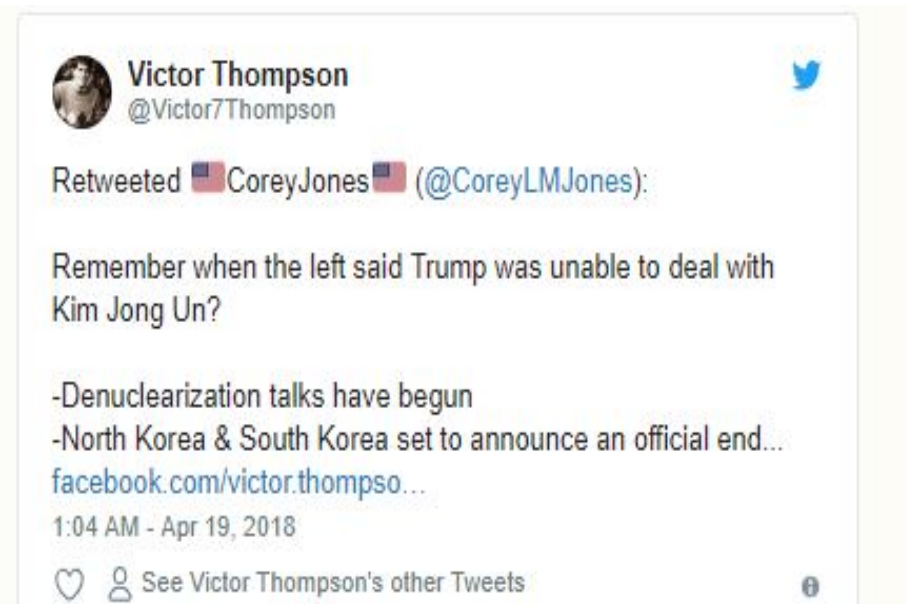

Figure 2. Trump as Hero, Pelosi as Villain

Figure 3. Trump Proving the Left Wrong

In Figure 3 above, a conservative Twitter user pulls together evidence for the hero master narrative where Trump is both effective and strong as he denuclearizes North Korea. "The left" is positioned as incorrect in claiming that Trump could not handle Kim, and Trump's leadership is by definition the reason for North and South Korea's bright future, and for the benefit of the entire world.
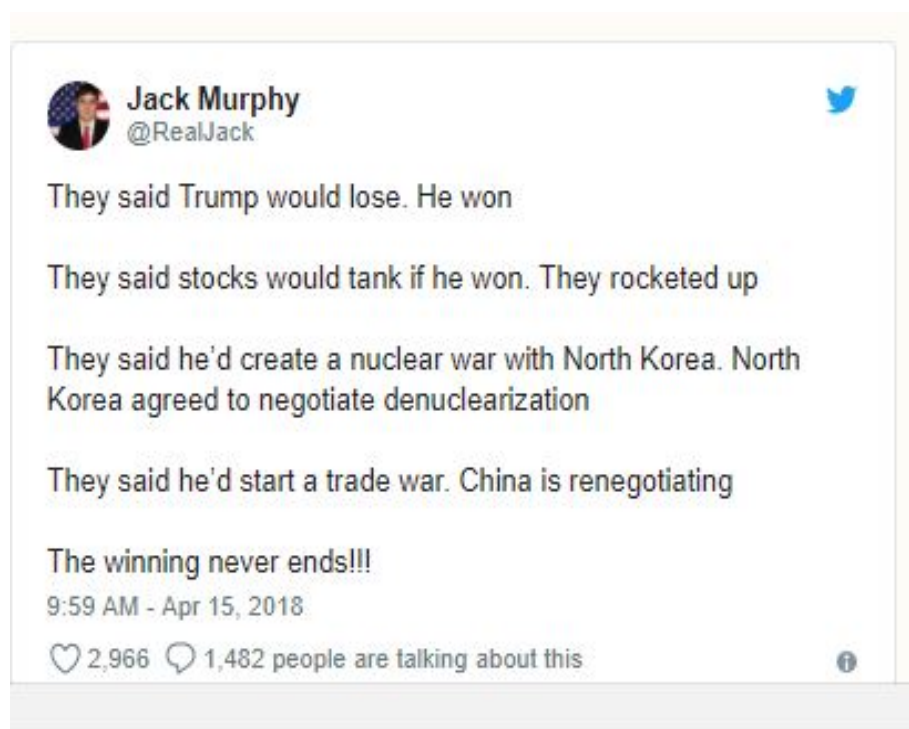

Figure 4. Trump as Beating the Odds

Figure 4, above, shows a tweet that was quickly retweeted, and describes the positive future that will be brought about by Donald Trump. This claim is based on his ability to negotiate deals and win, a storyline within the hero narrative that draws on his background in business as evidence for a variety of claims most of which are factually incorrect.

The final storyline links multiple internal arguments about the Summit and denuclearizing North Korea together using a pattern of conductive argument to re-substantiate a commonly told conservative narrative: that the media are biased against Trump (see Figure 5.). Again a list of issues related to some true claims and some that are incorrect are offered in support of their hero-Trump but this time the conclusion is that most people will never know about his wonderful deeds because the media will not cover these stories—a claim that is in line with another conservative master narrative about the US media being inherently biased against conservatives.
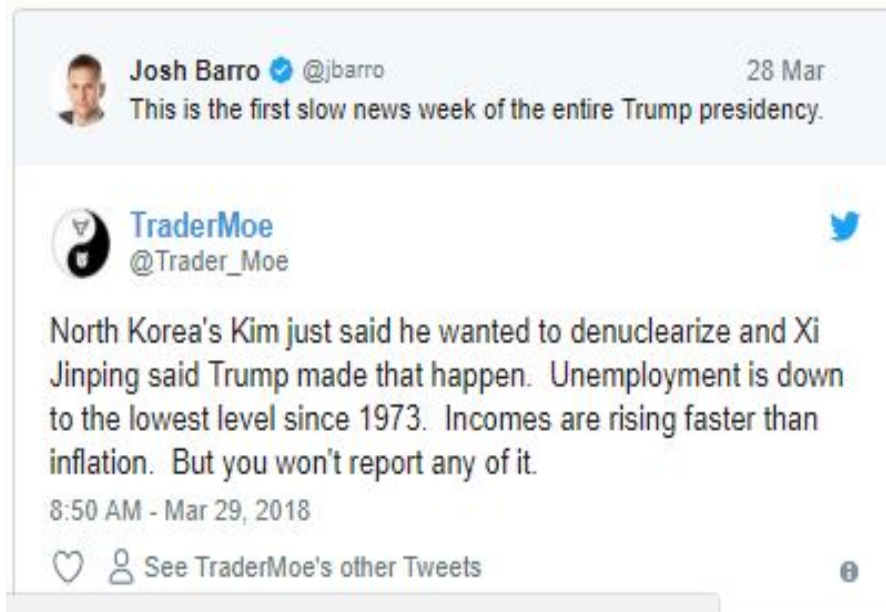

Figure 5. Media as Biased against Trump

The liberal master narrative is similarly simple: Trump is a danger not just to the US but he presents a global risk. For example, tweets from Japan claim that Trump does not understand that he is being "played" by Kim. This thread argues that he is such a narcissist that he is unaware that the flattery and positive statements from Kim during Summit discussions are just stratagems that are used to stall for time and prevent any real commitments from being made. These arguments ridicule the lack of specific details in the signed agreement going forward. In Figure 6 below, a list of foreign autocratic leaders that he has befriended along with actions such as pulling out of the Paris climate accords are offered as examples of his poor decision-making and contrasts him with Obama who was said to be unfairly attacked by republicans for appeasing our enemies and ignoring our allies.

The second type of arguments in support of the master narrative indicate that Trump is a danger to us all and chastises him for his use of *ad hominem* attacks and *reductio ad absurdum* arguments like the "little Rocket Man" tweets mentioned earlier. These arguers claim that name-calling is both beneath the dignity of the office and simultaneously identifies him as a buffoon who is not intellectually capable of being a leader on the global stage because he misunderstands how his words and actions are seen by our allies. Thus he is not just damaging his own relationships but creating difficulties for the US far into the future.

Figure 6. Trump as Global Risk

Figure 7. Anti-Trump Political Humor

Other examples included the liberal appropriation of an evangelical thread that envisioned a future where Trump received the Nobel Prize for his peacekeeping summit—written in a highly satirical voice. These tweets use political humor as argument similar to what one would see on websites like the *Onion*. Recent research has investigated other digital spaces to show how Clinton and Trump supporters engaged in political identity work through digital political humor (Davis, Love & Killen, 2018), as well as the ways that visual argumentation can serve to capture attention and spread widely and quickly as memes. Figure 7 is an exemplar of this approach--it contains both biting political humor with a visual of the US being 'screwed" by the Republican Party and using #MASA--the best of the liberal hashtags--which stands for Make America Smart Again!

We also found examples of strategic maneuvering (van Eemeren, 2010) in ongoing threads that we analyzed as conductive arguments. For example:

1. Context: Twitter was flooded with Liberal arguments that claimed Kim Jong-un was a despot-- evidenced by his atrocities and keeping thousands of N Koreans in prison camps (gulags) in remote areas of the DPRK
2. New tweets add evidence that Trump discussed building fancy hotels on DPRK beaches with the proven despot Kim Jong-un
3. New tweets then argue that Trump has lost his grip on reality because no one in his right mind would suggest building 5-star hotels when the appropriate conversation

would be to halt the construction of gulags and stop abusing the North Korean people (farcical parallel antonyms)

4. Thus the implied claim that Trump is an idiot by virtue of the absurdity of his comments about luxury hotels appear to not be *ad hominem* attacks but reasonable.

It is also possible, if not likely, that Trump is indeed a danger to the world. In this case, retweeting the hotel comment, which was likely offered partly for its humorous appeal, may also be an attempt at aggressive "play" (Hample, Han, & Payne, 2010), a form of verbal aggressiveness that emerges from an individual's "motivation to attack the other person's character and identity" (Hample & Anagondahalli, 2015).

The results of RQ3 indicate that there were three main story types about the future represented in this dataset. The first story type was related to the nuclear proliferation of North Korea to American domestic politics. These tweets focused on topics such as the relentless progress of North Korea toward its goal of becoming a nuclear power. An example is a series of tweets whose authors pessimistically claim that North Korea will never denuclearize. The conservative arguments are rooted in the failure of the Obama administration to deter North Korea because sanctions had not been successfully implemented. The liberal tweets claimed that the sudden increase in North Korea's nuclear capability was accelerated by nations helping each other because of the uncertainty regarding a Trump administration full of pro-war hawks.

The second storyline involved the US's global role in maintaining stability in a chaotic world without specifically referencing Trump. These mostly liberal groups of tweets referenced topics such as ongoing negotiations with North Korea, which may not appropriately involve other allies such as Japan. The claim is that Japan might lose faith in America's military support and decide it needs to develop its own nuclear capability which would add, not subtract, to global risk. Another major narrative was specific to the Korean nation states, or the Korean peninsula as a whole. This story suggested that the US might not remain a viable player in the region's future should there be a *rapprochement* between the two Korean countries. In this scenario, South Korea would no longer need US soldiers or bases and the US would lose its hard power in the region.

Interestingly almost all of the arguments coded about the future that did not involve the leaders were liberal. The conservative stories are mostly personified by Trump as the identity and articulator of conservative futures.

6. CONCLUSION AND NEXT STEPS

The stories that emerged from the global risk discussions regarding a potential nuclear war between the US and North Korea found that the leader of one of the most isolated nations in the world is able to stride around the social media stage and challenge Donald Trump, the leader of the world's only remaining superpower. The shifting tenor of the two leaders' messages, captivated attention and overshadowed Moon's communication in this dataset although the historical review indicates that he has played a profound role in the ongoing negotiations—that of the adult in the room.

The possible futures narratives that emerged on Twitter are as polarized as is the general political discourse in the US, although the traditional sentiment poles are flipped, with upbeat, positive stories coming from conservatives and dystopian narratives offered by progressives. Most concerning to the authors of the study are the credible narratives of damage to important international relationships that have brought stability and peace to millions around the world along with the real possibility of accidental wars or futures without viable leaders.

The project has a number of limitations that can be improved upon as the project continues but others that are inherent to the type of data and the method—Twitter is not all of social media and coding schemes all have flaws. There are many tweets remaining to be coded so a machine learning classifier is being developed in English so that simple arguments and narratives can be coded automatically. Conductive arguments and other sophisticated threads of messages, however, will still have to be human coded. Next the coding scheme needs to be translated into Korean, Japanese and Chinese in order to repeat both the human and machine coding processes. This will broaden our understanding of perceptions internationally and culturally and one can only hope that others see a silver lining somewhere that is hiding in the data.

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Smuggling fallacies: The joke as a Trojan horse of argumentation

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ABSTRACT: Some jokes function as arguments and as such are prone to being fallacious. Would not a claim in a form of a joke provide a competitive advantage? My thesis is that arguments that appear in a humorous form are less likely to be scrutinised. The aim of this paper is to show that jokes have more than an ornamental function by examining how fallacy-containing humorous utterances are strategically used within political communication.

KEYWORDS: argumentation, fallacy, humour, joke, persuasion, political communication, political entertainment, rhetoric

1. INTRODUCTION

The year was 1858. During the Great Debates, Stephen Douglas accused his opponent Abraham Lincoln of being two-faced and shifting positions to pander to his audience, to which Lincoln famously replied "If I had another face, do you think I would wear this one?" (Cary, 1959, p. 154). An answer that has been repeated and reproduced countless times as an example of the exceptional wit and quick thinking of the future president. Not as an example of fallacy of equivocation with an ambiguous middle term: where the adjective 'two-faced' means 'deceitful, insincere' in one premise, and 'having two faces' in the other. Lincoln did not refute the claim, but he answered it. Protected by wit, he smuggled a fallacy.

The advice to use humour in speeches is almost as old as the history of rhetoric itself. Jokes have more than an ornamental function. They can lighten the mood, wake up dozing audiences, highlight shared beliefs, allow criticising in a socially acceptable way, just to name but a few. The topic of this paper is one of these effects: the ability of humour to reduce argument scrutiny, which can be a competitive advantage. In order to describe this phenomenon, I use the metaphor of a Trojan horse: a trick that allows entering a securely protected place undetected. The securely protected place are the beliefs, the guard is the reason. Thus, my first hypothesis is that arguments that appear in a humorously amusing form are less likely to be scrutinised. Followed by the second hypothesis – that this can be used in order to smuggle fallacies.

Let me begin by clarifying some key assumptions and usage of terms. I use 'humour' as an umbrella term for describing all kinds of instances causing a feeling of mirth: including jokes, witticisms, irony, etc. As for the notion of 'argument', I understand it as sequence of statements where one statement aspires for validity and other statements provide reasons for it. Whereas 'fallacy' is a persuasive argument that is logically unsound or weak. Within this paper, I concentrate on one application case: the strategic use within political communication. The preponderance of research concentrates on political humour, as in humour with politics as a topic, whereas my area of research is the humour of politicians, as in funny utterances strategically made by professional politicians.

There is a notable increase in academic interest in comedy entertainment and its role in opinion building. A great deal of research is oriented towards estimating the role of

entertainment media (particularly late-night show comedy) in generating political opinion, as a key democratic component. A look at previous research shows that there is no proven direct correlation between humorous attempts and persuasion (Martin, 2007, pp. 136-139; Nabi, Moyer-Gusé, & Byrne, 2007, p. 30; Warner et al., 2018, p. 3). A considerable number of studies since the 1970s did show correlation between humour and persuasion; unfortunately, they resulted in different, sometimes contradictory conclusions (Holbert & Young, 2013, p. 485; Innocenti & Miller, 2016, p. 368; Young, 2008, pp. 120-121). Nevertheless, one cannot assume the absence of such a link on that basis. Instead, it is worth considering that a multitude of interrelated factors might be at play here. It might be argued that humour is able to influence people unconsciously (Kayam, Sover, & Galily, 2014, p. 7), up to statements of inability of masses to evaluate logical constructs (Дмитриев & Сычев, 2005, p. 578). Broadly viewed, empirical evidence suggests that political entertainment has an impact on voters. Yet it becomes more difficult to recognise individual mechanisms involved in the process of persuasion: to translate a temporal correlation into a rational explanation.

2. ARGUMENT IN A JOKE

In order to understand how smuggling fallacies work, we need to consider the implicit premise of the first hypothesis: that there is an argument in a joke. Admittedly, not all humorous instances have a recognisable argument, for example absurdities or incongruities that rely on psychological effects. Many, however, do and they are the subject of our interest. In the core of this paper is humour as an expression of a position. At the same time, even a joke containing an argument is undoubtedly more than the argument that lies behind it and cannot be fully reduced to an underlying syllogism.

The argument in a joke can be best demonstrated with the help of an example. At the 2017 annual press conference the President of Russia Vladimir Putin was questioned on whether the increase of military budget will not harm the social programmes. To which he replied by telling a joke (in my translation):

> A retired officer asks his son: "You know I had a dagger. Have you seen it?" – "Dad, please don't yell," the son answers, "but I have exchanged the dagger for a watch." The father says, "Ok, show me the watch. It's a good watch, well done. You know, if tomorrow bandits and robbers show up, they will kill me, they will kill the mother, your older sister will be raped. And you will come out and say "Good evening, the time in Moscow is 12 hours and 30 minutes." (Администрация Президента России, 2017)

The core of the argument: Protection is important. When one does not have enough means of protection, bad things could happen. We do not want bad things to happen, so we will invest in means of protection. Presented with the frightening and unacceptable scenario of not being able to protect his family, the boy would understand he was wrong to exchange the dagger. Thus, by analogy, it is wrong to exchange military spending for other projects. This analogy is demonstrably weak on many levels. The most obvious are the red herring of emotional appeal (*argumentum ad metum*) and a weak analogy.

3. INABILITY TO RECOGNISE A FALLACY IN A JOKE

If we recognise the argument in the joke, is it then true, that presented in a humorously amusing form it is less likely to be scrutinised? The evidence falls into two different groups (cf. Young, 2008, p. 121). First group of evidence addresses the question of "Why don't we see the fallacies in jokes?", which addresses the level of ability to recognise a fallacy.

1) The first consideration is that jokes are quick, a least the good ones. Even a good punchline can be easily spoiled by stretching the telling of the joke out. Jokes often rely on an enthymeme structure, so we just don't have time to process the critique. It just happens too fast.

2) Another argument is that of attention. As early as "Rhetorica ad Herennium" we read that humour should be used in order to capture the attention of the audience ([Cicero], 1964, I:10). A quality that has become essential in a contemporary high-choice media environment of overabundance of information and entertainment offers. At the same time as attracting the attention, a joke distracts from the statement (Sternthal & Craig, 1973, p. 14; Young, 2008, p. 122). This distraction might be used in various ways, including changing the topic to avoid disadvantageous matters or introducing favourable ones. Distraction from the argument is particularly prominent in advertisement: hiding a weak argument behind the laughter.

An explanation for what exactly is going on is offered by neurosciences. In short, "getting a joke" is cognitively draining, leaving no energy for scrutiny. More accurately: when processing humour, we engage in frame-shifting. During the frame-shifting, we try to establish coherence by adjusting the new information in working memory to the knowledge we already have in the long-term memory. The working memory has a limited capacity (thus the tendency to seek shortcuts like cognitive bias), which makes the task of "getting a joke" cognitively demanding. Thus a reduction in available cognitive recourses for a critical examination of the message (Young, 2008, pp. 121-122).

Why do we act that way? An answer could be found in fMRI studies, which highlight two prominent cognitive processes during humour comprehension: semantic processing and affect. It appears that the brains prefrontal cortex is activated already during the joke, before the punchline, in an anticipation of an affective reward. This means the cognitive capacities are concentrated on "getting the joke" and receiving the affective payoff, leaving fewer resources for message analysis (Young, 2008, p. 123).

3) We are cognitively inclined to stay in a good mood. This is another argument from neurosciences: there is evidence to think that people in a positive mood are prone to reduced systematic processing. Thus, being in a good mood is linked to a decrease of motivation to process information in a systematic way (Young, 2008, pp. 123-124). In other words, we are not very motivated to scrutinise the message because we want to stay in a good mood. After an endless afternoon of serious talks, there is finally a joke. We just want to enjoy it. We are not motivated to disagree with the content (Nabi et al., 2007, p. 40). A later study demonstrated that humorous political information lead to a suppression of negative thoughts, when compared to the processing of serious information (LaMarre & Walther, 2013, pp. 317-319).

4. RELUCTANCE TO ANALYSE HUMOUR

As we can see, there are various mechanisms preventing us from quickly recognising and evaluating the quality of an argument in a joke. Yet there are many situations in which we make quick judgements, but then reconsider and analyse despite the initial heuristic reaction. Like spontaneously picking up an item at a shop. Then putting it back on the shelve because, regardless of the initial desire to buy, you don't actually need that item. A quick reaction, rationally revised. Why don't we do that humour? This is the second group of evidence: addressing the question of "Why is there so little inclination to analyse and criticise humour?"

1) There is a powerful social component to it. Even if I do notice the fallacy, there is the social pressure not to ruin the joke. The one who does so (killjoy, grinch) shall be shunned. Even if we are consciously required to criticise at a given moment (for example during a debate), the ability to do so is likely to be underdeveloped, due to lack of practice in other communicative situations. Social conventions surrounding humour uptake work both ways: on the one hand, by laughing in a social situation we highlight the common beliefs and accentuate shared opinions. On the other hand, it is highly undesirable to be seen as one without a sense of humour, as one of the reasons for not laughing could be the inability for the sophisticated cognitive processing involved in humour comprehension. This creates a vicious circle: In order not to risk being branded as a person without sense of humour it is safer to laugh, which in turn creates an illusion of a shared belief. Admittedly, this does not work in all cases, yet there is a tendency for this mechanism to be set in motion in social gatherings.

2) Even if there is no audience to exercise the social pressure of not ruining the joke, the motivation to scrutinise the content might be lessened because we recognise the humorous attempt and appreciate it. There might be a certain gratitude for causing a feeling of mirth and it seems we might not want to discourage the future humour attempts by criticising the speaker.

3) There is interesting recent empirical evidence of jokes influencing the perceived trust levels. A study by Jason T. Peifer supports the idea that a more positive disposition towards the speaker leads to more mirth, while negative predisposition hinders the amusement. The additional findings were that mirth correlates with the media trust: that is, the more we enjoy the joke, the more we trust the source (Peifer, 2018, pp. 19-20). This could mean, that under the increased eagerness to enjoy the joke, we see the source of a joke as more trustworthy, thus leading the recipient even further away from critical analysis of the content.

4) The fourth and the most problematic reason for not analysing humour after we have perceived it, is the veil of fictionality. It is just a joke; it is not a "real" statement. Just to make sure, one can mark an utterance as fictional just moments after with a "Joke, joke!" or "Just kidding!". Purely fictional contexts enjoy more freedoms. Especially if their primary aim is to entertain. For political speeches, especially in non-entertainment contexts, being entertaining is an added bonus. Because of being described as fictional, the content is discounted. Why go through the trouble of analysing if it is just a joke? As soon as content is recognised as humour, its message is classified as irrelevant for opinion-building. Consequently, we do not even start with critical analysis (Nabi et al., 2007, p. 33).

A 2013 study by Heather L. LaMarre and Whitney Walther showed that late-night political comedy viewers, compared to serious political news viewers, were thinking more about comedy content in general. However, it did not lead to increased scrutiny of the target of the message. In other words, exposure to humorous content provoked thoughts about the issue, but little critical thoughts about the immediate content of the humorous message (LaMarre & Walther, 2013, pp. 317-319). A later study from 2017 by Amy B. Becker and Don J. Waisanen concluded that subjects engaged in message elaboration much more when

viewing serious political content. The humorous presentations were swiftly discounted as fictional. Thus, their conclusion is that political humour has much less influence than some speechwriters and some academics claim (Becker & Waisanen, 2017, pp. 14-15).

For the purpose of persuasion through humour these are worrying conclusions. Why? Because message elaboration is directly associated with learning and attitude change (Eveland, as cited in Becker & Waisanen, 2017, p. 4). When the message is discounted, no message elaboration takes place and thus reasonable doubt can arise as to whether there is any persuasive effect taking place at all. There is abundant evidence for thinking that humour scrutiny is cognitively hindered. At this pessimistic moment we are left with the question: Is there any trace of message cognition? Or is joke just an *ornatus*, a mere decoration for our enjoyment? If so, the question of smuggling fallacies would be irrelevant, as even if, formally seen, there were a fallacy, it would not leave any argumentative consequences such as attitude change.

5. PERSUASION BY HUMOROUS ARGUMENT

As the title of this paper might suggest, there is reason for optimism. Fortunately, there is evidence of "sleeper effect" (Nabi et al., 2007). That after one week, a significant gain in attitude change has been observed, which could be explained by the memorable nature of humorous content and the influence of the availability bias.

For persuasion, a solid argument would be better (Nabi et al., 2007, p. 31), but that is not always possible for a multitude of reasons. It might be that (for some reason) I cannot publicly disclose the true reasons for my claim (for example out of fear of civil unrest). Or it could be that my arguments would get lost in the overabundance of information. Or it could be that I just do not have a solid argument: As it is often the case in advertisement where the consumer is persuaded to choose a product that is virtually identical to the rival products.

It might serve as a "foot in the door" strategy: In order to get a joke, you must share the premise. Beliefs are not black and white, and the joke might just activate that little portion of belief. For the pleasure of the joke we allow ourselves to accept the thesis, even if we disregard it consciously a moment later.

6. CONCLUSION

Thus, we construct a Trojan horse around a claim. True, it appears to have has less persuasive power than a clear-cut argument, but it also has the ability to the sneak by undetected. In fact, if you look at the definition of a fallacy as a "persuasive argument that is logically unsound or weak", you can see that by calling an argument a fallacy it is already being stated that it is persuasive.

How can we use it strategically? To smuggle either structurally or factually controversial content. Whenever you do not want your argument to be scrutinised. Whilst factual mistakes are relatively easy to identify, structural are not as easy to detect. This makes fallacies a good match for a Trojan horse of a joke.

Does it mean that we have discovered an indestructible secret weapon, only to be detected by eagle-eyed academics? I am afraid, no. There are considerable risks associated with such behaviour. It is not going to work if the audiences do not share the premises at all. Plus, there is an added risk of a satire backfiring when the receiver misses the cue of irony and interprets the information literally (Young, 2018). In the long term, it is worth considering that the use of such joke-fallacies might harm the image of the speaker. When too many of joke-fallacies are used, or when the audience is skilled in recognising fallacies, there is a risk

of coming across as logically incompetent or manipulative. This, in turn, might damage the credibility of the speaker.

In conclusion, let us turn to another example. During the general Debate in Bundestag, the Chancellor of Germany Angela Merkel addressed the Greens with the critique (in my translation):

> You are of course for the sport. Who would not be. Probably for sport in the constitution. Yet when it comes to Olympic games in Germany, you are of course against it. […] Ladies and Gentlemen, if things continue like this, the Greens will be for Christmas, but against the advent season that precedes it! (SPIEGEL TV, 2010)

This was not simple entertainment – though there is no doubt a bit of that – this was a statement about the unreasonable views of the Green party. The Greens support sport, but are against the Olympic games. If such reasoning is acceptable, then soon the advent season will be cancelled. This is obviously an undesirable consequence. Thus, the reasoning of the Green is faulty. The charges are numerous: you might recognize a *reductio ad absurdum*, appeal to consequences, a slippery slope, or a false dichotomy in the premises (as the difference between doing sport and organizing Olympic games is being downplayed). Ultimately, I have found no trace of comment in the media on the logical soundness of the claim. The topic of the Greens being against things, however, got picked up by the press including major national newspapers (Alexander, 2010; "Merkel attackiert Grüne: „Verbandelt mit dem Wort dagegen"," 2010; "Merkel sieht Koalition auf Kurs," 2010; "Restlos verschleudert," 2010). One and a half centuries after Lincoln, a funny fallacy still gets the laughs and the attention, but no scrutiny.

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Trump's ideological worldview

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ABSTRACT: Argumentation scholars have noted the power of definitional argument in political movements. The election of Donald Trump shocked political scholars, as well as commentators in the mainstream press. This essay lays out the ideological and narrative dimensions of Trump's worldview, concluding that the ideological definition in Trump's rhetoric was well adapted to creating a sense of shared identity with working-class voters, but ill adapted to developing public policies that would improve their circumstances.

KEYWORDS: definition, ideology, narrative, Trump

1. INTRODUCTION

Donald Trump's successful campaign for the presidency violated every principle that scholars and commentators understood about presidential campaigns. The comment of Giridharada (2016, March 14) that Trump's campaign disrupted "American politics" especially "the established rules of communicating with voters" is typical of the scholarly consensus. Again and again during both the primary and general election campaign, Trump committed gaffes that commentators claimed would this time, surely end the campaign. *Politico* counted "37 Fatal Gaffes that Didn't Kill Donald Trump" that had occurred by late September 2016 (Kruse and Gee, 2016, September 25). Of course, a few days later the greatest gaffe of all, the *Access Hollywood* tape, would show Trump bragging about having committed sexual assault ("Transcript: Donald Trump's taped comments about women," 2016, October 8).

After the *Access Hollywood* disaster seemed to end any chance that he could win the presidency, Trump went on to have what virtually all commentators saw as a disastrous performance in the two remaining presidential debates, confirming a pattern that began with the first debate where there was a strong "consensus that Donald Trump badly lost" (Hohmann, 2016, September 27). Inexplicably, from the perspective of commentators and scholars, Trump went on to win the election. The key to explaining this surprising result is to understand the worldview that Trump presented that was so appealing to his base of supporter in the white working-class. Identifying that worldview in turn requires identification of the ideological, narrative and value principles undergirding it.

2. THE POWER OF DEFINITIONAL ARGUMENT

A number of argumentation scholars have noted the power of definitional argument in animating political movements. David Zarefsky observed that "the power to persuade is, in large measure, the power to define" (1986, p. 1) and later added that in some cases the definition acts as a "a frame of reference" that "hegemonically excludes alternative frames of reference" and "profoundly influences how the public responds to an issue" (1988, p. 6; also see Zarefsky, 2004). In such cases, the definition functions as a "terministic screen" that acts as a *reflection*

of reality," a "*selection* of reality" and a "*deflection* of reality" (Burke, 1966, p. 45, emphasis in original). In the strongest form of this strategy, ultimate definition, ideological, narrative, and value-laden forms of definition are consonant with each other and together provide a consistent worldview for understanding the problems, solutions, heroes and villains, as well as positive and negative values energizing a nation (Rowland & Jones 2010; Jones & Rowland, 2015; Rowland & Jones, 2016, Rowland & Jones 2017). Such a worldview can be understood as all-encompassing in that it provides an "encyclopedic" (Frye, 1971, p. 36) understanding of the world that functions as what Richard Weaver (1965, p. 11) labeled a "'tyrannizing image' which draws everything toward itself."

Weaver's reference to a "tyrannizing image" and his statement that such an image "draws everything toward itself" is particularly powerful for describing the influence of Trump's rhetoric on his core supporters, a group that constantly chanted "Make America Great Again," or wore the ubiquitous red hats with that message printed on them. They cheered when Trump called for "draining the swamp" or used a derogatory nickname to attack "Crooked Hillary" or one of his rivals for the Republican nomination. And they cheered loudest when Trump angrily warned of the dangers of immigration or terrorism and called for building a "wall." It is important to identify the characteristics of Trump's definition of the world that created an image that drew everything toward him. At the same time, one might object that Trump's worldview was hardly coherent. He often took inconsistent policy positions and lacked a developed issue platform, creating a situation in which his appeal was "rooted in emotional attachments, not policy goals" (Taub, 2017, April 13, p. A10). In this case, however, incoherence did not detract from the emotional resonance of Trump's worldview with core supporters. In fact, the absence of a clear policy agenda magnifies the importance of understanding the power of Trump's definition of the world.

In what follows, I confront this puzzle by laying out the ideological, value-laden, and narrative dimensions of Trump's worldview, concluding that Trump's rhetoric was well adapted to creating a sense of shared identity with working-class voters, but ill adapted to developing public policies that would improve their circumstances. Given the consensus that Trump's appeal was based in emotion rather than a coherent policy agenda, it makes sense to focus upon the physical and virtual places where that affective relationship was most evident: Trump rallies and Twitter. In order to isolate the ideological, value-laden and narrative aspects of his worldview in rally speeches, I focus in detail on the acceptance speech that he presented at the Republican National Convention. While the convention speech was at a formal political event, rather than a rally, the speech was largely a compilation of "greatest hits" from campaign rallies.

Writing in the *New York Times*, Patrick Healy and Jonathan Martin (2016) labelled the convention speech a "vehement appeal to Americans who feel that their country is spiraling out of control and yearn for a leader who will take aggressive, even extreme, actions to protect them" (p. A1) and added that the speech included "dark imagery and an almost angry tone" (p. A1), characteristics that were typical of Trump rallies. Alex Altman (2016, July 22) identified the "dominant narrative thread" of his campaign as "describing an American dystopia," a theme that was quite evident in rallies and especially the convention speech that functioned as "a fiesta of fear."

Similarly, Trump used Twitter to extend the rallies to virtual space, in that way magnifying the emotional connection created at rallies. Müller (2016, pp. 35, 43) noted that Trump used his "Twitter account" to create "the illusion of direct contact," in this way creating "an aesthetic production of 'proximity to the people.'" Through this mechanism, as Johnson (2016, November 10) noted, his "campaign successfully crowdsourced a message of anger and fear by leveraging the knowledge, contacts and skills of his followers to disseminate his tweets widely." Writing in *The Conversation,* Johnson observed that "One political operative

characterized the candidate's presence on the social networking site as 'a continuous Trump rally that happens on Twitter at all hours.'"

3. TRUMP'S DYSTOPIAN WORLDVIEW

The key to understanding Trump's worldview is found in the dominant narrative that undergirds it. Trump described a nation in crisis because of dangerous "Others" who threaten it and feckless leaders who undermine it. Into this crisis, he strides as the strongman who can return the nation to the greatness of the past. It is a narrative that bore little resemblance to the actual status of the nation, which had experienced an extended period of job growth, low crime, reduced immigration, a modest level of terrorism risk, and a reduction in American troops lost in combat over the last six years of the Obama administration, after the great recession was overcome (Kessler & Lee, 2016, July 22), but it was clearly a narrative that resonated with a large portion of his core audience.

In the convention address, Trump (2016, July 22, future references are by paragraph number in the text) described a dystopian American landscape. Quite early in the speech he stated that the nation faced "a moment of crisis" and then went on to add that "attacks on our police and terrorism in our cities threaten our way of life" (5). He then referenced "recent images of violence in our streets and the chaos in our communities" and a few paragraphs later cited statistics indicating that "Homicides last year increased by 17 percent in America's 50 largest cities," before moving on to focus on murders in Baltimore and Chicago (6, 17, 19). In fact, the murder rate in 2016 remained close to a fifty year low, the increase was concentrated in a limited number of major cities, especially Chicago, and the overall rate was less than half that of 1984 (Lopez, 2017, September 25). Trump then tied the rise in crime to "180,000 illegal immigrants with criminal records, ordered deported from our country, [who] are tonight roaming free to threaten peaceful citizens" (22).

Trump also discussed the economy in dystopian terms. Here, he spoke about problems largely created by the Great Recession that began in the administration of George W. Bush and occurred because of a failure of regulation of the financial industry. He referenced a decline of household income of "more than $4,000 since the year 2000," an "800 billion" trade deficit, "43 million Americans . . . on food stamps" and "roads and bridges . . . falling apart," as well as a host of other issues (30, 31, 34). Again, he ignored the vast economic progress that occurred in the Obama years as well as role of Republican deregulatory efforts that he supported in causing the Great Recession.

Trump also described the world as in crisis defined by American "humiliation" in Syria, Libya, and elsewhere (39, 40). He blamed multiple world hotspots on Hillary Clinton and Barack Obama, stating "In 2008, pre-Hillary, ISIS was not even on the map. Libya was stable. Egypt was peaceful. Iraq was seeing a reduction in sanctions, Syria was under control" and then added "This is the legacy of Hillary Clinton: death, destruction, terrorism, and weakness" (44, 53). It is astonishing that his dystopian description of the world ignored Obama's efforts in dramatically reducing American forces in Iraq and Afghanistan as well as the role of President George W. Bush's invasion of Iraq in causing crises in the region.

The hero of Trump's narrative was Trump himself. Trump made very clear quite early in the speech that he would be the solution to the problems that faced the nation. In paragraph 8, he promised "The crime and violence that today afflicts our nation will soon come to an end. Beginning on January 20, 2017, safety will be restored." In policy terms, this promise was obvious nonsense. But in narrative terms, it reflected the consistent claim that as president Trump would be the strongman who would through sheer force of will produce what can only be described as magical results. Nicholas Lemann astutely observed in 2016 that "Trump has

spent this year running for "strongman," adding that this persona "has struck a chord" with a large group. In the section of the speech ostensibly on his proposals, he again and again promised to solve problems, without providing any explanation of what he actually would do. For example, he described his "plan" for "safety at home—which means safe neighborhoods, secure borders, and protection from terrorism" (63). Rather than developing a coherent ideological perspective, Trump claimed to embody the voice of the people. Trump stated that ordinary people are the "forgotten men and women of our country" and added "I am your voice" (74, 75). The importance of his role as strongman was quite evident when he stated "I have joined the political arena so that the powerful can no longer beat up on people who cannot defend themselves" (83). The key to his role as strongman was that "Nobody knows the system better than me, which is why I alone can fix it" (84).

Against Trump's heroic strongman, his political opponents and other elites were portrayed as weak and "politically correct" (12). He claimed that he would "tell you [the American people] the plain facts that have been edited out of your nightly news" (26) and added that the "problems we face now—poverty and violence at home, war and destruction abroad—will last only as long as we continue relying on the same politicians who created them" (55). The other villains in Trump's narrative were dangerous "Others" who threaten the nation. The "Other" includes criminals in inner cities, undocumented immigrants, and Islamic terrorists. Through his references to inner city crime, Trump used "coded language" "appealing to whites' racial anxieties about crime" (Associated Press, 2016, July 22). He also included several passages warning about the danger of undocumented immigrants in "sanctuary cities" (126). Late in the speech, he said, "The damage and devastation that can be inflicted by Islamic radicals has been proven over and over—at the World Trade Center, at an office part in San Bernadino, at the Boston Marathon, at a military recruiting center in Chattanooga, and many more" (105). Shortly after this passage, he called for the nation to "immediately suspend immigration from any nation that has been compromised by terrorism" (115). Here, he drew on Islamaphobia, the irrational fear of Islam that influences millions of Americans, a fear which "was at the center of Trump's presidential campaign" (Shephard, 2017, November 29).

The key to the power of the "Other" in Trump's narrative is not that these groups in fact posed any significant national problem, but that they weren't white. I've already noted that crime in America was quite a modest problem compared to the 1970s and 1980s. A similar point can be made of immigration and crime committed by undocumented immigrants (Krogstad, Passel, and Cohn 2017, April 27; Burnett, 2018 May 2). Nor was Islamic terrorism a major crisis facing the nation. From September 12, 2001 through the end of 2016, extremists killed 225 Americans, 106 of whom were murdered by right-wing extremists (Nichols, C, 2017, August 31). Over this fifteen year period, on average eight Americans were killed by Islamic extremists per year, definitely a problem, but hardly a national crisis. The key to Trump's narrative was not that these ordinary Americans were in fact dangerous, but that they were "Other" than white Americans.

To this point, I have focused on the dystopian narrative in the speech, in large part because there was no developed policy analysis. He summarized his policy approach as "put America first" (59), a description both so vague as to be meaningless and insulting in its implications that leaders of both parties had not put the needs of the nation first. Essentially the only specific policy advocated in the speech was for the nation to build "a great border wall" (133), although he did make clear his general opposition to free trade and support for fair trade (144-162), as well as support for tax cuts and deregulation (163-169) and of course opposition to immigration. Rather than a developed ideological worldview, as in Reagan's small government conservatism, Trump offered a series of slogans and his promise to transform the nation through his strongman leadership. None of those slogans were fleshed out into actual

policy prescriptions. Rather, they all relied on the power of his strongman leadership to magically bring them into effect.

The same can be said about the value principles implicit in Trump's narrative. In Trump's case, the focus was on victimage of ordinary (white) Americans, the monstrous values of the elites and the "Others" who threaten the people, and the power of his strongman persona to "make America great again." The values implicit in Trump's speech were consonant with his narrative and his quite limited ideological worldview.   Trump's Republican National Convention address did not present a coherent ideological statement to the nation or defend a set of policy proposals. But it did present a narrative, set of ideological principles, and value statements that functioned as a form of ultimate definition. In this case, the ultimate definition was almost entirely contained in the dystopian narrative, his definition of elites and the "Other" as the villains of that narrative, and his self-presentation as the strongman hero. The power of the address was that it fulfilled the emotional needs of the core of his audience who felt left behind in the nation. James and Tom Risen (2017, June 25, p. SR2) argued that Trump used a "politics of fear" to tap into "a broad and unspoken fear of the looming loss of white dominance in American society" and added that "Trump supporters want to make America great again," by going "back to what they believe were the halcyon days of the 1950s."

4. TRUMP'S DYSTOPIAN TWITTERVERSE

Trump presented the same dystopian narrative, ideology, and set of values in his use of Twitter, as he did in rallies and other partisan speeches, but in more concentrated form. His use of Twitter was "like nothing we've previously seen from an elected politician" (Buncombe, January 17, 2018). The character limit of Twitter did not allow for Trump to present in complete form the narrative that he presented at the Republican National Convention or at rallies during the campaign and his presidency. Rather, Trump used Twitter to present a scene from the larger narrative, a vignette that reinforced his attack on elites or his warnings about a dangerous "Other" or his claims of heroic strongman achievements. In his case, the function of Twitter was to bring the rally to supporters in the virtual world. In a discussion of *The New Rhetoric,* Chaim Perelman and L. Olbrechts-Tyteca wrote about the power of rhetoric and argument to create what they call a sense of "presence" which "acts directly on our sensibility," by making "something present to the consciousness" (1969, pp. 116, 118). Twitter is a particularly influential means of creating presence by using rhetoric "to center attention" in the "foreground" of the audience's "consciousness" through the power of "repetition," which can be a powerful means of creating "emotion" (1969, pp. 142, 144, 147). Trump's Twitter use created a sense of presence that allowed followers "to experience firsthand the candidate's activities" (Cos & Martin, 2013; Johnson, 2012, p. 56). It gave Trump's "followers the sense that anytime Trump is tweeting . . . he's talking directly to them" (Phillips, 2015, December 10). In that way, he extended the rally atmosphere to the virtual world, using every tweet to call for draining the swamp and vanquishing his enemies in the press and politics as a way of reinforcing his emotional connection with core supporters.

Trump used Twitter to support the following themes: the threat posed by "Others," the complicity or responsibility of his opponents for this threat, the failure of elites to care about ordinary (white) Americans, the danger posed by "Fake News," (a synonym for negative press coverage of Trump), and his own greatness. These themes are quite evident in the Trump twitterverse. In order to demonstrate this point, I relied on two primary sources. The *New York Times* has compiled a running list of every person or organization Trump has insulted since his campaign began (Lee & Quealy, 2018, April 30) and a much shorter list of people he has complimented (mostly Trump, his family and supporters) (Quealy, 2018, February 14). In

addition, the Trump Twitter Archive (2018) presents a searchable compilation of his more than 30,000 tweets.

Trump's tweets are heavily focused on describing a dystopian American landscape that has been created by some dangerous "Other." A common topic was the threat posed by undocumented immigrants. The Trump twitter archive includes over 170 tweets focused on immigration, which overwhelmingly send the message that the nation faced an immigration crisis. For example, on August 10, 2015 he said, "We must stop the crime and killing machine that is illegal immigration. Rampant problems will only get worse. Take back our country!" On November 8, 2015, he called for supporters to "fight illegal immigration it is destroying USA." Many similar tweets could be cited. Trump used the same approach to create fear about terrorism and crime committed by African-Americans. For example, on November 15, 2015, he tweeted "When will President Obama issue the words RADICAL ISLAMIC TERRORISM? He can't say it, and unless he will, the problem will not be solved!" A few days later on December 8, 2015 he reemphasized the terrorist threat, stating "Our country is facing a major threat from radical Islamic terrorism. We better get very smart, and very tough, FAST, before it is too late!" Similar to his tweets on terrorism, he used Twitter as a way to amplify fear of crime in cities. On July 6, 2016, he said "Crime is out of control, and rapidly getting worse. Look what is going on in Chicago and our inner cities. Not good!" On August 29, 2016 he said, "Inner-city crime is reaching record levels. African-Americans will vote for Trump because they know I will stop the slaughter going on!" On the surface these tweets appeared to be reaching out to African-American voters. In reality, he was focused on activating white fear of African-American crime. He was a master of using Twitter to create or reinforce fear of some "Other," especially immigrants, Islamic terrorists, and black Americans.

Even more common than the tweets where Trump reinforced his dystopian description of the nation, were those focused on attacking political enemies, other elites or the media. Trump used Twitter to create abbreviated definitions in the form of petty name calling to attack opponents as a means of labeling them as weak or corrupt and so forth. For example, the Twitter archive includes more than 250 tweets in which he labeled Hillary Clinton as corrupt by calling her "Crooked Hillary." More generally, Trump used Twitter to attack opponents as a way of reinforcing the sense of conflict present in his dystopian narrative. For example, the Twitter archive includes more than 800 tweets attacking Hillary Clinton. He used a similar strategy in attacking journalists. The Twitter archive includes more than 200 tweets attacking "Fake News." He also often attached individual journalists. The *New York Times* compilation of Trump insults includes attacks on literally dozens of journalists. With these attacks, Trump created conflict, reinforced his image as a populist outsider, and attempted to inoculate himself from media attacks.

Unsurprisingly, the positive tweets were heavily focused on praising some aspect of his campaign, his abilities, or his accomplishments. The Twitter archive includes a long list of "Personal superlatives" about himself that he has tweeted, as well as a list of more than thirty times he has claimed that he is "Key to solving issues." As an example of self-praise, a tweet on March 10, 2016 is typical: "The media is so after me on women Wow, this is a tough business. Nobody has more respect for women than Donald Trump!" Similarly, on April 30, 2016, he said, "the economy is bad and getting worse-almost ZERO growth this quarter. Nobody can beat me on the economy (and jobs). MAKE AMERICA GREAT AGAIN."

Twitter was a blunt instrument that candidate and then President Trump used to extend the campaign rally beyond the confines of the rally itself. Trump's use of Twitter was not subtle. He used it to create fear, attack his political foes, undermine the media, and praise himself as the savior for a nation that had been failed by the political class. For his base, Trump was a "bullying presence" on Twitter who as George Lakoff indicated used the medium as a "remarkably effective" "weapon to control the news cycle" (Buncombe, 2018, January 17).

Moreover, Trump's Twitter feed was largely immune from public reason. David Folkenflik observed that as with his other rhetoric, Trump's use of Twitter reflected a level of "estrangement from truth" that "is so complete that it defies belief" (2018, April 7). Trump didn't use Twitter to develop substantive policy argument. Rather, as Mathew Ingram pointed out, Twitter allowed "him to state untruths with impunity, knowing that his tweets will be widely redistributed by his followers and the media, and to dodge follow-up questions or criticism" (2017). This problem is broader than Twitter. Rhetoric that creates a strong sense of presence can be difficult to undermine with refutation. Alan Gross observed that "An absence of justification . . . cannot counteract the strong psychological tug that presence exercises" (2005, p. 19), a conclusion that certainly applies to Trump's use of Twitter and more broadly his campaign and presidential rhetoric.

5. CONCLUSION

In the introduction, I cited the wide literature on the power of definitional argument for shaping the worldview of an audience and therefore achieving great political influence. There is strong support for the view, including my own research indicating that the two most transformational post World War II American Presidents—Ronald Reagan and Barack Obama—both used "ultimate definition" to present small-government conservatism and community-oriented liberalism worldviews, respectively. One might question the application of ultimate definition to Donald Trump by noting that unlike Reagan or Obama, he hardly made an argument at all. He lacked a coherent ideological message and instead substituted for the absent ideological argument a dystopian narrative, a populist attack on elites and various groups that could be depicted as dangerous "Others," and a depiction of himself as the strongman hero who would magically "Make America Great Again." At the same time, while Trump failed to present a developed ideological worldview, his message still functioned as a version of ultimate definition. His worldview was coherent, if dystopian. In that world, the United States was falling apart, threatened by unfair trade practices, dangerous Islamic radicalism, illegal immigration, and an explosion of inner-city crime. The solution was to embrace the strongman, who could confront the dangerous world. The world that Trump described was widely at variance from the actual state of the nation, but it was a coherent worldview. The ideology and value principles that went with it were closely tied to the narrative.

Trump's rhetoric was particularly powerful with the roughly 44 percent of white Americans who possess an authoritarian personality type (Taub, 2016). The rhetorical pattern I have described activated the fears of this group, a conclusion validated by two polls that found that "authoritarianism . . . seemed to predict support for Trump more reliably than virtually any other indicator" (Taub, 2016). Diana Mutz (2018, p. 2) argued that the key to explaining the reaction of Trump voters is to focus on "dominant group status threat" (changing gender roles and increasing diversity in American society, along with the loss of manufacturing jobs for non-college educated white Americans), which can "make status quo, hierarchical social and political arrangements more attractive." Race also played a key role. Mutz noted, "when confronted with evidence of racial progress, whites feel threatened and experience lower levels of self-worth . . . [and] perceive greater antiwhite bias as a means of regaining those lost feelings of self-worth"(2018, p. 2). Trump's rhetoric created what Thomas Edsall (2018) called "an authoritarian moment" that linked to "recent developments experienced by many voters as alarming—including the financial collapse of 2008, the surge of third-world immigration in the United States and Europe and continuing fears among traditionalists that the social order is under assault." In this way, Trump's dystopian rhetoric activated fear of social changed and "fueled authoritarianism" (Edsall, 2018). Trump's use of racially coded or simply racist

language, his many attacks on immigrants, his incendiary comments about Islam and terrorism, as well as his constant attacks on the press, calls for harsh punishment of criminals, support for torture of terrorism suspects, defense of violence at his rallies, along with his opposition to equal rights for trans-gendered people, all appealed to those who possessed an authoritarian mindset. The source of his electoral success is disquieting to say the least.

If judged by any of the main approaches to pragmatic argumentation (Pragma-dialectics, Informal Logic, the American rhetorical tradition, and so forth), it is immediately obvious that Trump's rhetoric failed to make a coherent case for his agenda. In fact, he quite rarely attempted to support claims with anything like the kinds of arguments used by major political figures of the left and right, such as Reagan and Obama. The argumentative weakness of Trump's approach, however, did not undercut its political power because of the resonance of its narrative structure. Trump's many false statements and the lack of rational support for his America First worldview were strongly attacked by political opponents and exposed by the press. It is shocking that the critique of his program had so little impact. Moreover, his dystopian message was wildly inaccurate. The United States faced no crisis related to immigration, crime, terrorism, or trade. Trump's rhetoric strongly resonated with a group of Americans centered in the white working-class who felt that they were losing their place in American society and who possessed an authoritarian personality structure. His success with this message, despite the absence of argumentative support for it, is strong evidence of the limited power of ideological argument in particular and public reason more generally in the public sphere. Trump's success, along with the failure of Clinton's refutative approach to confronting it, indicates that progressive political movements need not just a strong argument, but also an empowering narrative. It is a tragic irony that despite the transformational effects of Barack Obama on American politics, progressives did not understand the importance of combining reasoned argument with an empowering narrative and corresponding values.

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Arguments justify norms of politeness. A study of argumentative loci in a nineteenth-century treatise about politeness.

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ABSTRACT: The article is about a study of argumentative loci in the *New Galateo*, a book of manners written by Melchiorre Gioja in 1802. Gioja proposes a model of politeness based on reason ('social reason'), and he argues for the reasonableness underlying each prescription. For these reason we explore the set of loci mobilized to support each prescription because they can provide precious insights on the worldview, the belief and values underlying the corpus.

KEYWORDS: argumentative loci, politeness, evaluation, nineteenth century, Italy, digital annotation, utilitarianism

1. INTRODUCTION

AMT Theory (Rigotti, Greco, in press; 2010) addresses the issue of argument schemes by revisiting the tradition of loci, or *topoi*. Given a semantically defined class of standpoints (e.g. descriptive, interpretive or evaluative; cfr. Rocci 2017), exploring the set of loci mobilized to support standpoints of that class in a given corpus can provide precious insights on the worldview, the social and intellectual habits underlying the corpus in a way that is complementary to the study of the beliefs and values that are appealed to as *endoxon*.

The target of our investigation is the *New Galateo* written by Melchiorre Gioja in Italy in 1802. This 600 pages manual positions itself in opposition to the previous tradition. Instead of elucidating a model based on obedience to 'ceremonies', Gioja proposes a new code of conduct in which reasonableness ("social reason") becomes the only instrument capable of correctly guiding polite behavior. In this book argumentation acquires a particular significance: the argumentative justification of a prescription is at the same time a demonstration of the metacognitive reasoning that is to be performed by the agents in regulating their behaviour in society. For Gioja the polite person is also a reasoner drawing inferences about the social world. It is therefore natural to look at the study of *topics* as potentially revealing of the social ontology that the polite reasoners rely on for the inferences they draw about social situations in order to deliberate a polite course of action.

Using UAM-CorpusTool we have annotated for structure and loci a series of key argumentative passages of Gioja's work. One result of the annotation is the development of growing collections of examples for repeatedly invoked loci: about 10 collections, mostly concerning loci connected with practical reasoning, have been established as an aid to the textual interpretation of Gioja's treatise and to better understand his notion of social reason.

The first part of the article is about the theoretical premises, both historical and methodological, the second part is about the annotation of the corpus and the study of three loci.

2. THEORETICAL PREMISES

2.1 The corpus and its historical context

In 1802 Melchiorre Gioja published the *Nuovo Galateo* ('New Galateo'). With a revealing title, this book positions itself in opposition to the norms of the aristocratic conduct model epitomized by the books of manners written in the eighteen century. Instead of reproducing the existing model based on conformity to detailed 'ceremonies' and conventions that regulate interactions at all levels of Italian social life, Gioja proposes a new code of conduct in which *ragionevolezza* 'reasonableness' becomes the only instrument capable of correctly guiding polite human behavior. It is important to note that the conduct treatise was but one aspect of Gioja's literary production: he was a prolific author and a prominent figure in Italian public life. Gioja was the official historiographer of Napoleon's Cisalpine Republic, he later became the Director of the Bureau of Statistics of the Napoleonic Italian Kingdom. Melchiorre Gioja publishes four different editions of the *New Galateo*, the first one in 1802 and the others in 1820, in 1822 and finally in 1827. From 1802 to 1827, contemporary social thinking (in particular Bentham's utilitarianism and his theories on the greatest happiness principle, and Condillac' sensism according to which all human faculty and knowledge are rooted in sensation) leads Gioja to rewrite his *Galateo* three times and to adopt an approach increasingly based on what, starting from the 1822 edition, he would call 'social reason' which means that the criterion for polite behaviour is rooted in reason and in sensation. Only if the interaction with other people is controlled by reason, can it mitigate individual selfishness and create social happiness. As we show in our recent article (Saltamacchia, Rocci, in press) reason, and in particular 'social reason' plays an important role in the argumentative architecture of the treatise. Moreover, the main scholars who have studied Gioja's *New Galateo* (Botteri 1999; Tasca 2004) believe that utilitarian ideology and his own writings on statistics hugely influence the subsequent importance of the concept of reason in the *New Galateo.*

For this reason we believe that, in this text, argumentation acquires a particular historical significance: the very practice of polite interaction (*pulitezza*), grounded in 'social reason', is similar to the practice of rhetoric polite interaction. Polite behaviour is based on a reasoning process, even more, an inferential calculation anticipating the uptake of the interactional partner and hence its effects. Such calculation is aimed at obtaining one overarching social effect ('social happiness'). For Gioja, since politeness is grounded in 'social reason', it requires that an individual reasoning process has to be performed in deciding every single polite act, rather than being the result of rules following behavior as in the ceremonial politeness model.

2.2 The relevance of argumentative loci

The study of argumentation in this volume can offer a precious method in order to investigate the cultural background of the author. We refer in particular to AMT Theory (Rigotti, Greco, 2010; in press), which combine a material component, which "integrates into the argument scheme the implicit and explicit premises bound to the contextual common ground" and a procedural component "based on the semantic-ontological structure, which generates the inferential connection from which the logical form of the argument derived" (2010: 489).

On one hand, the study of *endoxa* (i.e. the salient beliefs and values that are considered part of the cultural common ground[1]) in our corpus can provide precious insights on the author's worldview, beliefs and values. In Saltamacchia, Rocci (in press) we in particular assume that the world *ragione* 'reason', and its morphological derived lexemes, can be considered an argumentative keyword (cfr. Williams 1976; Rigotti, Rocci 2004) of the treatise, i.e. a word that evokes beliefs and values that function as pointer to *endoxa*. On the other hand, not only the analysis of *endoxa* can offer a precious insight on the cultural beliefs and values but also, and it is less obvious, the study of loci.

Loci are, according to Cicero, the source from which arguments are taken, "unde argumenta ducuntur" (see Rigotti, Greco 2010 and Rigotti 2009); they reveal the ontological relation on which a certain argumentative reasoning is based, its logical structure. Following Rigotti 2009 we can distinguish loci according to their proximity to the standpoint, into intrinsic, extrinsic and middle loci. We now refer to a revised AMT taxonomy of loci in Rocci 2017:

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[1] According to Aristotle *endoxa* are "opinions that are accepted by everyone or by the majority, or by the wise men (by all of them or the majority, or by the most notable and illustrious of them)" (*Topica*, 100b.21; we refer to the translation of Rigotti, Greco 2010).
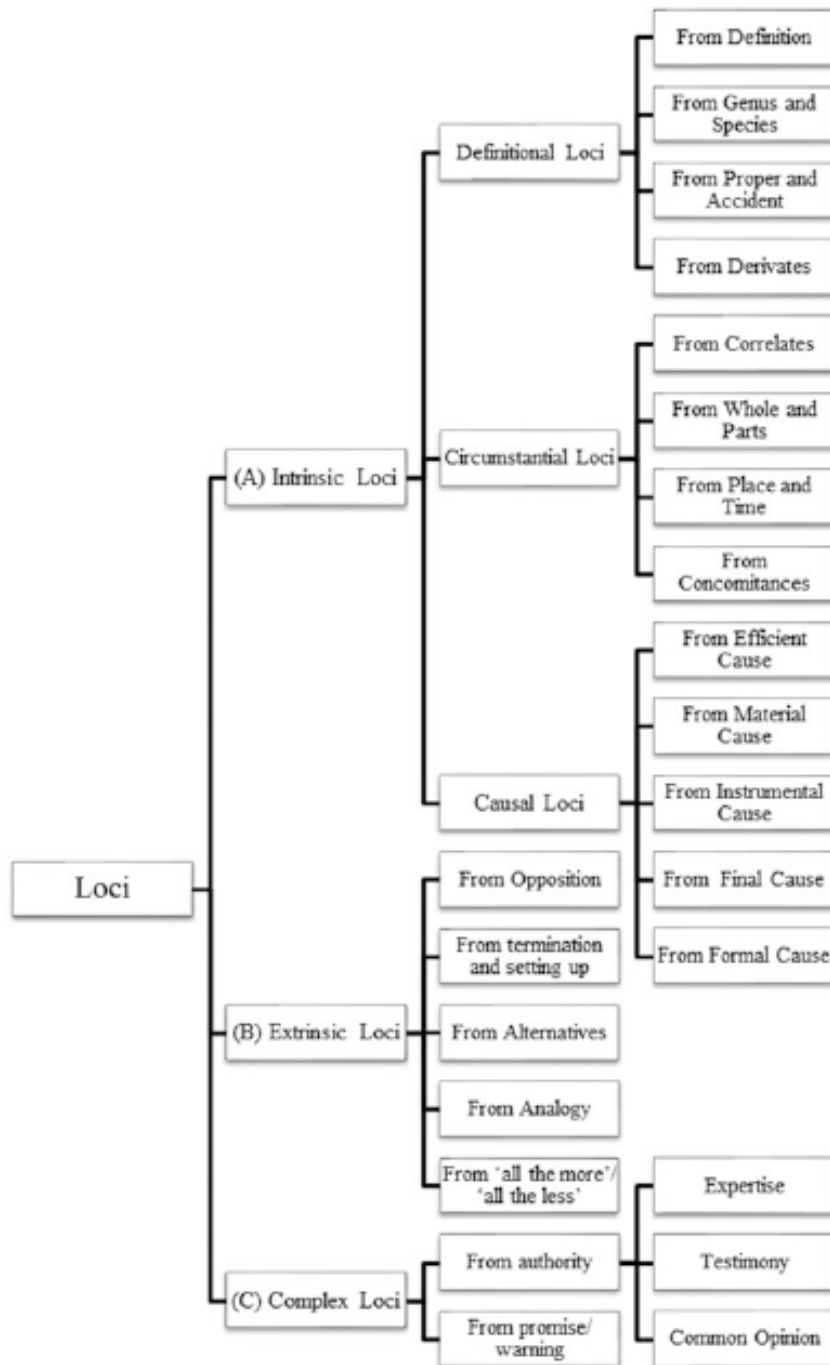
Figure 1. A revised AMT taxonomy of loci in Rocci 2017.

We now only focus on three loci, one per class:

a) The locus from cause (and in particular from final cause): belongs to the class of intrinsic loci (i.e. "loci taken from those factors that are directly established by the standpoint", Rigotti 2009:166)

b) The locus from termination and setting up: belongs to the class of the extrinsic loci (i.e. "loci taken from the outside" Rigotti 2009:166)

c) The locus from authority: belongs to the class of middle loci but as noted in Rigotti (2009: 167) it is more adequate the label of complex loci because "on one hand, pointing to the quality of the 'producer' of the message, it recalls the syntagmatic locus from agent and efficient cause" but on the other hand "the validity is not based on the thing, but is guaranteed from outside", from and expert, an authority indeed.

Section 3 shows the study of the three loci in our corpus.

3. ANNOTATION AND ANALYSIS

3.1 Annotation

Using UAM-CorpusTool (a multi-layer hands-off corpus annotation tool by Mick O'Donnell, freely available at http://www.wagsoft.com/CorpusTool/index.html) we have annotated for structure and loci a series of key argumentative passages of Gioja's work[2]. Given a semantically defined class of standpoints (e.g. descriptive, interpretive or evaluative; cfr. Rocci 2017), we focus in particular on evaluation, which are according to Freeman (2005) statements that "characterize something as either good or bad, better or worse, preferable or avoidable, an act as either right or wrong […], an action as morally good or morally bad" (2005: 101). The connection between politeness and evaluation is stressed by Watts (2005) who investigates politeness from the point of view of evaluation and defines politeness as a "positively marked politic behavior […] open to overt interpretation as polite" (2005: xliii). Moreover, evaluation can be subdivided in evaluation as such and deontics propositions (see Rocci 2017: 320). So at a first level our annotation distinguishes between norms expressed by the construction 'you should/you should not' (deontic modality) and norms that contain an evaluation. For each proposition, at a deeper level, we distinguish if the standpoint is argued or not. If it is the case we reconstruct the argumentative structure and the locus on which the argumentation is based. We annotated about 10 "collections" (cfr. Mondada 2005) of examples for repeatedly invoked loci mostly of them connected with practical reasoning.

We now focus on evaluative propositions and in particular on those evaluations that are based on a locus from final cause, a locus from authority and a locus from termination and setting up. Table 1 shows the number of segments that contain the loci mentioned. We can notice that the locus from final cause occurs many times since in Gioja we find numerous precepts that are argued for in view of a goal, and, more specifically, in view of a utilitarian motivation.

Typology of Loci	n. of segments annotated
Locus from final cause	57
Locus from authority	17
Locus from termination and setting up	9

Table 1. Number of segments annotated for the locus from final cause, the locus from authority, the locus from termination and setting up.

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[2] We consider in particular the following editions: Gioja, Melchiorre. 1853 (1802, 1827). *Il primo e il nuovo galateo*. Turin: Pomba (the volume contains both the first and the last edition and, interestingly, editors signal in footnotes the differences between the second, the third and the fourth edition); Gioja, Melchiorre. 1820. *Nuovo galateo di Melchiorre Gioja, autore del Trattato Del merito e delle ricompense*. Milan: Pirotta.

3.2 Analysis

    a.   Locus from final cause

According to Rigotti and Greco (in press) we have a locus from final cause when an argumentation more specifically deals with the goal of an action and its reasonableness. If we look at the content of the preface of the *New* Galateo (in particular the third and fourth edition), in which Gioja explains his idea of social reason, it is clear the utilitarian motivation on which his politeness model is based. The principles of 'social reason', listed in the preface, in fact, seem to have an altruistic intent:

(1) *1. Esercitare i proprii diritti col minimo dispiacere degli altri; 2. Rispettare i loro diritti, ancorchè dannosi a noi stessi; [...] 7. Sacrificare le affezioni personali all'interesse pubblico [...].*
('1. Exercise your rights with least displeasure of the others; 2. Respect others' rights even if they cause you damage; [...] 7. Sacrifice your affections for the public interest'[...]'. Gioja 1853 [1822]: 109-110, all translation are our).

However, the reasons why they should be followed reveal a rather practical-utilitarian interest:

(2) *1. Il piacere che si gusta nel fare del bene agli altri [...]; 2. I servigi che possiamo sperare da quelli cui venne da noi fatto qualche bene; 3. La stima pubblica [...]; 4. Le cariche e gli onori [...]; 5. Le ricompense religiose [...].*
('1. The pleasure of doing good to others [...]; 2. The services other people can provide us with; 3. The public esteem [...]; 4. The offices and honors [...]; 5. The religious rewards [...].') (Gioja 1853 [1822]: 110), etc. (There are in total eight practical justifications).

The preface contains a sort of 'hierarchy of goals' for politeness as we show in the "generic argumentation structure" (cfr. Pollaroli, Rocci 2015: 164) in Saltamacchia, Rocci (in press):
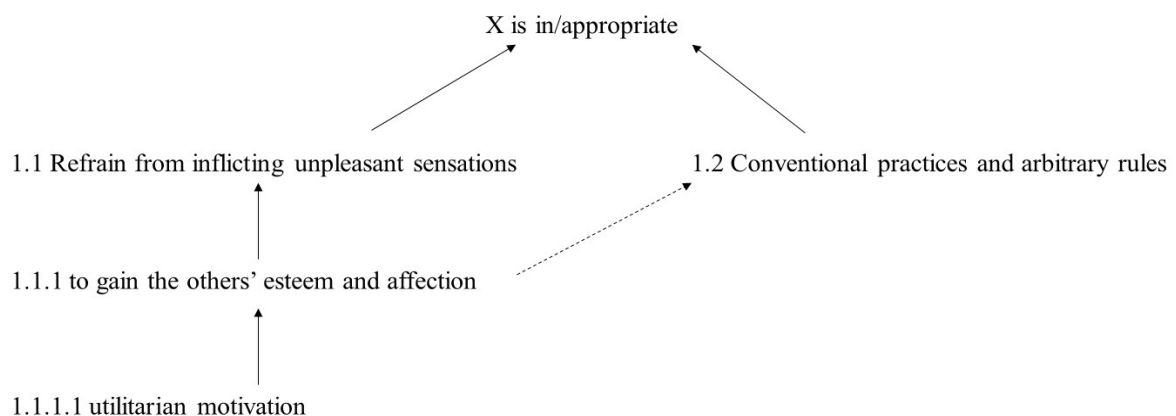

Figure 2. Generic argumentation structure of the preface of 1822 and 1827 *New Galateo* (in Saltamacchia, Rocci, in press).

As the argumentative reconstruction of the preface (Fig. 2) shows, a particular behavior X (or even a person or an action) can be evaluated as appropriate or inappropriate for two reasons (which are independently subordinated to the standpoint): "conventional practices and arbitrary rules" (1.2) and the goal of "refrain from inflicting unpleasant sensations" (1.1). But this is an

intermediate rather than a final aim: because conventions are approved by Gioja only if they serve the strategic goal of acquire esteem and affection (1.1.1.) of other people and this is Gioja's idea of 'social reason'. If we gain the other's esteem and affection, in fact, we can obtain pleasure, public esteem, honor, religious rewards… and this is precisely the utilitarian motivation.

We can see an example of this idea in this passage:

(3) *Alla vista delle nostre belle qualità e perfezioni corrisponde nell'altrui animo un piacere. Alla vista delle nostre brutte qualità o imperfezioni corrisponde nell'altrui animo un dispiacere. Il piacere è seguito dalla disposizione a renderci dei servigi; il dispiacere, dalla disposizione a negarci de'servigi. Quindi nella nostra mente noi calcoliamo la somma dei servigi sperabili sul numero delle perfezioni che gli altri ravvisano in noi. [Questo] sembra il motivo principale per cui ciascuno aspira alla* stima *degli altri e ne teme il disprezzo.*
('To the sight of our good qualities corresponds a pleasure within the soul of the other. To the sight of our bad qualities corresponds a displeasure within in the soul of the other. Pleasure is followed by the disposition to do grant us a service; displeasure is followed by the disposition to deny us a service. Thus, we calculate in our mind the amount of services we can hope for in proportion to the number of perfections that the others discern in us. This seems to be the main reason why everybody aspires to obtain the other's esteem and is afraid of his scorn. Gioja, 1820: 27).

Adopting the pragmadialectical approach (Van Eemeren, Grootendorst 2004), the analytical reconstruction of example 1 is this:
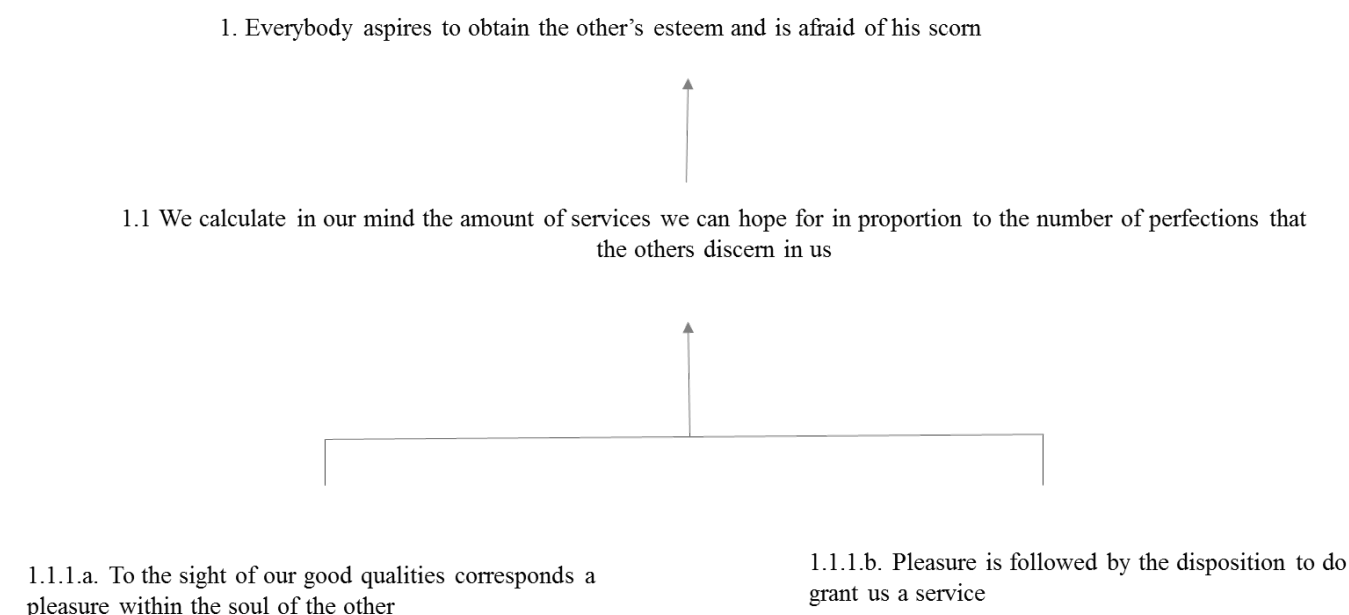
1. Everybody aspires to obtain the other's esteem and is afraid of his scorn

1.1 We calculate in our mind the amount of services we can hope for in proportion to the number of perfections that the others discern in us

1.1.1.a. To the sight of our good qualities corresponds a pleasure within the soul of the other

1.1.1.b. Pleasure is followed by the disposition to do grant us a service

Figure 3. Argumentative reconstruction of example 3.

Example 3 reveals the reason because it is necessary, according to Gioja, to 'gain the others' esteem and affection', which is one of the argument that he exposes in his preface (1.1.1 in Fig. 2). If we create pleasure in the others we can obtain the others' esteem and affection and this is followed by the disposition to do grant us a service (1.1.1.b. in Fig.3). The argumentation is based on the locus from final cause (Rigotti 2008): everybody wants to create pleasure in the others in order to obtain services (this is the final aim) rather than esteem and affection (this is the intermediate aim). Moreover, the verb 'to calculate' shows the inferential calculation that

sustains Gioja's politeness model. As we show in our recent article (Saltamacchia, Rocci, in press), the utilitarian influence and the new interest of Gioja for statistics bring him to insert in his text an expression that embodies the idea of calculation for personal advancement. The expression is *by reason of* (which we can translate with 'in proportion to') and occurs more than 40 times in the book. Interestingly, most of the sentences in which *in ragione di* 'by reason of' occurs manifest an argumentation from the final cause. We only show an example (ex. 4) in which the construction is adopted and we refer to Saltamacchia, Rocci (in press) for the argumentative analysis.

(4) *Ciascuno aspira al libero esercizio delle sue facoltà e conta i suoi piaceri in ragione degli atti possibili. Ciascuno, appena concepito un desiderio, lo vorrebbe soddisfatto e conta i suoi dispiaceri in ragione de' ritardi e degli impedimenti. Ciascuno vorrebbe eseguire i suoi desiderj col minimo incomodo, e calcola gli aggravj in ragione degli atti che è costretto ad eseguire e che non sono necessarj all'intento. Quindi senza essere manifestamente ingiusti, si può essere inurbani:*
1. *Diminuendo il numero degli altrui atti possibili;*
2. *Ritardandone od impedendone l'esecuzione*
3. *Rendendo necessarj degli atti che si potrebbero risparmiare.*

('Every man wants to freely exercise his faculties and he counts his pleasures *in proportion to* the number of acts that are possible. Every man, as soon as he desires something, wants to satisfy this desire and he counts his displeasures *in proportion to* the delays and the obstacles. Every man wants to realize his desires with the least displeasure, and he counts the aggravations *in proportion to* the acts that he is obliged to do and that are not necessary in order to achieve his aim. Thus without being blatantly unjust, it is possible to be impolite by: 1. Reducing the number of acts that are possible for others; 2. Delaying or preventing the execution of those acts; 3. Causing acts that could be avoided') (Gioja 1820: 17, our emphasis).

Both example 3 and example 4 contain an actual proportional calculation which we reformulated (in Saltamacchia, Rocci, in press) with a mathematic proportion as follows:

$$\text{n. of pleasures} = K \times \text{n. of possible acts}$$

The number of pleasures is directly proportional to the K number of possible acts (where K is the constant of proportionality). In view of example 4 and of the mathematic proportion, we can easily reformulate argument 1.1 (in Fig.3) in this way: the number of perfections that the others discern in us is directly proportional to the number (amount) of services we can hope for.

b. Locus from authority

In the preface of the *New Galateo* Gioja not only introduces the new concept of social reason but he also criticizes the 'old' model that he wants to replace, characterized by imperative, but arbitrary norms. He thinks that the rules for human behavior are established by the need for individual comfort and not by conventions. But, interestingly, this book positions itself in continuity and not in opposition with the 'old' *Galateo* by Della Casa, as the analysis of the locus form authority shows. So, which is the old model that he wants to replace?

We can distinguish between three types of authority: the authority of an expert, of a testimony or of the majority, or of the common opinion. In the *New Galateo* Gioja refers both to the expert, i.e. the literary writers, and to the majority, which he calls the tradition. We refer to the authority of the literary writers as revealing the locus from authority and we refer to the authority of the tradition as revealing the locus from termination and setting up.

The book is full of quotations of different authors mostly of them belonging to the nineteenth century. Interestingly there are also quotations taken from the first two books that inaugurated the history of politeness in Italy: *Il libro del cortegiano* 'The book of courtier', 1528 and the

Galateo ovvero de' costumi' of Monsignor Giovanni della Casa (1558). The latter, in particular, gives rise to the new genre of the Galateo. In the nineteenth century, in fact, most Italian conduct books have the word *galateo* in their title as a reference to the original *Galateo* by Della Casa, so much that the term becomes a common noun indicating the discourse genre of the conduct book (cfr. Tasca 2004:41).

In the *New Galateo* there are 13 occurrences of quotations taken from Della Casa and Castiglione and Gioja always appeals to them as authoritative sources – as one Gioja's comment shows: "*dice saviamente monsignor Della Casa*" ("says wisely monsignor Della Casa") – that follow the same way of thinking: "*per la medesima ragione dice monsignor della Casa*" (for the same reason monsignor della Casa says) – the same cannot be said for other authors from which he diverges.

If we look at the contents it is clear the continuity with the first *Galateo*: both Gioja and Della Casa position their book clearly in opposition to the aristocratic model of conduct, and – particularly – to a model based on strict conformity to conventional 'ceremonies ' (cfr. Gioja 1853 [1802]: 9; Gioja 1820, I vol.: 161, 232, 1820, II vol.: 27, 230, 258, 259 and Della Casa 1817 [1558]: 60, 62, 70, 72, 74, 76, 78, 80, 82). It is clear that Gioja does not have Della Casa and the first *Galateo* as a polemical target. When the old *Galateo* is mentioned it is mostly treated as a respected authority. Let's now focus on the second authority, the tradition.

c. Locus from termination and setting up

The *New Galateo* contains 50 occurrences of the word "*uso*" (custom) with three different semantic meanings:

> (in idiomatic construction): *fare uso = servirsi* (to make use of)
> (in non idiomatic construction):
> i. Habit/custom
> ii. Tradition: where the use is considered as an authority on which Gioja takes a position

In order to understand i. and ii. let's consider this example:

(5) *L'uso di portare il lutto non va scevro d'inconvenienti. Infatti, mentre la medicina e la filosofia raccomandano, per es., ad una madre d'allontanare dal pensiero l'idea del figlio perduto, acciò possano cicatrizzarsi le piaghe del suo animo, l'uso la costrinse ad avvolgersi la nera gramaglia che il perduto figlio le rammenta ad ogni istante. [Dunque] le leggi furono costrette a stabilire de'limiti al lutto, affinchè la sensibilità del pubblico non fosse continuamente punta da idee lugubri.*
('The habit of putting on mourning wear is not free of disadvantages. In fact, while medicine and philosophy recommend, for example, to a mother to remove the idea of her lost son from her thoughts, so that the wounds of her soul can heal, tradition forced her to dress in black mourning wear, which at all times reminds her of her lost son. [Thus] the law was forced to establish a term to mourning in order to avoid the public's sensibility being continuously stung by grim thoughts'. Gioja, 1820:14).

In this sentence Gioja compares the habit and the tradition and we can infer an implicit reasoning that answer to the question: 'how should I behave if the habit imposed by the tradition becomes inconvenient?' In an another passage of the *New Galateo* he affirms that:

(6) *Cresce il diritto di scostarsi dall'uso, allorché questo disagevole riesce ed incomodo.*
('The right to diverge from tradition increases when it becomes/we find it inconvenient and uncomfortable'. Gioja, 1820:114).

This sentence introduces the idea of the locus from termination and setting up. As noted by Rigotti and Greco (in press), this locus includes a dynamic of comparing two different worlds. In particular, when one uses the locus from termination and setting up, he or she is comparing the current situation with a future possible world; following this comparison is an evaluation about the opportunity to set up (start or begin) an activity or to cease ("terminate") an existing state of affair.

In the *New Galateo* Gioja repeatedly evaluates if the norms imposed by the tradition are reasonable and comfortable or not: according to him one should diverge from tradition when it becomes uncomfortable. As reported in example 5, in fact, "the law was forced to establish a term to mourning in order to avoid the public's sensibility being continuously stung by grim thoughts".

This last practical evaluation exemplify this:

(7) *Levarsi il cappello per salutare [...]. Quest'uso, che si deve rispettare finché sussiste, ci espone all'eventualità di raffreddarci allorché siam sudati ; e pigliar un buon catarro se ci è forza salutare molta gente: è dunque desiderabile che cessi, e che gli si sostituisca un altro che meno incomodo sia e più naturale.*
('Taking off one's hat exposes one to the eventuality of catching a cold when one is sweaty, and of catching pneumonia for the sake of good manners, if we need to greet many people. It is therefore desirable that this custom ends, and that it is replaced by another one, which is less uncomfortable and more natural'. Gioja, 1820:54).

As shown by the argumentative reconstruction (Fig. 4) we have a single argumentation based on the locus from termination and setting up: because to take off one's hat causes one to catch a cold – and we infer that 'to catch a cold' is uncomfortable –, thus this custom needs to end.

1. To take off one's hat is a custom that needs to end

1.1.: it causes one to catch a cold

Figure 4. Argumentative reconstruction of example 7.

The reasoning between sentence 7 is something like: if an action causes problems, thus it is desirable to stop it. According to Gioja reason should prevail over conventional rules (costumes); this idea is a clear break from the previous model, based on ceremonies.

4. CONCLUSION

This study shows that Gioja's practical evaluations of polite behavior are explicitly argued for; moreover, according to him, the reasonableness of an action or behavior is a sufficient argument to attract an evaluation of politeness. This idea is clearly exemplified by the study of loci, which is a useful instrument to better understand the logical structure that sustains the whole text. This structure reveals, at a deeper level, the belief and values of the author himself.

On one hand, the locus from authority and from termination and setting up allow us to understand Gioja's position in respect of the tradition, the convention. If we reconsider the preface reconstruction of the *New Galateo* (Fig. 2) we can affirm that these two loci exemplify his idea according to which he approves of existing conventions (1.2 in the reconstruction) only if they serve the strategic goal of social reason (i.e. 'to gain the others' esteem and affection'). On the other hand, the locus from final cause shows the utilitarian motivation that justify the norms and the inferential calculation on which his reasoning process is based.

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Argumentation and self-deliberating: Speaking to oneself and speaking about oneself. From individual to the social

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ABSTRACT: Individuals are submitted to a number of questions in everyday life. One of these situations is the self-deliberating, exposed by Perelman and Tyteca in their *Treatise on Argumentation.* These authors state that "the deliberating subject is often regarded as an incarnation of the universal audience (p.40,§9). The self-awareness leads him to conduct his own thinking, preparing for the choices he has to make. The figures of dissociation (op.cit. p.436, §93) as the dilemma and the impasse are responsible for the high tensiveness, origin of passionate conflicts.On the other hand, when talking about oneself, on a relation of otherness, the construction of one's image and identity assumes a major importance, favouring a social coexistence.

KEYWORDS: argumentation, dialogical communication, dilemma, Perelman & Tyteca, self-deliberating, social coexistence, universal audience

1. INTRODUCTION

The following topic which I am going to approach refers to issues connected with the act of convincing and persuading: the first, convincing, by means of several resources, such as tests, justifications, defending a determinate point of view; the second, persuading, in order to achieve adherence of someone else, which implies a certain grade of attraction, seduction, as an ultimate analysis. To know the human being and its profundity is a search that torments since immemorial times. These are questionings of existential order which involves decisions of ethnical nature. This process constitutes a kind of argumentation which Perelman & Tyteca give the name of *self-deliberating.* In fact, it is about to make the world intelligible for oneself, before the enigma and the mystery that involves everything, which implies in a work of self-awareness, more or less concious, in which the argumentation acquires a shape of self-persuasion.

2. THE *INNER MAN* AND THE UNIVERSAL AUDIENCE

A dialogic shape is given in the confront between a speech and an opposite speech, as a form of refutation, like in the evaluation of pros and cons, in which the arguments of double hierarchy prevail several times, such as cases of choosing the lesser evil, the less ugly, the less cruel, etc.

It is about an act which the individual unveils for himself and becomes conscious about his fragilities, about the imperfections and incompleteness and at the same time, this self-awareness goes after his pretensions and desires. In a solipsist act, which oneself unfold into another, in this suffered and anguishing search, mingled with the presence of passionate elements. This stance makes that exist a conduction of one's own thoughts, that organize themselves in a reasonable disposal, a necessary *dispositio* for the achievement of the targets which are proposed and consists, on a last analysis, the *attribution of sense* that is searched. In

a last analysis, every dialectic process is envolved in the search of this sense. For this process, which gives to the individual some compatible capacities with himself, in the knowledge of his limits, measures and possibilities, he goes to the pursuit of references and the structuring center of his own life. Also, it is in this moment that he supplies himself with courage, joy and hope before crisis, catastrophes and sufferings. This can be called the "inner man", a psychology of depths, according to Lionel Bellenger in his conception of persuasion. This is the psychology about the defense systems of the "ego", the process of identification, the place of emotions, the role of desires and necessities and even for the anxieties. It is as similar as a grumble, because when someone grumbles, he speaks from the inside, representing a high grade of introspection, a self-reflexive awareness, in which the self-deliberating can be externalized or not. The question concerning the public and private order is very important here, and we must mention the theorization made by Habermas regarding these aspects, as well as the modes of communicative action.

When the self-deliberating is placed in relation to the sense of *universal audience***,** so that the individual embodies this audience, the statement of Perelman & Tyteca, postulated in *The New Rhetoric: a Treatise on Argumentation (p.*40) establishes contact with the issues of *topica* and the doxa, making merge the *values*, the *hierarchies* and the *preferable places*, points of great tension and conflict. It is evident, due to it, that the particular is also the universal. In *De Anima* Aristotle studies the mental phenomenon in correlation with the physical ones, but without submitting one to the other, both interdependents.

3. EXPECTATIONS AND PREDICTION

Contemporary experts and here are neurologists and psychologists to prove, point the fact that in the perception of things itself there are elements of *expectations* in our mental categories, in other words, our perceptions does not constitute a faithful register of external incentives, as it used to be thought. These are, by and large, molded by expectations that already have the control called "top down" of brain. However, the abstract ideas are more susceptible to interpretation and problematization than the ones of concrete nature. They are not so concrete and with the objectivity which intend to assign. Therefore, perception, cognition and action are not so easy to distinguish and can give rise to many conflicts, disputes and confusions, without mentionning the ambiguities, field for excellence of argumentation in all its aspects. There are also the *predictions* that search for sense to the data mass that comes to us all the time. Nowadays, the "sensorial installations" allow to foresee how would be our image according with the clothing, new shapes of hair or make up and other experimental anticipations.

4. EMOTIONS AND FEELINGS

In the elocution (*elocutio)* of *speaking to oneself*, confessional tones are given, from conversation tones and even daydreaming, as means of reflexion, owned from the free indirect style, one of the high traces of the literary genre that is manifested on the free mind flow, without the reins of rationality, without concerning the logical coherence and where are frequents the syntactic ruptures, such as the anacoluthon, the ellipsis, the paradoxes, the dissociation. There is a relaxation in the construction of the events and opinions. In this extravasation of the "self", thoughts and ideas merge the emotions and feelings. The regrets of incompetence, of non-corresponding from the other are very common in this kind of argumentation that might not come to persuade oneself, but serves a *retraction*. Being equally part of this game, the laugh about yourself and the inquiries such as: *why did I do it? Was this*

the right decision? I was a fool. The *ridiculous sensation* is also part of this scenario, which takes a *humoristic tone*, with mimicries and burlesque and caricatual imitations: *I made a fool of myself. I made a goof. What a shame!* It is about a humoristic logic, easily perceptible, sometimes playing the *non-sense* likewise, the absurd.

It is also considered the fact that the rhetoric figure is part of a process in the production of knowledge with heuristic function, acting in the perception of reality, like phenomenology, and in its interpretation with hermeneutical paper. This statement becomes evident in many approaches of current theories, could be on Paul Ricoeur theory, with *La métaphore vive,* could be on the perspective of Lakoff and Johnson, with *Metaphors we live by,* could be from Toulmin and also from the informal logic, as it is sponsored by Blair and Walton, Salvador Mosca, among others. It is significant, for the question which shall be presented, the last chapter of *The Uses of Argument* where Toulmin, focusing on intuition and cognitive mechanisms, points how can one be exempt from presenting reasons and justifications, in determined situations, without losing the validity from what is stated. That is the case of the topic about "Sixth sense" (p.343-354).

5. ALTERITY AND IDENTITY

The act of *speaking about oneself,* on the other hand, brings a *situation of dialogue*, a communication where a relation of alterity must be necessarily present, not incurred on the same process of self-deliberating. It has to turn out of himself towards the other, presenting either as a supporting, or as an opponent, being many arguments *ad hominem* in the disqualification processes. Using an argument against oneself may occur in talking to oneself, but very little in talking about oneself, except for an impropriety or impaired modesty. It is when the dialogicity is shown either in a constitutive way, through the discursive memory of the collective, or by the presence of the other, in a work of mutual constitution, which is shown in the heterogeneity of the speech. It is when one works the question of *identity* and in which the *interests* account for and in which talking about oneself is like a lawyer advocating in his own favor. It is possible, from the *enunciation level*, to have approximations and access to this interlocution, in which are involved concepts of context, implicit and interdiscursivity

The discursivity itself among several users requires other skills that the Rhetoric seeks to account in the search for the best results for the interlocution and to reach the objectives that are in mind. In a narcissistic society in which we live nowadays, the image created for oneself matters as much as the one built for the other, according to the desired patterns and that the virtual environment accentuates in a forceful way. The failed acts, indicators of many subjective states and dear to psychoanalysis, indicate a certain transition between the intimate and the socialized.

In what refers to the *construction of the image* and *identity*, the *ethos* of each one is built by means of euphemisms, by the disguised lies, the deception, the false modesty, the arguments *ad verecundiam*, among others. The last touches very closely the design and shaping of the image, in phrases like "to have arrived to what I am, I've made many sacrifices", in which the overvaluation of oneself is associated with the character of victimization.

6. SOCIAL DIMENSION: DISSOCIATION AND FALLACIES

The situation of choice requires living dilemmaticaly and that is part of the notion of citizenship and political action, since governing and being governed always implies taking decisions, taking into account the social dimension of public policies. The dissociative figures, pointed out by Perelman and Tyteca in their classification of argumentative techniques, in addition to those of association, constitute the concrete manifestation of what is exposed here. Dissociation

can be given by rupture of connection and dissociation of notions, expressing a worldview and establishing hierarchies, in which the most frequent pairs are: middle/end; act/person; accident/ essence; being/appearing; Illusion/truth; oppositions like: Relative/absolute; subjective/objective; individual/universal; legal/illegal, among the principals.

In a combination of the pair, whose elements may occur jointly, one of the members will be emphasized, in a gesture of appreciation, and may also reach an *impasse,* as not resolution of the dilemma and hence the conflict. In the resolution of the dilemma, as it is seen in the Aristotelian ethic, the Common Good must prevail over the whole collectivity and not the privilege of the few.

The place that the *fallacies* occupy both in speaking to oneself and in speaking about oneself differs not as to the strategies used, but to the purposes that one wants to achieve, going from self-deception and self-description to euphemisms and hyperboles. In fact, in the speaking to oneself the resources are not exactly fallacies, because pertinent to the desired effects and which we describe at the beginning of this exhibition. In the speaking about oneself, it is a fallacy when it doesn't consider the criteria of relevance, being necessary to know the context of interaction and its persuasive force, since an argument is not intrinsically fallacious. It can be legitimate in a resolution of divergence of opinion. Thus, from a perspective of interaction, it is possible to consider an argument not as fallacious, but within a framework of a speech. Otherwise, every convincing process would involve fallacious procedures.

7. DISCURSIVE GENRES

Regarding the discursive genres, the academic memorial *genre* is one of those that approach the self-deliberation on question, because it constitutes the revision of a life trajectory and the search for a conductor wire that gives it a meaning, in a movement of *flashback* . According to Socrates, a not evaluated life is not worth living. It becomes a kind of charge in the academic environment. For Zygmunt Bauman, hardly the authors have time to do that in their daily life, that is, "to examine in retrospect the road they have made – or rather to organize the footprints to produce a road simulation" (2012:09). This work has remained for the authors ' scholars.
Likewise, another discursive genre, in which the subject speaks of himself is the *autobiography* (the one who writes about his own life) or the accounts of life, centered on the narrative. They constitute examples, the work *Confessions,* of St. Augustine, written in the year 400 A.D.; The *Confessions,* of Rousseau, in the 18th century; *Memories,* of Taunay, from 1948 and many other works of this kind. It might seem that the best person to speak about oneself could be the subject himself, however, this is misleading, because there is a possibility of deformations, deliberate omissions, forgetfulness, arising from the desire to refine the self-image and narcissistic attitudes. Border genre is the journal, the day after day record of a life, in which the speaking to oneself manifests itself, and there may also be the underlying intentionality of perpetuating the self-image. It is also subject to the conditions of other genres, and can assign a romantic character to the various occurrences.

7. CONCLUSION

A positive fact is that self-knowledge can become a transforming agent and bring benefits of a social nature, decreasing the distance between the subjects and the asymmetries of the society, that is, the existing differences. The mutual representations come into play, in which mediation plays a very important role, leading to greater efficiency, when it refers to persuasion and

resistance to what is postulated. From this confrontation, the *stasis,* one can reach a better understanding and a less conflictive coexistence.

Finally, joining the *speaking to oneself* and *speaking about oneself*, among the traits that bind them together there is *reasonableness*, not certainties, but what is plausible, probable and accepted by others. According to Perelman & Tyteca:

> Accordingly, from our point of view, it is by analysing argumentation addressed to others that we can best understand self-deliberation and not vice versa (Op.cit.p.41).

In both situations, it is worth considering the *Critical Place* that subjects occupy, in relation to themselves and others, a place of transformation, which can lead an old order to a new perspective, in which the rational and the affective are joined in the production of a New Order, so that they will make corrections and adjustments necessary for a fairer balance of life in society and for living together.

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The translator's visibility. Translators' critical argumentation on their translating effort

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ABSTRACT: At the atypical intrapersonal monological level, this paper explores critical argumentations in contemporary translators' notes of literary texts, in which translators both reveal the richness of their encounter with literary masterpieces and provide reflections on their translating practice. Using the general framework of a Pragma-Dialectical standpoint, the study aims to investigate the argumentative structures, argument schemes, and linguistic markers used by translators to explain the cultural-linguistic constraints they have to address in their work.

KEYWORDS: argumentative monologue, critical argumentation, expository questions, monological discourse, translator's notes, translator's visibility

1. INTRODUCTION

Setting aside the interpersonal level, at which argumentation is generally conceived of as a dialogic activity between two or more interlocutors, this paper explores a particular type of critical discussion, namely the *argumentative monologue* (see Dascal, 2005; Rigotti, 2005; Rocci, 2005; Rigotti & Rocci, 2005; van Eemeren & Peng, 2017). The focus is on notes of contemporary translators, in which they describe their way of both interpreting a literary source text and rewording it into a target text (henceforth ST and TT respectively).

In many of their practical—and sometimes theoretical—descriptions, translators offer an articulate and convincing account of the solutions they find for the cultural and linguistic problems met in a text, displaying a naturally critical attitude in arriving at a reasoned evaluation of their work. Indeed, such evaluations are offered in light of their evident consciousness of the whole translation process, which is both an interlingual and intercultural mediation. In their accounts, translators comment on the strategies they have used to align two linguistically and culturally different worlds; they reflect on their activity and the motivations behind their inclinations, pointing out argumentatively and descriptively the relevant aspects of their work.

In the literature on argumentation, scholars' studies usually cover a wide range of text types, in which the dialogical interaction mainly takes place face to face between a protagonist and an antagonist, both exchanging moves on a central issue and aiming to resolve a difference of opinion on it. By contrast, to our knowledge, relatively few analyses have been conducted on "intrapersonal argumentation" (Zampa & Perrin, 2016, p. 10) and on the argumentative moves which underpin it. Interaction within oneself is mainly investigated in psychology (e.g. Billig, 1987, pp. 82-117; Vygotsky, 1934/1987) and philosophy (Bakhtin, 1981, pp. 259-422; Perelman & Olbrechts-Tyteca, 1970, pp. 53-59), but the interdisciplinary approaches that examine the encounter between Argumentation Studies and Translation Studies (e.g. Malcolm, 2001; Kharmandar, 2016; Williams 2001, 2004) remain few in number.

Approaching translators' notes from an argumentative viewpoint means, therefore, not only increasing the investigation into an untypical form of argumentation—the monologue—, but also casting new light on the specific strategies translators choose to reword a literary text into a new language and culture. Moreover, translators' accounts are a form of illustrative reflection that can be of interest to both readers—eager to know the revealed secrets of a translation—and translation critics and theoreticians, who *should be* willing to become familiar with the case reports and illustrative examples which form the basis of their speculations. Indeed, Annette Kopetzki (Hamburg 1954), one of the most recognized contemporary German translators of Italian literature, advises theoreticians to ground their theories in translators' vivid examples and reflections on the alternative methods of rewording a literary ST (Kopetzki, 2015, pp. 71-72).

With the aim of moving forward along this new path, in this study I will analyze the translators' standpoints in their descriptive-argumentative texts. Editorial notes can, in fact, be approached in a variety of dimensions and contexts, according to their informative, operative-demonstrative, or descriptive purpose (cf. Balbiani, 2018, pp. 47-48). With most of the texts having a descriptive intent, the focus of this study will be directed towards those accounts in which translators use argumentative moves to give reasons for their linguistic and cultural choices.

In discussing the topic, I will structure the paper as follows. In section 2 I situate my study within the theoretical framework of the Pragma-Dialectical approach. In section 3 I present my analysis of two of the collected translators' accounts, while in section 4 I offer some general discussion about the main results of the analysis and the possible research avenues it opens up.

2. THEORETICAL BACKGROUND

The starting point for the study is the criticism made by Lawrence Venuti (1995) of the translator's invisibility, in which translators typically remain unseen, not usually even being quoted on the Front Page of the text they have translated. Since the strategy of *domestication* is nowadays largely applied in technical translations and usually involves a loss of information from the ST, Venuti's criticism is particularly valid for literary translations, in which the applied methodologies involve translators' evaluations on a relevant level.

Argumentation actually arises "in response to, or in anticipation of, a difference of opinion, whether this difference of opinion is real or merely imaginary" (van Eemeren, 2010, pp. 1-2). On the whole, argumentation per se is considered a social phenomenon, in which the dialectical dimension concerns two or more interlocutors, who are present to each other and tend to come to a solution on a common central issue through a critical discussion (see Dascal et al., 2005). By contrast, because of the monological character of translators' notes—identified by Rocci as "a one-speaker discourse addressed to others" (2005, p. 114)—the way translators tend to resolve a difference of opinion within their argumentation is by autonomously criticizing previous translations. When translators argue their case, the argumentation is part of an implicit dialogue between a protagonist (translators describing their work) and an implicit antagonist (authors of criticized translations). Hence, translators actually defend their own standpoint and criticize the different linguistic and cultural choices of their colleagues in rewording the same ST, making the assumption that their comments are not directly shared by the addressees. Therefore, in line with their pragmatic-dialectical dimension, translators' notes will be analyzed here as verbal activities with a descriptive-argumentative function.

The approach of the study is founded on both the Pragma-Dialectical theory of argumentation developed by van Eemeren and Grootendorst (1984, 1992, 2004) and the fundamentals of *critical argumentations* by Walton (2006). The four meta-theoretical principles, *functionalization*, *socialization*, *externalization*, and *dialectification* (see van Eemeren, 2010, pp. 27-28; van Eemeren & Grootendorst, 2004, pp. 52-53) form the point of departure for the analysis. Translators' notes are, in fact, a purposive verbal activity achieved through speech acts (*functionalization*) and directed at other people (*socialization*); but they can also be seen as a complex speech act, whose issue involves certain commitments for which translators can be held responsible (*externalization*), and whose purpose of resolving a disagreement is allied to a constant appeal to 'reasonableness' (*dialectification*).

However, when compared to this ideal model, translators' argumentative descriptions often show a *discrepancy* in the use of arguments. Like most critical discussions in everyday life, they are sometimes *defective*, and some of their moves remain implicit or play no part in the argumentation. The aim of the study is, therefore, to verify whether translators' argumentative moves can be recognized and evaluated in line with the proposed theoretical background. To this purpose, their moves will be reconstructed in relation to three main levels: the four dialectical stages (*confrontation*, *opening*, *argumentation*, and *concluding stage* as identified by van Eemeren and Grootendorst, 1984, pp. 154-175), a syllogistic internal organization of explicit/implicit premises and conclusions, and the speech acts which form their basis. In addition, the analysis will consider a specific type of questions, namely *expository questions* (cf. Estes, 2013, pp. 107-111; Kiefer, 1981), which are used as a rhetorical tool to preface one's own answer. As with *critical questions* in traditional dialectical argumentations, through which both interlocutors compel each other to give a relevant reply, expository questions allow the protagonist to better organize the structure of a monological argumentation articulated in multiple moves and hence "to bring about a deeper reflection on the question at hand" (van Eemeren, 2010, p. 75).

3. TRANSLATORS' NOTES AS CRITICAL DISCUSSIONS: DATA ANALYSIS

The corpus chosen for the analysis is composed of 30 texts written by contemporary German translators, including Burkhard Kroeber, Annette Kopetzki, Moshe Kahn, Luzius Keller, Andreas Loehrer, Maja Pflug, and Rosemarie Tietze. Their practical and theoretical descriptions constitute significant reflections on their experience of translating classical Italian masterpieces. Consequently, they can be regarded as a sort of "paratext", in line with all verbal and non-verbal productions analyzed by literary critics both within a volume—name of the author, preface, introduction, notes, chapter titles, illustrations—and outside the volume—interviews, conversations, diaries, correspondences—which accompany the text and guide the readers' curiosity (see Balbiani, 2018, pp. 45-46).

However, translators' notes have not yet been codified or systematically studied, partly because of low levels of interest from editors and translation theoreticians. Moreover, as their descriptions can be found in different types of text, the resultant problem was how to collect an adequate number of texts for the analysis. Under the heading of "translators' notes" it was thus inevitably necessary to consider not only preliminary remarks to any new editions—such as prefaces and introductions, of which there are still only a few—but also scientific articles by the same translators, as well as lectures, guest contributions, or speeches at award ceremonies.

In the following paragraphs the analysis will focus on extracts taken from two prototypical essays written by Burkhard Kroeber and Annette Kopetzki, who have

distinguished themselves through the finest linguistic and cultural interpretations of Italian masterpieces.

3.1 Burkhart Kroeber

The German translator and writer Burkhart Kroeber (Potsdam 1940) is considered one of the finest contemporary German translators from Italian. He has been honored with important awards and acknowledgments, including the literary prize of the *Kulturkreis der Deutschen Wirtschaft* (1985), the *Johann-Heinrich-Voß-Preis* for translation (2001), the *Translation Prize* of the City of Munich (2006), the *Christoph Martin Wieland Translator Award* (2011), and the Award in German-Italian translation for his lifetime achievement (2013).

Kroeber's fame is closely interwoven with Umberto Eco's masterpieces[1] and with the ultimate German version of Alessandro Manzoni's *I Promessi Sposi*[2]. Since 1971 he has worked as a freelance translator rewording literary masterpieces from English, French, and Italian. He has also worked as non-fiction editor for the premier publisher of plastics technology and metalworking titles Hanser Publications, but since 1982 has been investing his time and effort in translating Italian authors like Italo Calvino and Giacomo Leopardi.

Among the many accounts on his lifelong translating efforts, one in particular is noteworthy, because it has not yet been published and is nevertheless full of remarkable argumentative moves. Its title reads as follows: "Zu meiner in Arbeit befindlichen Neuübersetzung von Giuseppe Tomasi di Lampedusas *Il Gattopardo*. Ein bisher nur vorläufig skizziertes Nachwort"[3]. The analysis of this account is the subject of the next paragraphs.

3.1.1 Preliminary remarks on Tomasi di Lampedusa's masterpiece

The critical argumentation of Kroeber's text can be divided into four critical discussions concerning four different translation problems. The present analysis regards the first one and starts from the reconstruction of the logical-chronological facts at its basis. These can be summarized as follows:

- ✓ the masterpiece *Il Gattopardo* was never declared ready for publication by its author;
- ✓ a first publication by the editor Feltrinelli was printed in 1957 according to a first typewritten version;
- ✓ a manuscript version containing the author's corrections was found later;
- ✓ in 1963 the editor Feltrinelli published a second version containing the author's corrections.

3.1.2 The argumentation

In line with the highlighted facts, the central proposition at issue can be reconstructed as follows: *any correction an author makes to his manuscript can be judged as an improvement, so that an editor can consider them as appropriate and insert them in the version to be published.*

The issue involves two different statements or theses, the key viewpoints that can be divided into a *pro point of view* and a *contra point of view*. The first one is implicit and should be ascribed to the editor Feltrinelli, who decided to publish a second version incorporating the

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[1] *Der Name der Rose* (1982), *Das Foucaultsche Pendel* (1989), *Die Suche nach der vollkommenen Sprache* (1994), *Die Insel des vorigen Tages* (1995), *Der Friedhof in Prag* (2011).
[2] *Die Brautleute: Eine Mailänder Geschichte aus dem siebzehnten Jahrhundert* (2000).
[3] I thank Burkhart Kroeber for allowing me to quote this unpublished text.

manuscript's corrections: 'the manuscript found later is the version sanctioned by the author and his corrections are improvements'. The *contra point of view* is explicit, because Kroeber openly declares that the motivations for the author's corrections are mostly unspecified or erroneous: 'not all corrections can be considered reasonable and hence as improvements'. To solve the opposition between the viewpoints, Kroeber puts forward arguments, whose purpose is to clarify his decision in rejecting most of the author's corrections.

3.1.3 The four dialectical stages

The starting point of the stages to be examined analytically coincides with the first fact that the text was never declared ready for publication by the author:

> Der Text des Gattopardo ist also nicht vor dem Druck, wie sonst allgemein üblich, vom Autor für publikationsreif erklärt worden.

A second step regards the translator's viewpoint, which affirms that the publication of the second version of *Il Gattopardo* could be considered a reasonable decision by Feltrinelli only if the corrections were always improvements:

> Natürlich spräche nun nichts dagegen, die korrigierte Manuskriptfassung als die maßgebliche, da zuletzt vom Autor abgesegnete zu betrachten, […] wenn die im Manuskript vorgenommenen Korrekturen tatsächlich immer Verbesserungen wären.

The problem arises because Kroeber does not accept the premise as a valid reality in all cases and because he declares that the author's corrections cannot be always considered improvements. In this *confrontation stage* the difference of opinion is expressed both by the adversative conjunction *aber* (*but*) and by the negative adverb of time *nicht immer* (*not always*):

> Das ist aber, wie sich bei genauer Betrachtung zeigt, meines Erachtens nicht immer der Fall.

After this move, the translator should introduce the common procedural and material starting points of an *opening stage*. However, as highlighted above, translators' accounts are often defective and, as in the everyday, spontaneous way of arguing, they often show a discrepancy with the ideal model. Here, the translator passes directly to the *argumentation stage* and puts forward his arguments. One of these is *based on example* and concerns the critical discussion on the difference between both decisions, that is, to insert all the author's corrections as improvements or to consider them inappropriate on the basis of exemplary cases:

> So etwa, wenn es im Typoskript auf einer der ersten Seiten des Ersten Teils heißt: *»I raggi del sole calante ma ancora alto di quel pomeriggio di Maggio«* (»Die Strahlen der sinkenden, aber noch hochstehenden Sonne jenes Mainachmittags«, S. 5), und dann im Manuskript die Worte *»ma ancora alto«* (»aber noch hochstehenden«) gestrichen sind, obwohl sie den Stand der Sonne an jenem Mainachmittag sehr zutreffend beschreiben, denn umstandslos »sinkend« ist die Sonne im Mai erst abends nach acht, und das Rosenkranzgebet war gegen sechs Uhr zu Ende.

In a further move, Kroeber makes an *appeal to authority*, that of Tomasi di Lampedusa's adoptive son, who played an important part in the decision to accept all the corrections inserted by his father:

> Gioacchino Lanza Tomasi, der Adoptivsohn des Autors und Herausgeber der korrigierten Manuskriptfassung, zitiert diese Korrektur ausdrücklich als prominentes Beispiel dafür, dass der Roman »vor allem glaubwürdig« sein müsse: »Der Fürst erinnert in den ersten Zeilen des Buches nicht mehr an die ruhm- und schmerzensreichen Mysterien, sondern korrekterweise nur an die letzteren.« […] Damit meint er wohl, dass es inkorrekt wäre, wenn der Fürst im Gebet an zwei Arten von *Misteri* erinnerte, denn im Rosenkranzgebet werden die verschiedenen »Geheimnisse« über die Wochentage verteilt, sodass an jedem Tag nur eins davon dran ist. Der Autor hätte hier also nicht eine sprachliche, sondern eine inhaltlich-sachliche Korrektur vorgenommen, nachdem ihm bewusst geworden (oder gesagt worden) ist, dass beim Rosenkranzbeten immer nur *ein* Geheimnis pro Tag angesprochen wird.

After explaining the reasons why the author's corrections should not all be considered improvements, Kroeber's final move is made in line with the typical *concluding stage*. In further passages he openly declares that the undefined motivations for the author's corrections simply led him to reject them and to prefer the first typewritten version as ST:

> Warum der Autor die drei Worte hier gestrichen hat, ist nicht zu erkennen, vielleicht nur aus rhythmischen Gründen, jedenfalls ist die Streichung kein Gewinn, im Gegenteil, und so habe ich mir erlaubt, sie zu ignorieren und den Satz so zu schreiben, wie er in der Typoskriptfassung steht.
> Ein ähnliches Beispiel ist etwa zehn Seiten später, als der Fürst beim Abendessen seine Söhne kritisch betrachtet, der Halbsatz »das Gesicht voll modischer Melancholie« (S. 16), der einen charakteristischen Zug jener damaligen jungen Aristokraten beschreibt. In der Manuskriptfassung ist auch dieser Einschub (*con sul volto la malinconia di moda*) ersatzlos gestrichen, auch hier wieder, ohne dass der Grund dafür ersichtlich wird, und so habe ich mich auch hier an die Typoskriptfassung gehalten.

The result of the whole argumentation can be explained as follows. Even if the conflict of opinion is not decisively resolved through a 'successful dialogue' in the ideal way, the argumentation still provides a benefit. The translator clearly deepens his understanding of the underlying issue, adding clarifications through examples and quotations, and reasonably clarifying his divergences from other translators; hence, his argumentation can be considered *effective* (see van Eemeren, 2010, pp. 25-38).

3.2 Annette Kopetzki

Annette Kopetzki (Hamburg 1954) is a well-known German literary translator with a PhD in literary translation problems. She worked as a lecturer both in Italy and Germany: at *Scuola Superiore per Interpreti e Traduttori* in Rome (1990-1992) and at the Department of Literature at the University of Hamburg (1997-2000). In collaboration with the Germanist and literary scholar Friedmar Apel, she wrote one of the standard texts on the theory and history of literary translation[4], and since 1988 has worked as a freelance translator of Italian authors such as Andrea Canobbio, Erri De Luca, and Pier Paolo Pasolini. Each of their work has taken her "to a different Italian regional culture", bringing about "an enriching experience" and involving an "ongoing professional learning"[5].

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[4] Apel, F., & Kopetzki, A. (2003). *Literarische Übersetzung*. Stuttgart: Metzler.
[5] In http://authors-translators.blogspot.com/2013/10/annette-kopetzki-and-her-authors.html.

3.2.1 The argumentation

The text chosen to describe Kopetzki's argumentative inclinations is a longer essay published in 2015, with the title: *Praxis und Theorie des literarischen Übersetzens – neue Perspektiven*.

In the text there is one central proposition at issue: *translators' notes are important for the theory of translation*. The issue involves two different statements or theses, that is, the two key viewpoints that can be divided into a *pro point of view* and a *contra point of view*. The first one is explicit and defended by the translator herself, who considers translators' notes a precondition for theoretical speculations on translation: 'translators' accounts are important for translation theoreticians who can grasp methods and systematize them according to general concepts'. The *contra point of view* is implicit and refers to the majority of translation theoreticians, who do not usually start from translators' notes and implicitly consider them unnecessary: 'most of contemporary translation theoreticians are not interested in translators' accounts and do not take them into consideration for their speculations'.

To resolve the opposition of these two viewpoints, Kopetzki puts forward different types of arguments, also helping her readers follow her reasoning by using *expository questions*, which undoubtedly render her essay more *effective*.

3.2.2 The four dialectical stages

As with Kroeber, it is possible to distinguish the various stages in Kopetzki's argumentation analytically. In the *confrontation stage* two assertive speech acts highlight the problem, namely that Kopetzki's standpoint is accepted only by very few contemporary translation theoreticians. Hereafter, she tries to find out how much relevant common ground she shares with them and starts the *opening stage* with an *appeal to expert opinion*, through which she makes her assertive act reliable:

> Der amerikanische Übersetzungstheoretiker Douglas Robinson hält solche Erfahrungsberichte aus der Praxis für die Quintessenz und Quelle des theoretischen Nachdenkens über Übersetzung. (p. 72)

A further argument is *based on example* and again contains an *appeal to expert opinion*, since Kopetzki refers to the first essays written by famous translators like St. Jerome, "the patron saint of translators":

> Kein Wunder – stammten die ersten Abhandlungen über die übersetzende Tätigkeit doch von Übersetzern selber (z.B. vom Schutzpatron der Übersetzer, dem Kirchenvater und Bibelübersetzer Hieronymus). (p. 72)

At this point two arguments are used, one *from analogy*:

> Will man das Übersetzen als ästhetisch-künstlerische Praxis beschreiben, bietet sich der Vergleich mit anderen interpretierenden Künsten an. (p. 74)

the other one *from position-to-know*:

> Einer der ersten, der den Begriff ‚Übersetzung' metaphorisch auf Formen künstlerischer Bearbeitung ausdehnte, war Roman Jakobson. (p. 74)

Here, unlike in the ideal Pragma-Dialectical model, a second *confrontation stage* is introduced by a first *expository question*, in which Kopetzki highlights the need of all translation theoreticians for a systematic reference to the practical translators' descriptions:

> Noch bleibt die systematische Untersuchung dieser Praxis als einer künstlerischen Tätigkeit jedoch ein Desiderat der Übersetzungstheorie. Warum ist das so? (p. 76)

The answer is given in a series of considerations ("ein paar eigene Überlegungen"), into which an *argument from expert opinion* and a *counter-argument* are inserted. The first one is based on a general reference to critics who are habitually against any typological definitions of the translating process:

> Kritiker wenden gegen die texttypologische Definition von Übersetzung ein, dass jede Art Übersetzung hermeneutische Probleme aufwirft, die bei literarischen Texten nur besonders deutlich werden. (p. 76)

The *rebuttal* is, however, based on the difference between literary and specialized translation or interpreting:

> Das ist zweifellos richtig, *dennoch* unterscheidet sich das Literaturübersetzen vom Dolmetschen oder der Fachübersetzung – und zwar durch die besondere Weise, wie es sein Verstehen des literarischen Originals dokumentiert. (p. 76)

The *argumentation stage* which follows is mostly based on a second and third *expository question*. These are introduced by a double *appeal to authority*, which includes the quotation from the experts Schleiermacher and Wittgenstein:

> Dazu zwei Zitate. Friedrich Schleiermacher bestimmte die „Auslegungs- und die Übertragungskunst" mit analogen Begriffen. Über das Verstehen sagte er […].
> Ähnlich hat Ludwig Wittgenstein die Logik des Übersetzens bestimmt: […] (pp. 76-77)

The answer to the second *expository question* is a more in-depth reply to Kopetzki's initial question (defined by herself as "rhetorical") about the strong correlation between the translators' case descriptions and the theoreticians' speculations:

> Warum lassen sich keine verallgemeinerbaren Lösungsmethoden für Übersetzungsprobleme angeben? Hier liegt die zweite, tiefergehende Antwort auf meine rhetorische Eingangsfrage nach dem Zusammenhang zwischen den Einzelfallbeschreibungen und der Theorie. Die allgemeinen Aussagen der Theorie brauchen den besonderen Einzelfall, weil die Einzigartigkeit jedes Übersetzungsproblems auf den besonderen Charakter ästhetisch gebrauchter Sprache verweist. (p. 77)

The answer to the third *expository question* is, instead, a sort of introduction to her concluding arguments:

> Also lässt sich ästhetisch gebrauchte Sprache auch nicht in eine andere Sprache übersetzen? Der Schluss liegt nah. Dies ist tatsächlich das grundsätzliche Paradox der literarischen Übersetzung, und hier liegt auch die Grenze der wohlfeilen Gleichung zwischen Übersetzen und Interpretieren. (p. 77)

The *concluding stage* is made up of two final remarks, which consider the close connection between theoreticians and translators. In the first remark, Kopetzki uses an *assertive* speech act, according to which theoreticians should study translators' descriptions systematically:

> Die allgemeinen Aussagen der Theorie brauchen den besonderen Einzelfall, weil die Einzigartigkeit jedes Übersetzungsproblems auf den besonderen Charakter ästhetisch gebrauchter Sprache verweist. (p. 77)

Here she uses two arguments, one *from expert opinion* and one *based on example*:

> Die Arbeiten von Rainer Kohlmayer, einem der wenigen Theoretiker, der die konzeptionellen Äußerungen von Übersetzern systematisch berücksichtigt, sind ein Beispiel dafür, dass die Theorie, wenn sie sich konsequent auf die Praxis bezieht, das ästhetische Moment der Übersetzung erfassen kann. (p. 80)

In the second concluding remark, two modal verbs (*müssen/must*, *sollten/should*) are used for two *directive* speech acts:

> […] *müssen* Übersetzer durchaus Strategien und Konzepte entwickeln. […]
> Übersetzer *sollten* in der Lage sein, über ihre Arbeit zu sprechen, ihre Entscheidungen zu erklären, ihre Methoden zu benennen. (p. 80)

The speech acts are directed at translators and aim to highlight the importance of both developing and explaining strategies. As a matter of fact, if translators formulate clear descriptions, they enable theoreticians to better comprehend the secrets of their work.

In line with this reconstruction of Kopetzki's critical discussion, it is now possible to go back to the syllogistic internal organization of the whole argumentation according to two premises and a final conclusion. The first premise conveys the conviction that translators' notes offer good examples of the translation process:

> Die Theorie gewinnt durch detaillierte Fallbeschreibungen der übersetzerischen Arbeit anschauliche Beispiele für unterschiedliche, ja, teilweise entgegengesetzte Methoden des Übersetzens, die sie systematisierend unter allgemeine Begriffe fasst. (p. 72)

The second premise regards the uniqueness of each translation problem in referring to the specific esthetic character of the language:

> […] die Einzigartigkeit jedes Übersetzungsproblems verweist auf den besonderen Charakter ästhetisch gebrauchter Sprache. (p. 77)

In her final conclusion, Kopetzki reiterates not only the importance of translators' notes for the theory of translation, but also the need for translation theoreticians to take translators' notes seriously and to start studying them systematically:

> „Es empfiehlt sich, mit dem Nachwort des Übersetzers zu beginnen" […] Es empfiehlt sich, diesen Rat nicht nur an die Leser von Übersetzungen, an Übersetzungskritiker und -lektoren, sondern auch an die Theoretiker der Literaturübersetzung zu richten. (p. 71)

As a result, the conflict of opinion in Kopetzki's argumentation also cannot be considered resolved in the ideal way, because there is no active counterpart. However, during the course

of her argumentation Kopetzki deepens her understanding of the issue, supporting it clearly, and adding examples, quotations, and expository questions, which successfully articulate her reasons and clarify her divergences from other translators in a *reasonable* way.

4. CONCLUSION

In this paper I set myself the task of approaching argumentation in monologue using the Pragma-Dialectical standpoint. The study was an analysis of the naturally critical attitude of German translators in reaching a reasoned evaluation of their translating experience with Italian literary masterpieces. The analyzed corpus contains translators' notes, that is, preliminary remarks to a new edition, as well as scientific essays, lectures, guest contributions, or speeches at award ceremonies, in which the linguistic and cultural mediation process between a ST and a TT is argumentatively motivated.

The key arguments highlighted in the paper concern the monological character of the collected texts and are closely linked to the interdisciplinarity of *Argumentation Studies*, which have here been integrated with the discipline of *Translation Studies*.

The remarks contained in translators' texts about the strategies used and the viewpoint expressed represent the fundamental component of Translation Studies' theory. However, editors and translation theoreticians still have difficulty in grasping their importance and reveal an incoherent and slight interest in translators' practical descriptions. Furthermore, given that such texts are organized in argumentative moves, the need for a deeper encounter between *Translation Studies* and *Argumentation Studies* arises.

One of the aims of the paper was, therefore, to show that the integration of both disciplines is an important factor for a constructive scientific evaluation of translators' accounts, which—like most types of paratext—have not yet been codified or systematically studied. The 30 collected texts were analyzed as argumentative patterns based on Pragma-Dialectics. Among them, two in particular, by Burkhart Kroeber and Annette Kopetzki, were chosen to highlight their main features. On the basis of the meta-theoretical principles and dialectical stages of Pragma-Dialectics, it was also possible to reconstruct the syllogistic internal organization concerning premises and conclusions.

The analysis of both prototypical texts has shown that, even if the conflict of opinion is not decisively resolved in the ideal way, since an active counterpart is missing, translators' accounts are grounded in a number of speech acts and arguments as in standard argumentations. Translators deepen their understanding of the central issue, adding clarifications, examples, quoted extracts, and expository questions, which articulate the descriptions in a successful way.

In particular, the distinguishing feature of expository questions is to have the speaker himself answer them in order to bring about a deeper reflection on the question at hand. By contrast, in a dialectical dimension the proponent usually expects the respondent to offer a relevant reply, and both interlocutors take part collaboratively in helping the dialogue move forward towards its concluding stage. Consequently, questions in monological texts are used as a rhetorical tool to render the essay more *effective*, thus keeping the reader's attention. Moreover, with the counterpart being not physically present but only critically quoted with regard to their different translation choices, the acceptance of the proposed solutions can only be wished by the translator and eventually verified later. Hence, the analysis of both the texts' structure and the speech acts at their basis brought us close to the notion of "*monological discourse* for non-interactive texts" introduced by Rigotti (2005, p. 94) and extended by Rocci (2005) and later by Greco Morasso into "an inner argumentative discussion oriented towards a model of *reasonable* resolution of disagreement" (2013, p. 62; emphasis in the original).

The analyzed texts confirm that translators naturally adopt an attitude which not only uses rhetorical and argumentative strategies, but also makes "an implicit appeal to reasonableness" (see van Eemeren & Grootendorst, 2004, p. 2). In fact, translators' critical argumentation also compels them to put forward trustworthy and successful arguments, that is, to be *reasonable* and *effective*.

However, the consequence of abandoning the context of debate is that translators do not always follow the logical-chronological sequence of the four stages and that something in their moves can remain unclear or implicit. Consequently, the prospect of analyzing translators' notes as an argumentative pattern is indubitably in need of further exploration both at the practical and the theoretical level. The intention is to deepen not only the similarities and differences in the macro-structure of both dialectical texts and argumentative monologues; the use of questions, whether *critical* or *expository*, can also help highlight the successful way of reaching a solution to a difference of opinion, whether real in a dialogue or imaginary in a monologue.

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From technique to tactics: How to teach *dispositio*?

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ABSTRACT: Based on previous rhetorical teaching experiments in high school and at university, this paper will focus on the difficulties encountered by the learners on the level of *dispositio* (organization and structure of a speech, rhetorical strategy) and explore practical solutions, inspired by Ancient manuals, in order to face this task, develop new skills and improve the training.

KEYWORDS: Ancient rhetoric, arrangement, dispositio, exercises, organization, progymnasmata, skills, strategy, structure, teaching

1. INTRODUCTION

From July 2013 to July 2017, I was involved in a research project ("Training rhetoric: practical reason, creativity, citizenschip"; F.R.S.-FNRS, Université libre de Bruxelles; supervision: Emmanuelle Danblon) which aimed at testing Ancient rhetorical exercises in high school and at observing the effects of this particular training on the pupils in their compositions and oral presentations. During this project, I taught teenagers the bases of argumentation and rhetoric, taking inspiration from Ancient manuals and treatises.

This pedagogical experiment was successful and the results tend to show that thanks to these exercises, pupils could not only learn and acquire technical notions (like paying attention to their *ethos*, trying to evoke emotions, or, for what concerns *logos*, using various *topoi* or argumentation schemes), but also develop cognitive and relational abilities such as flexibility, open-mindeness, creativity or empathy (for more details, see Dainville & Sans, 2016; Sans, 2017). I am currently teaching rhetoric and argumentation at the University of Lille with the same practical approach. However, if pupils and students quickly master the first step of the orator's training, *inuentio*, i.e. finding potential arguments in every situation or genre, I have been struck by recurrent difficulties in both groups, which seemed to be linked to the next orator's task: *dispositio* or arrangement. In this paper, I will first resume these difficulties and then explore potential and practical solutions to approach them.

2. DISPOSITIO: CONTEMPORARY PROBLEMS

It is probably easier to explain the various problems which occurred in the pupils' and students' compositions from a concrete example. In order to teach rhetoric and argumentation, one of my favourite assignment is *controuersia* (Sans 2015; 2018). *Controuersia* is a type of declamation which consisted in a kind of trial simulation, a case on which students were supposed to make a speech to accuse or to defend, or both. This exercise was the culmination of the students' curriculum in Antiquity and was conceived as an application of the theory of *staseis* ("issues"), which categorized the various type of cases, as well as the strategies and arguments available for each of them (see Berry & Heath, 1997; Heath, 1997; Russell, 1983,

pp. 40-73). As the most advanced exercise, *controuersia* allows to use various strategies and techniques, and I like to use it regularly as a way to measure the student's progresses. It is of course possible to adapt the principles of this exercise to everyday life situations (Sans 2015; 2018) or to use real trials (see Braet, 1987; Hohmann, 1989; Hoppmann, 2008; Kock, 2012), like in the following example:

> Marc, 45 years old, 1,91 m and 115 kg, is a former rugby player, who, after years of glory, fell into depression and alcoholism. On August 7th 2004, he and Chantal, his medical secretary and wife for 24 years, were invited at a party by Marc's best friend, Christian, and his wife, Babette. During the dinner, Chantal asked for divorce because of her husband's violence, jealousy and affairs. Marc got angry, grabbed his wife and wanted her to go home with him, but she refused. Asked to leave by his guests, Marc pushed Babette, took his car, went back home and then back to the party, with his 357 Magnum. He fired five shots on his wife, who died. The guests barely managed to control Marc, who shouted: "I have killed her, but I love her! Kill me!". When he was arrested, Marc had 2,65 grams of alcohol in his blood. He is charged of premeditated murder. The prosecution requests 15 years' imprisonment; the defence tries to obtain a more lenient sentence.

This is a simplified version of the case of the former French rugby player Marc Cécillon, who was first sentenced to 20 years' imprisonment for the murder of his wife, but finally to 14 years at the appeal trial, thanks to the defence of the famous French lawyer Éric Dupond-Moretti (see Aron, 2013, pp. 60-65). In class, my students and pupils were asked to argue, as best as they could, for both sides. At that time, they were already trained in *ethos*, *pathos* and *logos*, but I often observed the following problems in their compositions:

1) They did not systematically compose an introduction nor a conclusion, which they might have learnt to do in other classes. Introduction or *exordium* could be of great importance to deal with the audience's attention or sympathy, especially on the defence side. And without conclusion, the composition ends abruptly or flatly.

2) They did not always think to recount or tell the facts in order to put forward interesting aspects that they could use in their argumentation. Sometimes, they simply copied the story at the beginning of their speeches without the slightest change. Many studies have shown the importance of narration or description in Ancient or contemporary speeches (see for instance, Herman, 2008; Webb, 2009).

3) For what concerns the argumentation itself, students and pupils tend to go straight to the main charge, before coming back to the previous facts and developing all the arguments they found without any selection nor organization. This creates a "torrent" of ideas or a "pack" of arguments gathered at the end of the speech, which are not easy to sort out. There often appear ideas which are, or which imply elements that are, contradictory with the previous ones (for instance, on the accusation side, something that implies that the crime was not premeditated or that the accused was not fully aware of what he was doing), creating some "kettle" effect (with reference to the fallacious "kettle logic"). Finally, another correlated phenomenon is that the students do not or badly rank their arguments. In this case, the only and most important charge is premeditated murder; the other elements (possession of a firearm, violence, drunkenness, infidelity) are indirectly relevant and can only be used to aggravate or lighten the deed or, for instance, to make a negative portrait of the accused. But, when they had already treated the main charge and used their best arguments, the students, still trying to manage a progression in their speech, sometimes presented secondary elements as the main ones or the worst of all ("the worst is that he hit his best friend's wife / cheated on his wife").

This – actually common – example shows that argumentation (or *inuentio*) and arrangement (or *dispositio*) are closely connected. The strength of arguments depends on the system in which they are placed and, when one knows all the available means or possible arguments, it is necessary to select and sequence them, in order to achieve at least clarity, and

potentially, efficiency (Quintilian VII, praef.; Pseudo-Longinus 40, 1). As the Greek word for *dispositio*, *taxis*, suggests, the author of the *Rhetorica ad Herrenium* (III, 18) and Quintilian (VII, 13) compare this art to military tactics, when a general needs to hold his troops in order to use them at the right moment. Similarly, on a cognitive level, inhibition is needed to hold creativity and take time to think about the founded ideas and what to do with them. It is not natural and it could require specific attention (Theon, *Progymnasmata* 126, 2 Spengel could suggest that some, unfortunately lost, treatises were devoted to this part of the art) and training. However, this crucial aspect is often left aside in contemporary argumentation manuals and limited to general recommendations (see for instance, van Eemeren, Grootendorst & Snoeck Henkemans, 2002, pp. 157-159; 175-179), because they mainly focus on the criteria of the argumentation itself, which is only a part of a good speech. Therefore, the aim of my current research is to find practical ways and exercises to teach arrangement, in a functional approach (on the various approaches, see Snoeck Henkemans, 2003).

3. DISPOSITIO: EXPLORING ANCIENT SOLUTIONS

As a classical philologist, my first reflex is to go back to the Ancient texts hoping to figure out the way they approached the problems I meet. In Antiquity, the first step of the rhetorical training was the *progymnasmata* ("preparatory exercises"), a relatively homogeneous and progressive set of exercises, mainly known thanks to four manuals (Aelius Theon, Pseudo-Hermogenes, Aphthonius and Nicolaus) from the first centuries BC (Patillon, 2002; 2008; Kennedy, 2003; see also the examples attributed to Libanius in Gibson, 2008). The most extended list, from Aphthonius' manual (IVth c. AD), comprises 14 exercises (Kennedy, 2003):

> *Mythos* ("fable"): fictive narrative
> *Diêgêma* ("narrative"): historical narrative
> *Chreia*: brief recollection, referring to some person in a pointed way
> *Gnômê* ("maxim"): summary statement, in declarative sentences, urging or dissuading something
> *Anaskeuê* ("refutation"): overturning of something at hand (fable, narrative, chreia)
> *Kataskeuê* ("confirmation"): corroboration of something at hand
> *Koinos topos* ("common-place"): amplification of something acknowledged (good or bad)
> *Encomion*: praising someone/something
> Psogos ("invective"): blaming someone/something
> *Synkrisis*: comparison
> *Ethopoeia*: imitation of the character of a proposed speaker
> *Ecphrasis*: description bringing what is shown clearly before the eyes
> *Thesis*: logical examination of a question/action (e.g. whether one should marry)
> *Nomou eisphora* ("introduction of a law"): supporting / attacking a proposed law.

Theon's manual (I[st]-IInd c. AD, according to Patillon, 2002) adds five other exercises to back the main ones: reading, listening, paraphrase, elaboration and contradiction. One of the striking characteristics of this cycle is its completeness: it recovered, on a basic level, almost every part of rhetorical theory and the orator's tasks. It is also true for what concerns arrangement. In this regard, Nicolaus' manual, dating from the fifth century AD (Felten, 1913; Kennedy, 2003), is particularly systematic and instructive.

1) First, on a macro-structural level, it is clear that the aim of this cycle was to be able to write and deliver a complete speech. Nicolaus repeatedly states that "some *progymnasmata* are parts and some are parts and wholes", or that some make a complete *hypothesis* and others do not. Each exercise was connected to a specific part of a classical speech, as it can be understood from this quotation about the "common-place" exercise:

"For since there are five parts of a speech–prooemia, narrations, antitheses, solutions, epilogues –, among which epilogues are the final part, after being exercised in the other forms through what has been said already, and especially after being taught how one should use arguments and how to fight against what seem to be strong objections, which was what we were doing in refutation and confirmation, we quite rightly should take up the progymnasmata exercising us for epilogues, which is the common-place. Chreia and maxim taught how one should work up prooemia; how we should make use of narrations we learned in the progymnasmata called narrative, and, of course, also in refutation and confirmation, we narrated the whole account against which we were contending before arguing our case point by point. Refutation and confirmation provided exercise in antithesis and solutions. Thus there is now left, the epilogue, for which common-place fills the need." (Nicolaus, *Progymnasmata* 7, 35-36 Felten; translation: Kennedy, 2003)

To this quotation, it should be added that the following exercises train some other kinds of argumentations or parts of a speech, like *encomium* or *ekphrasis* ("description"), as it can be seen in the second column of table 1 (below). This quotation also reminds us that refutation and confirmation have not always been separated exercises but were originally conceived as extensions of the narration or the fable (like in Theon's manual). This reveals another property of the cycle – let's call it "combinarity"– and probably the way it was supposed to teach *dispositio*: the exercises could be progressively combined to form a complete speech.

Table 1: *Progymnasmata* according to *dispositio*

Exercises	Related parts of a speech (according to Nicolaus)	Diuisio (various manuals)
Fable / Narrative	narratio	Theon: prooemion, refutation (unclear, implausible, inappropriate, inconsistent,…), confirmation, recapitulation, compression or extension, rearrangement, comment or explanation, gnomic statement, etc.
Chreia / Maxim	prooemion	Theon: restatement, comment, contradiction, compression or extension, refutation and confirmation Aphthonius: praise, paraphrase or comment, cause, contrary, comparison, exemple, testimony, epilogue (Nicolaus: or brief exhortation)
Refutation / Confirmation	argumentatio (forensic)	See Narrative
Common-place	peroratio / conclusio	means of amplification; Aphthonius: opposite, exposition, comparison, intention, digression, rejection of pity, "final" (deliberative) headings, etc.
Encomion / Invective	argumentatio (epideictic)	Aphthonius: prooemion origin/birth/family/nation, upbringing, external/physical goods, virtues and actions, death, comparison, epilogue; sometimes apology (Theon) or antithesis (Nicolaus)
Synkrisis	argumentatio (any genre)	comparison on the same headings than in the encomion

Ethopoeia	argumentatio, inserted speeches, ethos & pathos	Theon: exhortation, dissuasion, consolation, asking for forgiveness. Other manuals: present, past, future
Ekphrasis	description or narrative with *enargeia* ('vividness')	Depending on the listed subjects: before, during, after; head to feet, etc.
Thesis	argumentatio (deliberative & epideictic)	Generally: prooemion, final headings (= deliberative topoi), epilogue; sometimes, examples (Theon), refutations (antithesis and solution in Aphthonius's manual), etc.
Introduction of a law	argumentatio (deliberative & forensic)	Aphthonius: prooemion, contrary, deliberative headings, epilogue

2) Secondly, this principle is also to be found on a micro-structural level: several exercises had their own *dispositio* and could be submitted to abridgment or extension, which generally consisted in specific additional developments or arguments. The *chreia* for instance, which consisted in reporting a memorable saying or action attributed to some famous person, also included, in some manuals, praise of the author, paraphrase or comment of the saying or the deed, cause, contrary, comparison, example, testimony of the ancients, and brief epilogue. This means that the learners were used to compose similar developments with more or less length, but also, if one collects some of these potential extensions in the *progymnasmata* manuals (third column of table 1), that, to do so, they mastered numerous types of developments and arguments, which are, actually, units or items of *dispositio*.

3) Thirdly, this principle is not limited to a classical forensic or deliberative speech. Indeed, confronting these items to some other treatises, it can be observed that they also entered in other combinations to form other speech genres. Let's read, for instance, an extract of Menander's presentation of a funeral speech:

> Thucydides, however, writing a funeral speech for those who fell at Rheitoi at the beginning of the Peloponnesian War, did not simply pronounce an encomium on the men, but made the point that they were capable of meeting death; he was cautious, however, of the topic of lamentation because of the needs of the war– it was not the orator's business <to cause> to weep those whom he was exhorting to fight. He also added the consolatory topic. (Menander Rhetor II, 9, 418, 15-22 Spengel; translation: Russel & Wilson, 1981)

This passage shows that the Ancients understood some other kinds of speeches as combinations of various parts, with definite functions, which could be added or removed freely, according to the circumstances. This approach is also to be found in later rhetorical treatises, particularly from the Renaissance and XVIIth century, to describe different speech types (see for instance, Vossius, *Rhetorices Contractae*, II, 1621 [1660]; Goyet 2013; Noille, 2014; Sans, 2014).

4) Finally, for what concerns hierarchy of the arguments, it probably came later in the curriculum, with the *staseis* theory and when students were confronted to complete and almost real speeches. It can be seen, for instance, in Seneca the Elder's *Controuersiae & Suasoriae* (Winterbottom, 1974), that the students and their master practiced the *diuisio*, with consisted in identifying the issues at stake in the exercise and the order to address them, in a kind of analysis or planning. Similar discussions on the order of the arguments according to their strength can be found in classical treatises, but are brief and scattered: they generally recommended the "Homeric" order (see *Rhetorica Ad Herennium* III, 18; Cicero, *De Oratore*

II, 314; Quintilian V, 12, 14), which consisted in putting a powerful argument in first, in order to satisfy the audience's expectations, and again at the end, to leave a fresh and strong impression before the conclusion; in the middle, should be put the arguments that have some value only in connection with others. This recommendation could be connected with the categorization of premises and argumentations according to the way the conclusion is supported in the pragma-dialectical approach and Informal Logic, but is clearly oriented towards strategy and production.

3. CONCLUSION

To resume, approaching Ancient manuals through the angle of *dispositio* not only reveals what students learned, but also help to reconstruct some pedagogical principles or guidelines:

1) Production: with the objective of making a complete speech, students learned to compose various developments, which were themselves often divided in smaller parts and which could be extended or reduced in order to form a whole or to be included into a larger whole; at the same time and later, they learned various combinations of these elements, or various speech plans, which were themselves variable. Still, if the number of items to learn may seem large at first sight, it is also relatively limited to remain manageable. In other words, they learned the words and letters of an alphabet.

2) Critical and analytical thought: probably simultaneously, as it can be seen in Theon's complementary exercises (only known thanks to the Armenian tradition of Theon's manual, see Patillon, 2002), the same units were also used as critical tools in order to divide famous or contemporary speeches into significant parts or arguments. Students were then asked to imitate or rephrase.

3) Strategy and memory: the model was richer than contemporary approaches, rigorous but also flexible. It stimulated creativity through imitation and original combinations, but also consistency and strategy through the constraint of selection or planning. Moreover, according to Quintilian (X, 2, 36-39), dividing a whole into significant and smaller unities was also the first step to support memory and recollection (Quintilian X, 6), which was supposed to give a natural character to the speech.

What Ancient students were able to do thanks to such a training can of course be read in Ancient oratory, but also, I think, in Ancient historiography, where lots of speeches are attributed to the historical characters, and which have often been neglected because they are mostly unauthentic. But they reveal an impressive art of composition. Here is, as an example, the speech attributed by Livy to Aemilius Paullus after having defeated and captured Perseus, the king of Macedon (probably based on Polybius XXIX, 20; I add the comments between []):

> The first question put was, by what wrong had he been driven to make war on the Roman People with such determined enmity as to bring himself and his kingdom into utmost danger? While all awaited an answer, he gazed silently at the ground for a long time and wept.
> Then the consul asked again: "If you had received the kingdom as a young man, I should indeed be less surprised that you were unaware how powerful the Roman People is as a friend or as an enemy. As it is, since you had a part in the war which your father waged with us, and since you were aware of the peace that followed, which we observed with the utmost faithfulness toward him, what reasoning led you to prefer war rather than peace with men whose power in war, whose good faith in peace, you had alike tested?" [Reproach / Invective]
> When no reply either to the question or the accusation was forthcoming, the consul continued, "However that may be, whether it has occurred through human mistake or chance or law of nature, be of good cheer. The misfortunes of many kings and of many peoples have shown that the mercy of the Roman People offers you not only hope, but an almost positive assurance of safety." [Consolation]
> This the consul said in Greek to Perseus; then he continued in Latin to his staff: "You see before you a notable example of the changefulness of human affairs. I say this especially for you, young men.

Therefore it is proper to offer no insult or violence to anyone, while one is in favourable circumstances, and not to trust to one's present fortune, since no one knows what evening will bring. He will be truly a man, in a word, whose spirit is neither deflected from its course by the breath of prosperity, nor broken by misfortune." [Exhortation] (translation: Schlesinger, Loeb Classical Library, 1951)

Though this speech does not correspond to any specific genre, it is nevertheless made from three recognizable parts: reproach, which is close to blame or invective, consolation and exhortation (Ferrazzi, 1694; Tesmar, 1657). The fact that these secondary kinds of speeches were taught through the *progymnasmata* curriculum is probably not a coincidence. A recent and contemporary example of such well divided and semi-improvised speech is the intervention of Jean-Luc Mélenchon (French left-wing party leader) at the French Assemblée Nationale, after the heroic death of the policeman Arnaud Beltrame (27 March 2018; I add the comments between [])

Mesdames messieurs, collègues,
À Trèbes et à Carcassonne, comme ailleurs auparavant, l'acte terroriste a déployé une abjecte violence. Mais qui était calculée. Son but: subjuguer la raison, imposer la soumission à la peur qui pousse au chacun pour soi. Et, pour finir, abolir la norme humaine. [Invective/condemnation]
Alors que le pire était en place, cependant, j'ose le dire: le mal a été vaincu. Parce que la scène a été inversée. Le lieutenant-colonel Arnaud Beltrame a remis le monde humain en ordre. Il a réaffirmé la primauté de la compassion. Il a assumé la primauté d'un altruisme absolu: celui qui prend pour soi la mort possible de l'autre, illustrant ainsi les valeurs de foi et de philosophie auxquelles il était attaché personnellement. En ce sens, le lieutenant-colonel… (Applause) En ce sens, le lieutenant-colonel Beltrame est un héros de la condition humaine. [Praise]
Certes, son sacrifice n'efface ni la douleur, ni le sang, ni la mort. Mais il nous fait devoir. Devoir impératif et impérieux: à notre tour de refuser à l'ennemi quelque victoire que ce soit. Et d'abord celle de la division, de la confusion et de la polémique qui viendrait à nous déchirer. (Applause) [Exhortation]
Monsieur le Premier ministre, Opposition, nous vous disons: nous sommes certains que vous, vos ministres, et tous les services de l'État avez, dans cette circonstance, fait tout ce qui était en votre pouvoir, du mieux que vous pouviez. (Applause). Monsieur le Premier ministre, Nous sommes disponibles pour l'union autour de la mémoire de ceux qui sont morts et de l'exemple qu'ils nous donnent. Appelez-nous à un deuil national et nous vous répondrons favorablement. (Applause) [Conclusion, with brief exhortation]

This short speech is, on a structural level, quite similar to Livy's example and also recalls Menander Rhetor's analysis of Thucydides' speech. But the Ancients did not believe that this art was the privilege of some naturally gifted orators, but that it could be acquired through a specific training. The real challenge is of course to implement such a training into a regular academic course or seminar (and consequently, into a more limited amount of time), but there is probably much to gain.

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Innovations in reasoning about health: The case of the randomized clinical trial

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ABSTRACT: Field-dependence in argumentation comes about through forms of inference invented by specialized fields. In recent work we introduced the concept of a 'warranting device': (1) an inference license (2) invented for a specialized argumentative purpose and (3) backed by institutional, procedural, and material assurances of the dependability of conclusions generated by the device. Once established, fields employ such devices across many situations without further defense, even as the devices develop in response to newly-noticed problems.

Many new warranting devices have appeared over the past century to solve problems in reasoning about health and medicine, replacing and obsolescing earlier forms of medical reasoning. One such device is the Randomized Clinical Trial. This case study traces its historical evolution and discusses some current movements toward competing device types.

KEYWORDS: field-specific reasoning, medical reasoning, Randomized Clinical Trial, Randomized Controlled Trial, warrant-establishing argument, warranting device

1. INTRODUCTION

How should babies born addicted to opiates be treated for their withdrawal symptoms? A usual treatment is to administer morphine, but Bada et al. (2015) argue that "Clonidine may be a favorable alternative to morphine as a single-drug therapy for NAS," and further, that "A multicenter randomized trial is warranted." The basis for the first of these conclusions is observation of what happened to comparable groups of infants given one treatment or the other:

> *Infants treated with morphine (n = 15) versus clonidine (n = 16) did not differ in birth weight or age at treatment. Treatment duration was significantly longer for morphine (median 39 days) than for clonidine (median 28 days; P = .02). NNNS summary scores improved significantly with clonidine but not with morphine. On subsequent assessment, those receiving clonidine had lower height of arousal and excitability (P < .05). One-year motor, cognitive, and language scores did not differ between groups.* [1] (Bada et al., 2015, p. e383).

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[1] A protocol for the multicenter randomized trial the authors called for can be found at https://clinicaltrials.gov/ct2/show/NCT03396588.

Arguments very similar to this one appear with great frequency in medical research literature—about 20,000 times yearly in recent years. They are 'tagged' in research databases as RCTs—Randomized Clinical Trials[2], an acknowledged standard for high quality evidence of treatment effects in medicine. Prior to about 1950, though, claims about which treatments work best for particular kinds of patients would have been defended very differently, often using forms of reasoning that are now effectively obsolete. Our purpose in this paper is to examine how this striking change in argument standards came about.

In earlier work (Jackson & Schneider, 2018), we initiated a line of inquiry into the invention of new inference rules, identifying a class of inventions we termed 'warranting devices.' These devices are applied to generate answers to questions and to defend these answers by simply noting how they were generated. This is a significant expansion of Toulmin's (1958) concept of warrant, but we believe it to be consistent with the overall direction of his thought.

We begin by describing how we understand warrants in general and how warranting devices fit into a general account of warrants. Next, we discuss RCTs as a (still) new warranting device that generates and justifies a certain kind of conclusion. Then we analyze the argumentation that was required to establish RCTs as a scientific warrant, using a text from a central figure in modern medical science. Finally, we discuss the importance to argumentation theory of paying more and closer attention to the ongoing inventiveness that characterizes argumentation as a practice.

2. WARRANTS AND WARRANTING DEVICES

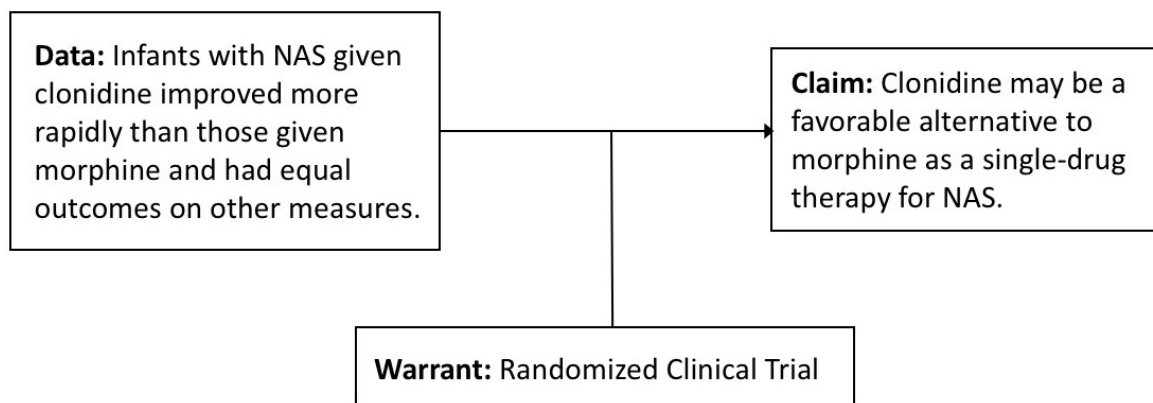Conjecturally, the argument that opens this paper may be diagrammed as shown in Figure 1.

Fig, 1. Toulmin diagram of Bada et al. (2015).

Identifying 'Randomized Clinical Trial' as the warrant for arguments of the kind shown in Figure 1 needs some explanation. Toulmin's theoretical descriptions of warrants (most characteristically as "inference licenses") are often undercut by examples that look like *information* a person needs to have in order to arrive at a conclusion, always appearing in his diagrams as declarative sentences. A very literal-minded reading of *The Uses of Argument* might suggest that the warrant in this argument is something like the following:

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[2] Also called Randomized Controlled Trials.

Warrant: Observations made in a randomized clinical trial can generally be taken as evidence for a claim about drug effects.

If something of this sort is the warrant, then reasons for trusting the warrant—the body of theory, evidence, and experience that give scientists confidence in RCTs—are the backing for the warrant. But we do not think this is really true to Toulmin's concept of warrant, because it ignores an important reality: For scientists themselves, the RCT is a procedure followed to *produce* a conclusion; the procedure is more than (say) a sign that the observations may be taken as evidence.

To a certain point, our interpretation of the concept of a warrant is fairly mainstream, affirming the following general characterizations:

- *Warrants are inference rules governing how conclusions are drawn, not statements from which conclusions are drawn.* As Hitchcock (2003, p. 71) put this, "The claim is not presented as following from the warrant; rather it is presented as following from the grounds in accordance with the warrant."

- *Warrants do not typically appear as parts of argumentative texts.* We agree here with Freeman (2011, p. 88), that "Arguments instance inference rules, rather than include them as elements." The practice that has developed of diagramming arguments with warrants rendered as statements (modeled on Toulmin's own examples) conceals the rule-like quality of warrants that differentiates them from data, grounds, or information.

- *Warrants generate conclusions as well as justify them.* Toulmin clearly had generativity in mind for his warrants. For example, in discussing legal reasoning, he points out that relevant statute allows for "findings" of guilt or innocence (Toulmin, 1958, p. 99), and he took the use of 'standard equations' generating predictions as an example of warrants in science (Toulmin, 1958, p. 121).

To this fairly mainstream understanding of warrants, we add one more assertion, required for handling the introduction of new inference rules that can command the trust of at least one field:

- *Some warrants are technical objects that expert communities invent, apply, and evolve.* Toulmin had in mind that these inventions have been frequent in the history of science. He discusses them extensively, but without using the term 'warrant', in *Human Understanding* (1972), for example. But he did not give explicit attention to what complex technical assemblies these have become in the last two centuries or so. We have argued (Jackson and Schneider, 2018) that a warrant may be bundled with technical components to produce what we call a warranting device. The backing for a warrant like RCT can include 'assurances' that the devices will perform as expected (producing belief-worthy conclusions), as well as more familiar forms of backing such as evidence that the device has performed well so far.

Figure 2 offers an abstract description of a warranting device, within the context of Toulmin's D-W-C layout. A warranting device, according to Jackson and Schneider (2018, p. 245) is (1) an inference license in Toulmin's sense; (2) invented for a specialized argumentative purpose; and (3) backed by procedural, institutional, and material components that provide assurances of the dependability of conclusions generated by the device. The

warrant itself is a rule or procedure or instruction to follow in order to arrive at a belief-worthy conclusion; the other components of the device are not just reasons to trust the warrant, but actions taken, promises made, and resources assembled to make the warrant dependable in all of its occasions of use. A device may have other kinds of backing as well, such as evidence of a good track record.
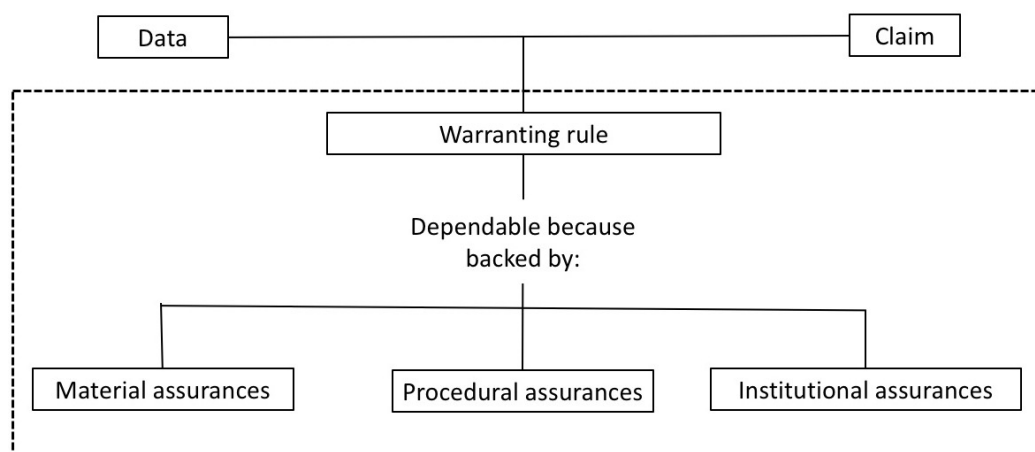

Fig. 2. The complex structure of a warranting device, based on Jackson and Schneider (2018, p. 245).

Jackson and Schneider, analyzing a form of evidence synthesis known as a Cochrane Review, argued that the ability of the device to warrant any particular conclusion is linked not just to actions of the device 'operator' but to prior and ongoing work broadly delegated within the field—to material resources of various kinds required for the device to function, to institutional arrangements that support and regulate the device, and to well-socialized agreements about how one uses the device properly. In the next section, we analyze RCT as an established warranting device, explaining each of these kinds of components. How the device became so well established that it can underwrite 20,000 novel conclusions each year will be discussed in the just-following section.

3. RANDOMIZED CLINICAL TRIAL AS A WARRANTING DEVICE

That Randomized Clinical Trial functions as an inference license is, we think, obvious, and the circumstances surrounding the invention of RCT have been well-documented (see e.g., Chalmers, 2003). To be a bit more precise, RCT incorporates a number of distinguishable inventions, of which the most definitive is random assignment of human subjects to alternative experimental conditions.

Figure 3 shows a diagram of the structure of RCT as it might appear in a textbook on experimental methods. To conduct a trial, a researcher must have access to patients and physicians, as well as to material components that make up the alternative treatments. To generate a convincing conclusion, the researcher must follow procedures designed to preclude various kinds of bias that might favor one treatment over the other. For example, 'blinding' is used to prevent knowledge of treatment condition from affecting either the patient's expectations or the physician's judgment of how well the patient is responding. To arrive at a convincing conclusion from the RCT, the researcher must depend on statistical procedures such as tests of the significance of a difference between two groups; these procedures too were invented in the twentieth century.
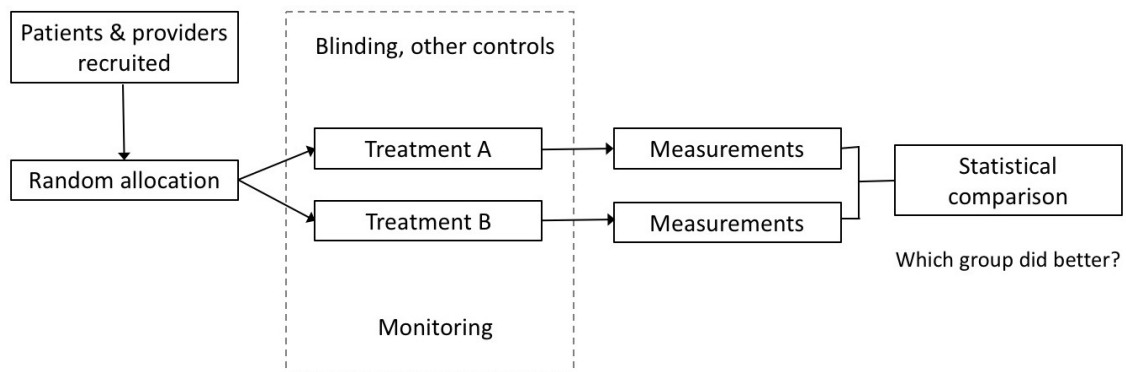
Fig. 3. The structure of a simple Randomized Clinical Trial.

While the logic of the RCT is quite easy to understand, conducting an RCT has become a highly regulated affair that makes it impossible for anyone acting outside complex institutional environments. For example, no one can enroll patients in an experiment of this kind without getting a protocol approved at multiple levels. For a decade or more, researchers have had to register their trials before beginning to recruit, and gradually it has become common for protocols to be published even before any results have been obtained (so that the community can know what things are being tried). Jackson and Schneider (2018) treat arrangements of this kind as 'institutional assurances' attached to a warranting device.

4. ESTABLISHING RCT AS A WARRANT FOR REASONING ABOUT HEALTH

From the point of view of a mid-century clinician (less than a lifetime ago), much about RCT would be counterintuitive, even ethically suspect: Randomly allocating patients to treatments? Concealing the treatment given from the physician responsible for the patient's well-being? Deciding which of two groups did better based on pre-defined measures that might not be the best indicators of patient well-being? Reducing all of the richness of clinical observation to a statistical comparison between two group averages? These have become common and broadly accepted practices, but they were, at first, controversial and in need of argumentative defense. In this section, we analyze a significant text produced as part of this defense.

4.1 Methods

For reasons of space, we can give only a very sketchy description of our methods, focusing on (1) how we locate interesting cases of warrant-establishing argument and (2) how we analyze cases once we have found them.

Locating cases of warrant-establishing argument is partly fortuitous and partly systematic. The warrants with which we have been concerned are complex devices that have long histories of invention built over prior invention, so a good case is *something new* in how a field argues, either internally or with stakeholders beyond the field. Working on health information systems and health controversies, each of us noticed (fortuitously) the very obvious progression of reasoning standards occurring over the past half-century or so. A systematic search for explicit defense of these new practices is a special form of literature search, working backward in time through reference lists in scholarly articles. Published histories of the randomized clinical trial were also helpful, and our task was also simplified by the appearance, in recent years, of 'evidence pyramids' that encapsulate practitioners' assumptions about the relative value of a large number of twentieth-century inventions in medical reasoning. Rhetoric surrounding these pyramids, and especially proposed revisions,

are useful data on the evolution in reasoning and evidence standards within fields and on the spread of particular innovations from field to field.

Having previously chosen to look at defense of the RCT as a package deal (rather than to look at more elemental inventions such as statistical inference), we selected one primary text for detailed examination: a lecture presented by Austin Bradford Hill at Harvard Medical School and subsequently published in *The New England Journal of Medicine*. Bradford Hill first came to our notice as originator of a well-known set of standards for causal reasoning (1965). The 1952 text itself contains ample evidence that RCT was not yet an accepted standard at the time of the lecture, and that, in fact, there was well-articulated resistance to RCTs among medical clinicians.

Analysis of this text involved procedures common in argument reconstruction: identification of the main claim, extraction and examination of each line of supporting argument, and testing conjectures about how the various parts of the text might hang together as a defense of the main claim. Looking at the text holistically, we recognized its overall structure as a possible instantiation of practical reasoning. Working first separately and then together, we reviewed the text paragraph by paragraph, creating brief annotations on what Bradford Hill appeared to be trying to accomplish in that paragraph and how it might fit within a practical reasoning structure. We then created a blank template in the form of a practical reasoning scheme and began populating the components of the scheme with text extracted in the paragraph-by-paragraph analysis. Following a principle common in analytic induction, we continually tested our candidate reconstruction by searching for passages within the text that did not seem to fit or that pointed to a different possible reading. We also attempted to confirm certain conjectural reconstructions by tracking arguments in the lecture back to cited source.

4.2 Results

In overview, we found that most of the content parsed nicely into the components generally understood as required for practical reasoning. We worked from a schematization of practical reasoning provided by Fairclough (2016), because it takes account of the way a single text may incorporate answers to counter-arguments occurring somewhere in the background discourse. As Fairclough points out, in deliberative discussion a practical argument can come under attack both for the adequacy of the rationale offered for the action and for the acceptability of the action considered on its own. These are not equivalent attacks, but they can be completely separate bases for rejecting the proposed action. Figure 4 shows the 'constructive' case for adopting RCTs. (Bradford Hill called them cooperative clinical trials, so phrasing here refers to CCTs rather than RCTs.) Figure 5 shows a dialectified view, with a collapsed version of the constructive case alongside opposing arguments that Bradford Hill addresses refutationally. We add an 'imputed' counterclaim that Bradford Hill treats as the point of the various objections.

4.3 Discussion

Bradford Hill's lecture is meant to persuade his audience that cooperative clinical trials were necessary for improvement of medical knowledge, and further, that they were the best way to discharge the ethical responsibilities of the medical field. His argument seeks to establish RCTs as a routine path to conclusions about what works and what does not in the treatment of patients. By contrast, the argument with which we opened our discussion simply uses the warrant without explicit defense, as most conclusions generated by Randomized Clinical

Trials do today. Once it was understood how random allocation strengthens such conclusions (and how various other forms of allocation weaken them), the case for random assignment need not be repeated in each use; all that is needed is a mention that randomized allocation occurred in such-and-such a way.

Establishing a warrant means getting to the point where it can be used to defend individual conclusions without explicit defense. All of the backing elements are 'boxed up' for repeated taken-for-granted use. Latour (1987, pp. 2-4) has described this process of black boxing generally, not with specific reference to inference rules, but with attention to the marked difference between the period in which the black box is being assembled and the period in which the black box is used by practitioners who feel no need to inspect its inner workings. Jackson (2008) gave an example of such a 'black box argument' being used in a policy debate.

Once a warrant is established as a convincing and coherent way of drawing a conclusion, we may find ways in which it can go wrong, in which case we can revisit conclusions drawn from it in the past. So, black boxes can be re-opened, but they aren't kept open all the time. Although RCT remains the gold standard for causal reasoning today, new competitors can arise at any time.
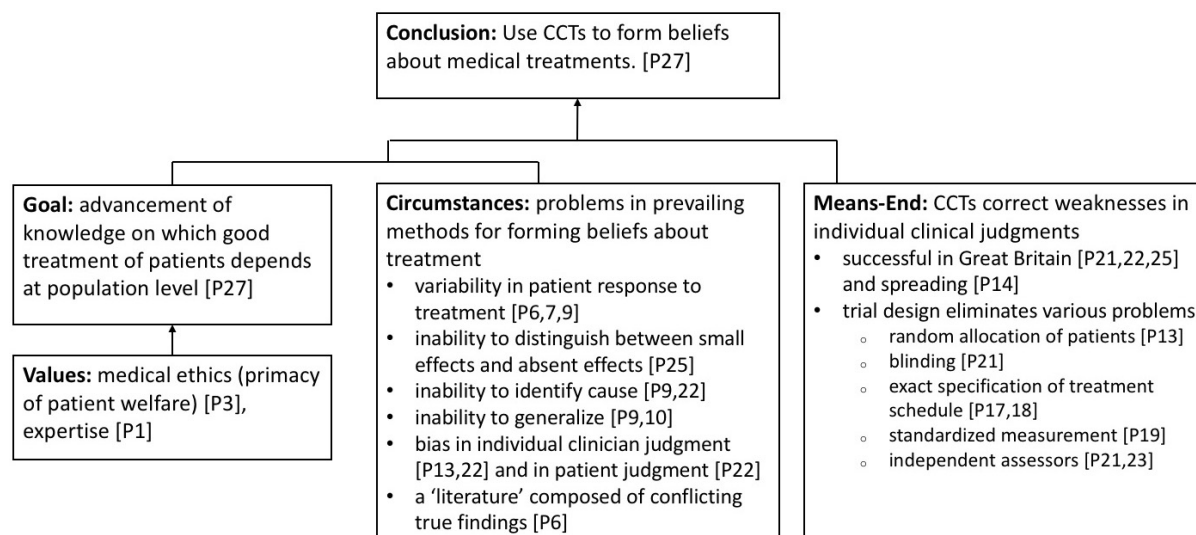

Fig. 4. Reconstruction of Bradford-Hill (1952)'s warrant-establishing argument, adapting the practical argument scheme presented in Fairclough (2014).
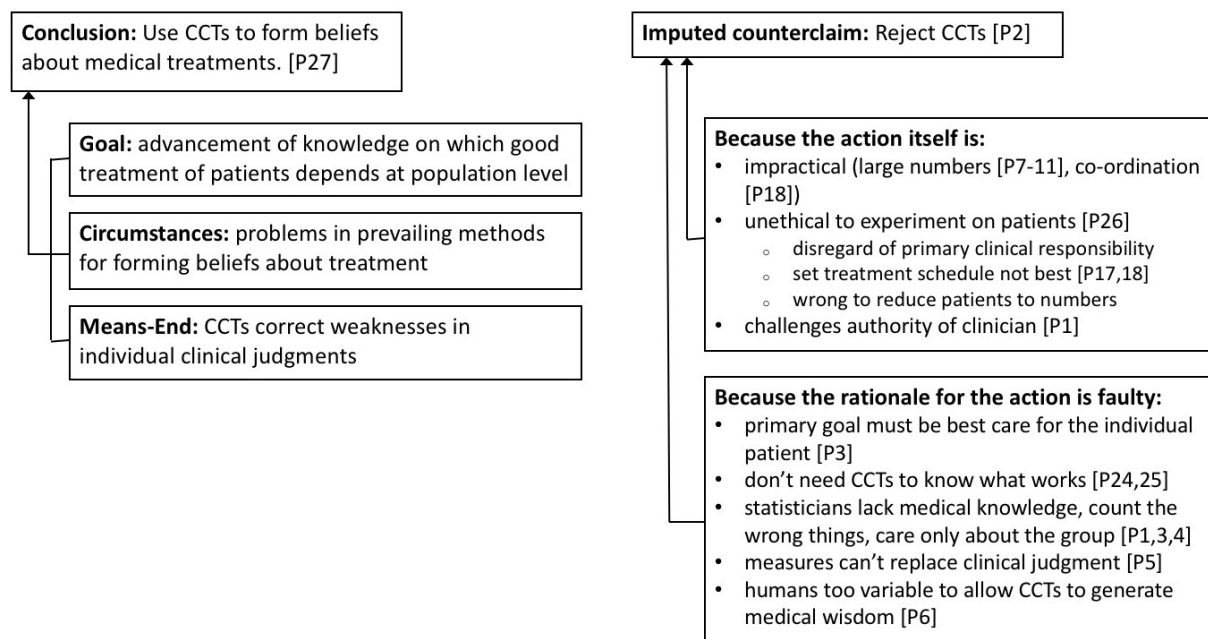
Fig. 5. Reconstruction of Bradford-Hill (1952), adapting the practical argument scheme presented in Fairclough (2014).

5. CONCLUSION

As Toulmin stressed over and over, real argumentation serves practical purposes. In real argumentation, people are far less interested in whether their inferences are valid than in whether their inferences serve practical purposes (such as providing proper health care). These practical purposes drive innovation in reasoning and argument: looking at warrant-establishing arguments through the lens of practical reasoning exposes *why* people invent new inference rules—what we want to do with what we can conclude from a given rule.

Any one of these innovations in reasoning has the same status as an already-cataloged scheme. That means we need scheme definitions for each one, we need to enumerate the critical questions for each one, and we need to show how people work with each one. We also need to study how these schemes develop, how they change over time as people notice their vulnerabilities and try to patch them against common objections. Innovation can be iterative, with a rule 'boxed' as it achieves stability or 'unboxed' as it encounters new challenges.

But what we believe we have shown is that Toulmin was correct in thinking that change in the stock of usable warrants is *normal and necessary*. New things are invented and old things are abandoned, for if a new inference rule can be argued into existence, old ones can be argued out just as well.

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On the humanistic essence of science: An argumentative perspective

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ABSTRACT: This paper proposes yet another answer to the unsolved Popperian question of Demarcation from an argumentative perspective. The thesis is that science should be characterized in terms of the values and norms of Humanism. Science is rooted in politics and ideology, and as a human invention, it presupposes and advances concurrently democratic and humanistic values. The talk analyses three presuppositions which describe three categories of humanistic values and exposits their necessity for and function in the scientific research methods. It explicates how these methods were initially selected as scientific. The argumentative function of these presuppositions is critical in two senses: First, in the 'opening stage' of any scientific endeavour and controversy. Second, as part of the 'rebuttals' component of any scientific argument.

KEYWORDS: humanism, Pragma-dialectics, Toulmin method, philosophy of science, ad verecundiam

1. THE UNSOLVED POPPERIAN QUESTION OF DEMARCATION

This paper proposes yet another answer to the unsolved Popperian question of Demarcation. The demarcation criterion, which marks off scientific beliefs from unscientific ones, is always a part of the more significant issue of determining which beliefs are epistemically acceptable or warranted. There are various ways in which the issue of demarcation can be studied, as Larry Laudan shows in his seminal paper form 1983. What we expect however is an insightful demarcative criterion that will exhibit a reliable epistemic or methodological warrant for science than for non-science.

The predominant candidate for such a demarcative criterion is the scientific methodology, which most characterizes the authentic scientific work. However, no scientific research method was found to guarantee the acceptability of scientific claims. There is not one archetypic method that will stand out such that it will qualify as the one from which all other scientific research methods are derived. Consequently, no such method will enable us to characterize science as a unique culture. Most importantly, this line of reasoning does not solve the problem of how these research methods were selected as scientific in the first place. Laudan concluded that "the [demarcation] question is both uninteresting and, judging by its checkered past, intractable. If we are to stand up and be counted on the side of reason, we ought to drop terms like 'pseudoscience' and 'unscientific' from our vocabulary." (Laudan, 1983, p. 125).

2. SCIENCE, HUMANISM, AND DEMOCRACY

Suppose, for the sake of argument, that Laudan's claims are conclusive; still his conclusion is far from warranted. The reason why the demarcation problem is a persistent one is that it is dealt with in either epistemic or methodological terms. There is, however, a third way that will define it in terms of cultural and political values. Accordingly, the proposal is that science is not to be characterized by its theories nor by its research methods. Instead, the proposal is

to redefine the demarcation criterion in terms of the values and norms of humanism and liberalism.

This proposal is based on two theses: First that the historical and philosophical roots of science are in politics and ideology, and not in any objective ideal. Science is a human invention just like art or literature and not for wholly different reasons. Its invention is deeply tied up with the emergence of democracy in the 5th century B.C. Greece and Humanism in the Enlightenment. Second, that science presupposes and advances Humanistic and liberal values, such as the autonomy of the individual to think and decide in a free and uncoerced manner, and the free choice to prefer the way of critical reasoning and skepticism.

The first thesis, developed elsewhere (Schwed, 2013), is arguing that democracy, philosophy, and science of the 5th century B.C. are interconnected, and the upshot is the crucial place of the individual and her critical ability to question everything. Popper is well known for stating this thesis in his 1956 paper *Three views concerning human knowledge*. He sums up this thesis by saying that (Popper, 1956, pp. 136-7):

> The issue, as I see it, is this. One of the most important ingredients of our western civilization is what I may call the 'rationalist tradition', which we have inherited from the Greeks. It is the tradition of critical discussion... in the interests of the search for truth. Greek science, like Greek philosophy, was one of the products of this tradition, and of the urge to understand the world in which we live; and the tradition founded *by* Galileo was its renaissance. Within this rational tradition science is valued... for its ability to free our minds from old beliefs, old prejudices, and old certainties, and to offer us in their stead new conjectures and daring hypotheses. Science is valued for its liberalizing influence - as one of the greatest of the forces that make for human freedom.

While probably committing the fallacy of "begging the question," the claim is that science can flourish only in a democratic environment based on humanistic and liberal values. Greek philosophers were the first to form what in the 18th century came to be known as humanism and secularism. As part of this new cultural worldview, these philosophers disqualified the accepted traditions as a source of knowledge, as part of their general attitude of critical rationality. As a result, we have the first formulation of the distinction between *epistêmê* and mere *doxa*; the distinction between genuine knowledge and merely confirmed belief. This distinction relates to the quality of the justification or evidence the confirmed belief in question is based upon. The formation of science was part of the integration of *doxa* with free critical discussion, seen by the pro-democratic Greek philosophers, such as Protagoras, as the only reliable foundation to knowledge (Schwed, 2013). The question now is how these values of free democracy, critical rationality and skepticism are constitutive to the scientific culture and methodology?

The philosophical idea is that science derives its essence from the fact that since every belief people have is flawed, to begin with, every person can be mistaken, and myself in particular, Popper adds (Popper, 1974). The only way to justify knowledge is in accordance with the ideal of free and public critical inquiry. There is no other way to justify knowledge, which will accord with humanistic values. Fallible knowledge has two senses: (1) Epistemologically speaking, knowledge is an acceptable fact of human history, although it always involves fallibility. It is considered a more realistic conception of knowledge, which is based on tolerance regarding conflicting opinions. (2) Normatively speaking, not only science but culture, politics, ethics and so forth should also reflect this epistemological state of affairs. However, this is not a shortcoming of human knowledge but a moral value of tolerance and autonomy. This is the place where the tight connection between skepticism on the one hand and humanism and liberal democracy on the other is located. The essence of science begins with this tight connection.

3. THREE NORMATIVE BASIC ASSUMPTIONS

How do science, humanism, and liberal democracy come to be connected? Humanism is analyzed in different ways in view of the diversity of contexts in which it is done. The following *normative basic assumptions* conceptualize humanism according to the relevance of liberal democracy in the context of science:

(a) *The basic ontological assumption* (alternative description to *naturalism*): Human reason comes to know nature without any super or extra-natural arbiter(s). Knowledge in any known tradition in human history is always dependent on the existence of at least one super/extra natural arbiter being, whose judgment or knowledge is deemed authoritative. The *humanistic stance* leaves human beings as the sole source of knowledge. Super/extra-natural beings are excluded from the participants relevant to knowledge and, thus, humanizing and naturalizing knowledge. Consequently, knowledge must be based only on human resources. That is, knowledge is in principle only empirical in the sense that it derives primarily from sense experience.

(b) *The basic epistemological assumption* (alternative description to *objective knowledge*): Knowledge should avoid being ethnographic or culturally centered. Yet again, knowledge in any known tradition in human history always tends to project its cultural perspective on nature. The *humanistic stance* aspires to objectivity, at least as a regulative ideal, which should avoid any preconception and prejudices. Furthermore, to achieve this ideal, knowledge must be inter-subjective, public, and open to free and critical discussion.

(c) *The basic ethical-political assumption*: Human reason should be autonomous and unbiased in the sense that human beings are free from external and internal coercion. The *humanistic stance* sees the freedom of thought and expression as universal. Science is a democratic community, in which every participant in a discussion is like everybody else, and no one has authority for deciding debates.

These basic assumptions are not part of science itself nor derived from it in any way; "science" cannot unveil moral or normative facts that are not already known from philosophical reasoning. The dependency direction between science and ethics is crucial from the argumentation point of view, as will become clearer below. As for now, it is important to note that they are part of the political ideology of humanism in general and liberal democracy in particular. They are part of the liberal discourse, which can be understood in different ways, evolved through history (Dembour, 2006). In today politically and economically disturbing times, however, these assumptions are no longer obvious nor given. The warnings are abundant. The former Secretary of State Ms. Madeleine Albright in her recent book *Fascism: A Warning* (Albright, 2018), Professor Michael Cox in his LSE IDEAS column *Understanding the Global Rise of Populism* (Cox, 2018), or Yascha Mounk in his Guardian column *How Populist Uprisings Could Bring Down Liberal Democracy* (Mounk, 2018), to mention only a few.

As they mark the purview of philosophical reasoning, they are not facts of nature nor derivable from scientific research: they are value judgments. The way science describes nature and its concealed laws and patterns does not qualify it to also to describes the norms and values by which people should live, think and reason. Liberal values, like autonomy or freedom, fall outside the realm of *is*, inasmuch the realm of *ought* cannot be part the bulk of scientific statements since they fall outside the purview of empirical research. Science does not entail these basic assumptions due to the Humean "is/ought" divide stating that no

statement regarding the way the world should be can be entailed from facts about the way it is without presupposing additional premises (Dodd & Stern-Gillet, 1995).

Since these basic assumptions are value judgments, they are open to philosophical disagreement and controversy as any other ethical and political stance. However, instead of justifying them, this paper proposes to see them as necessary presuppositions to scientific reasoning. As such, they are ideal construction, functioning in a regulative manner. Nonetheless, these assumptions function as a moving force in the cultural history of knowledge and radicalize it.

Their advantage is in their ability to summarize the necessary components of the humanistic stance, which the following quotation from Richard Rorty may exemplify:

> To say that truth is not out there is simply to say that where there are no sentences there is no truth, that sentences are elements of human languages, and that human languages are human creations. Truth cannot be out there – cannot exist independently of the human mind – because sentences cannot so exist or be out there. The world is out there, but descriptions of the world are not. Only descriptions of the world can be true or false. The world on its own – unaided by describing activities of human beings – cannot. (Rorty, 1989, p. 5)

Rorty saw in the contingency of language and the sciences as a part of advancing towards liberalism. Although Rorty's discussion of liberalism is fundamentally different (as he characterizes liberalism in terms of avoiding cruelty), the above quotation shows how the *basic ontological assumption* is no more than a different way of expressing the same idea. The absence of any super or extra being(s) bound with the contingency of human knowledge necessitates the naturalization of epistemology.

4. THE PLACE OF THE BASIC ASSUMPTIONS IN SCIENTIFIC REASONING

Argumentation theory is in the background all the time, but it becomes more explicit in analyzing the way these basic assumptions function in scientific arguments. They are extensively present at the opening stage of the pragma-dialectical model for critical discussion, without overruling their presence and function in other stages. They function at the opening stage, where the scientific community establishes its common ground for critical discussion. This stage in the scientific practices is in no small extent predetermined communally rather than determined by the participants in mutual deliberation (Krabbe, 2007).

They function more as implicitly enforced regulative rules on legitimate strategic maneuvers in scientific reasoning and research. They are not supposed to be negotiable but given as the common starting point. Moreover, they assumed to exemplify the shared value judgment of the scientific community. Thus, for instance, if one justifies her assertion solely by appeal to authority, her argument will be disqualified already at the opening stage, as it invalidates one or more of the basic assumptions.

To localize the function of these basic assumptions at the level of a single argumentative maneuver, they function as rebuttals in the Toulmin model. They indicate in which circumstances a scientific argument cannot be held warranted and acknowledge its limitations. In this sense, the rebuttal is by far more than just a counter-argument; it reminds the scientific community that there are limits to legitimacy in any scientific argument. Furthermore, the distinction between scientific and non-scientific methods or between science and pseudo-science becomes clearer precisely because of the normative essence of these assumptions.

5. TWO CASE STUDIES AND A CONCLUSION

The first case refers to the controversy surrounding the removal of the word "science" from the American Anthropological Association's long-range plan statement in 2010 by its executive committee (Peregrine, 2010; AAA Statement of Purpose; Lende, 2010). By choosing to drop "science" as the main qualifier of the field of anthropology, the executive committee has kicked up a heated controversy among anthropologists, philosophers, and scientists in general. Briefly, the advocates of this change argue that since current research in anthropology, such as cultural anthropology, uses qualitative methods with fundamental hermeneutical inclinations, it does not fall under the rubric of science anymore. Hardcore science is judged by its adherence to strict quantitative methods.

However, this line of thought is fundamentally wrong. The Humanities are not less scientific than quantum mechanics, not because they share the same research methods since they do not. Nevertheless, they share the three basic assumptions and their fundamental values. The research methods used by science are ever changing and growing, diversifying and multiplying. However, each method entitled to be scientific must satisfy those values, which are incorporated in those three basic assumptions. Those Humanistic values are the criteria by which specific methods are entitled to be called scientific, and since anthropology did not violate these values, it is still scientific.

The second case study refers to the 1996 Sokal hoax, and the claim is that Alan Sokal was right (The Sokal Hoax: The Sham that Shook the Academy, 2000). In its 1996 issue, *Social Text* journal published an article by Alan Sokal, Professor of Physics at New York University, entitled "Transgressing the Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity." However, this article was a hoax, intended to criticize the intellectual and scientific standards of postmodernist and deconstructivist philosophy.

This affair was discussed at length on both sides of the English Channel. One of the leading deconstructivist philosophers, Jacques Derrida, responded to the Sokal Affair by arguing that it was nothing more than a local mistake of the editors and at any rate, does not prove anything. However, others argue that the Sokal hoax is symptomatic. It showed how willing we are to be deceived about matters we believe firmly in. We are likely to be more critical of papers, which attack our position than we are of those that we think to support it. It is not peculiar to the academic discipline of postmodernism, although Sokal thought that postmodernism tends more than other to ignore reasoned criticism from other disciplines. This tendency to confirmation bias is contradictory to the basic epistemological assumption since it shows that the editors of the *Social Text* journal were blind to their preconceptions. This tendency also contradicts the ethical-political basic assumption, since the editors have shown themselves to be coerced by institutional prestige and the authority of leading figures in the academic community.

Humanism as a political ideology or world-view is the key to understand the essence of science and its practices. In this sense, Jacques Derrida is right when he argues that science is a social construction. What he misses is the difference between our theories and reality. The forming of our theories uses a vast variety of research methods, which all succumbed to the humanistic value of the free but critical scientist.

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The non-vote vote as anti-legal identity: Catalan independence from the shame of Europe

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ABSTRACT: This paper analyzes Catalan arguments surrounding the October 1, 2017 Referendum. The Spanish government's claim that this referendum is unconstitutional counterintuitively provides the basis for a new political subjectivity. The Catalan people have made an argument for their political subjectivity by engaging the referendum's unconstitutionality. This argument from a position of anti-legality reconfigures what it means to be a political subject. This paper focuses on anti/legal argumentation and the implications this has on political participation.

KEYWORDS: anti-legal, Catalan independence, constitutional argumentation, legal argumentation, political participation, political subjectivity

1. INTRODUCTION

This paper argues for an unintuitive position—that there is power in illegality. Despite what we are inundated with in the United States—the evils of illegal immigration, the importance of the rule of law, and dangers of crime–illegality can be a position of power. Of course, legality is promoted everywhere from the police dramas in the United Kingdom to the news broadcasts in China. The issue of legality is all around us, and we work to position ourselves in that discourse as well as resist our positioning in that discourse regularly. We argue that this idea of power in illegality applies in Catalonia where the Catalonian people actually draw power from the Spanish government's insistence that what they do is illegal. Power in illegality is not a standard political position. We certainly do not think that illegality is always a position of power, but rather that it can be.

To put a finer point on it, by way of example, when one was a child, if a particularly bad child, one who was incorrigible, always in trouble, maybe even mean on the playground, called another child 'bad,' that child would respond by embracing the bad label as evidence of their rightness. "If the bad kids think I am bad, then I am actually cool." This illustration happens throughout society. Another popular example is the idea that one's haters give one a reason to live. If you are on social media, you have no doubt seen ideas like this moving through your timeline. If you are making people mad, then you are probably doing something right. There is power in that rabble-rousing, and in the contrast between right and wrong. Being told one is wrong can shift power in positive ways.

To progress through this paper, we consider the history of Catalan nationalism. This study will not be exhaustive, but rather is complete enough to understand how historically based modern national sentiments are. This history also reveals the subtle embracing of anti-

legality. Catalans while opposed to having their language, culture, and dance outlawed, actually draw strength from this. They might be illegal, but they are better than Castile. They might be illegal, but they have a thriving economy that Spain now seems dead set on destroying through poor infrastructure funding.

We also articulate an understanding of power that builds on Foucault's notion of power. Namely, we understand power as both restrictive and empowering, fluid, complicated, and not something someone possesses materially. This means, of course, that Catalonia and Spain constantly affect changing power dynamics.

2. THE TEXT: THE 1 OCTOBER 2017 REFERENDUM

Our text is the 1 October 2017 referendum for Catalan independence and the discourses that surrounded this vote. To be sure, many people have commented on the referendum from Spain, Western and Eastern Europe, and around the world. What we find most interesting is the reaction of the Spanish government, which sought to quell nationalist sentiments, but which has arguably done nothing more than intensify Catalan nationalist sentiments. Here we support our argument about anti-legal identity being powerful with the wide anecdotal evidence available from Catalans. They are, seemingly, more determined that their course is right as a result of Spain's opposition. When one reads the newspapers and webzines that reported on the referendum, it becomes clear that the Catalan support for nationalism is as strong as it ever was.

The vote supported a transfer of power from the Spanish constitutional monarchy to a Catalan independent republic. Roughly 90 percent of Catalans supported the referendum in the vote ("Catalan government says," 2017). Catalonia has long shown distinct cultural, historical, and linguistic traditions. It is not simply a matter of different languages, although Catalan is so distinct from Spanish that even one who knows moderate Spanish may have difficulty understanding conversations or reading signs in stores when in Barcelona. The differences are not regional variations or dialects like those in the United States South, which are recognizable but fundamentally easy to understand, compared with the English spoken in New England or the United States West Coast.

3. A BRIEF HISTORY OF CATALAN NATIONALISM

Historically Catalonia was controlled by Muslims for only 80 years compared with the 800-year rule of Spain by Muslims. These histories shaped different language patterns, to be sure, but also allowed Barcelona to become a cosmopolitan trading port on the Mediterranean that connected it with neighboring populations throughout Africa and Europe. Catalan influence spread throughout Spain and is still spoken in parts of the Italian island Sardinia.

The County of Barcelona joined the Kingdom of Aragon, in 1150 with the marriage of Petronilia (Queen of Aragon) and Ramon Berenguer IV (Count of Barcelona), which eventually lead to the joining of Castile with Aragon, or the precursor to the uniting of Spain and Catalonia. This amalgamation was cemented by the marriage of Ferdinand of Aragon with Isabella of Castile in 1469. The unity of the two regions was not simple however, as both regions existed independently from each other under one monarchy. In 1640, Catalonia rebelled. The Catalonians had reason to be hopeful, as Portugal was able to wrest control from Spain in the same year. But Catalonia did not succeed. It is reasonable, then, to understand 1640 as the beginning of this anti-legal identity. While there were many reasons for Catalonia to construct itself as a separate place with a rich cultural space; Catalonia also constructed its

identity as not-Spain, not its monarchy, and not its people. Although this paper does not deal much with the deep roots of anti-legal identity, it is important to recognize that Catalonia's development as not-Spain is not a creation of 2017 or of the Spanish Civil War of the 1930s. Franco's victory during the Spanish Civil War was but one event in an anti-legal narrative spanning nearly 400 years.

In 1714, Castilian became the official language. The 1800s saw the demise of Spain's colonial empire and constant civil war and economic difficulties. Catalonia thrived, and its people began developing an even more intense pride in their culture and region. During this time the Catalan language blossomed with expanded interests in art and literature. Catalonia seemed very much different from impoverished, conflict-filled Spain.

Franco ruthlessly repressed minorities of all sorts, but his restrictions on Catalan music, language, and dance seem particularly troubling given the long history of Castile and Catalonia working together if not with some tension. Franco sent Spain's poor to Catalonia in an attempt to dilute Catalan ancestry. Catalonia began to be understood as an aberration, an impurity, linguistically and culturally. This discrimination continued until Franco's death in 1975 when not long after, Catalonia received autonomy as part of the constitution of 1978. Such autonomy did not last as Spain's Constitutional Court repealed powers granted in the 1978 constitution and a later 2006 statute. Spain's economic crash of 2008 certainly did not help relations as bitterness, resentment, and nationalism blossomed. It is this give-and-take of autonomy which stems the modern beginnings of Catalan nationalist sentiments. That is, it is where many nationalists order their opposition.

4. POWER

Power is fluid, multimodal, and unstable (Foucault, 2000). Following the work of Aníbal Quijano (2000), we understand Spanish government antagonisms toward Catalans as part of Spain's investment in the coloniality of power which allowed it to devalue its colonial possessions. Despite Catalonia not being a part of Spain's far-flung empire, the people of Catalonia still suffer as a result of Spain's discriminatory practices informed by a colonial ideology. Quijano (2000) argues that race and culture are constructed and reconstructed often to serve the colonizer's vision for whom and what is appropriate, valuable, and right. For example, Van Dijk (2005) proposes the discourse in Spain's media has perpetuated racist rhetoric and ideologies of 'Us' versus 'Them.' Catalonia, then, suffers both the effects of the colonial imaginary and the influence of a discriminatory media.

To be sure, power ebbs and flows, and it manifests not only in colonial struggles but also policing, surveillance, the politics of language, cultural norms, state-sponsored violence, and more. This understanding of power means that Catalans can and do exercise power as they attempt to build a nation-state, challenge Spanish laws, and advocate for their culture. Meanwhile, Spain also exercises power because power does not exist in a vacuum, but is, rather, relational.

The goal is not to trap power, to find it in locations, but rather to understand how people and groups of people exist in a complex changing field of power. Raymie McKerrow (2011) describes Foucault's understanding of power in this way:

> The goal is not to privilege the subject, but to understand how and in what senses the subject becomes constituted within a particular social context or set of relations (p. 257).

This theory of power suggests that scholars must focus on the relationship between Spain and Catalonia rather than focus only on one group as if the other did not exist because to do so would fundamentally misunderstand power. This theory of power also explains why

analyzing confrontations about law and state power are necessary for understanding power. It also explains why the legal/anti-legal distinction is a question at the heart of power.

5. LEGALITY AND ANTI-LEGALITY

We typically think of law as constructing a position of authority, as something providing for ethos, or something used to support an argument. The law-abiding citizen is a respected archetype of the responsible member of society. Police officers act with legal authority. Lawful actions are often supported by the state and in media while unlawful actions are not. Law often adds legitimacy to actions, policies, and arguments which is intuitive. The negative, the law-breaker, is then understood as illegitimate. Illegal aliens or illegal immigrants are the devil de jure in the United States. Increasingly, conservative politicians simply refer to these people as 'illegals.' Following Richard Weaver's (1953) definition of devil terms as those terms that are negative, particular to a certain time period, and necessarily vague with "inherent potency," the term 'illegal' is one of the more prevalent devil terms of this age (p. 212). When Weaver was writing in the 1950s it was, of course, 'communists.' The red scare promoted by politicians and pundits from across the United States and even across party lines invested heavily in a culture of fear. Many do the same with immigration. Weaver's analysis offers a foray into the Spanish argument against Catalan revolutionaries. They were the devil by another name. They were separatists, a term that most nationalists abhor.

To be sure, illegality is often used as a pejorative, a way to prove oneself superior to another. Early in our lives we are taught to follow rules in school, church, and government. We are taught criminals are bad and the police are good. Thankfully, we are divesting ourselves from this hagiography of authority, but these are still central messages in how people in the United States, and we know also Western Europe, grow up. It is so ingrained in our society that it is quite difficult to theorize illegality as anything but bad. Yet, illegality is increasingly an identity of strength, a position designed to challenge the structural inequality of law. Being illegal or criminal is justified when the laws are not.

Roman Catholicism, with which most Catalonian people associate themselves, has adopted the position of defying the government when it passes laws directly in conflict with God's Law and commandments. Likewise, Christians historically have opposed laws they have perceived to be immoral, unjust, wicked, or sinful. Daniel in the Old Testament refused to follow an edict mandating he pray to the king instead of his God which resulted in him getting thrown into a den of lions. Perhaps an even more significant example is that of Jesus himself. Jesus of Nazareth, in the New Testament, constantly produced rhetoric against the religious authorities of his time for their unbiblical, unjust, and legalistic laws, making him a target of their malice.

St. Augustine argued and Thomas Aquinas wrote "an unjust law is no law at all" (West, 2011, p. 17). While such an argument would seem to eschew fidelity to legal argument, it rather, or in contraposition, justifies the anti-legal response. If a law is unjust than disobeying that law must be just. Anti-legality, in this instance, is just.

Gandhi (1962) argued in *Non-Violence in Peace and War, Volume II*:

> An unjust law is itself a species of violence. Arrest for its breach is more so. Now the law of nonviolence says that violence should be resisted not by counter-violence but by nonviolence. This I do by breaking the law and by peacefully submitting to arrest and imprisonment (p. 144).

So then, resisting unjust laws is a reaction against violence. It is a reasonable response, that moment when we take pause to question and resist laws that seem out of place, unreasonable,

or detrimental to society. Gandhi contends that an unjust law is wrong, so wrong that resisting it might be more honorable than obeying it. In this way, or for Gandhi, the law-breaker is more respectable than the law follower of an unjust law. The law follower is the colonizer, the authoritarian, the one who fails to understand culture, which is, in turn, no position to sustain a meaningful legal order.

And, Martin Luther King, Jr. argued in his *Letter from Birmingham Jail*: "One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws" (King, 2018, para. 15). Martin Luther King argues that one has a moral responsibility to disobey laws, following Gandhi. Keep in mind that morality and law were much more intertwined than they are today. So, arguing that morality was separate from law was a radical position that did not get a lot of attention during the lives of Gandhi and MLK. Law was supposed to follow morality, but it does not, and what we consider moral also changes. We come to better understand the world and social relations through appreciating the shifting nature of legal reasoning and morality.

This anti-legal identity, one that embraces its role outside the law, is rhetorically important (Sciullo, 2009). Law is rhetorical, and as such how people position themselves in relation to or in law is also rhetorical (White, 1985). While some will argue that illegality is a position of weakness, we contend that opposition to law is important and necessary. Positioning oneself as anti-legal emphasizes the importance of opposing legal regimes that act illegally. Spoiler alert: laws are not always just. Therefore, what is so bad about opposing a thing that you think is illegal?

Law is difficult. An obedience to law often comes into conflict with one's religious, moral, or other beliefs. Law allows some things that seem quite bad, but also prohibits things, like parking violations, that seem relatively inconsequential. One of the difficulties in thinking about illegality is that it changes. People change, laws change, and as a result relationships change. So, we should not think of opposing a law or doing something illegal as a stable action, something always discernable at first glance. We learn through study and experience that our understanding of what is right, is often quite wrong.

The Catalans begin to work with this anti-legal identity as a position of power, a symbol of their correctness. While the Spanish government called them separatists instead of nationalists, claimed they were acting illegally, and ultimately ruled the referendum illegal, the Catalans collectively argued, "yes, we are opposing a legal system that is anything but legal, and we will always be illegal in that system." Far from overstating it, the Catalans appreciated how their actions would be perceived as illegal and went ahead anyway because that perception empowered their cause. Catalonian perceptions of rightness in the face of illegality only strengthened after Spain's violent reaction to the referendum vote in favor of independence. "The behavior of the [Spanish] police makes people who don't want independence, want independence," asserts Alice, a Catalonian hotel worker (Marx, 2017, para. 12). Like the many instances of police brutality in the Civil Rights Era United States, oppressive authorities violently reacting to legal actions, which only they themselves have claimed are illegal, have only spurred further dedication to those actions and the causes that underlie them.

The best possible position for the non-violent resistance of the Catalans is that of illegality. That position of illegality demonstrates just how oppressive Spain is. And, this maneuver, taking the opposite course of action, both affords them unique argument ground and also intensifies their legal claims. It follows this logic: If we are illegal, it is because Spain is so corrupt and illegal. If we are legal, then Spain's claim that we are illegal is particularly horrible.

Rather than ignore the evolving nature of this conflict, we argue that Catalonia can draw strength from its opposition to Spain not only to challenge Spain's legal determination,

but also to continue to draw power from its status as loveable rebel. It is illegal and defiantly so. So are the spray painters on our buildings demonstrated prominently in Amsterdam's Moco Museum and the mixtapes that sample songs for longer than 8 seconds that we buy in West Hollywood, California. Being anti-legal can be powerful, and it seems that Catalonia's embrace of its illegality is just what it needs to challenge the presumption of Spain's legality.

Catalonian citizens highlight these voices themselves. David, a Catalonian, states:

> We speak Catalan.... I am Catalan only, not Spanish. I would like Catalonia to become independent. That's the only way we will have to make our own decisions.... I feel like Catalonia is not Spain's priority.... We would do better being independent ("Catalonia's bid for independence," 2018).

David exemplifies a common sentiment in Catalonia—discontent with the status quo. Catalonians already feel separate from Spain considering they have their own culture and traditions. Citizens like David take on the illegality label if only to be able to acquire the autonomy they once possessed.

An anonymous Catalonian and resident of Barcelona for the past 15 years argues:

> It's not about whether I want Catalonia to be a separate state or not. It's about my right, as a citizen in a democratic country, to vote. If Spain wants to call itself a democracy, it has to allow its citizens to determine their own future, and respect that vote regardless of the outcome (Michanie, 2018, para. 9).

This citizen articulates the primary concern is not in the results but in the process. It is about regaining a sense of power, autonomy, and democracy; a democracy Spain promised but has failed to provide for those residing in Catalonia. The more Spain retaliates against calls for democracy, the stronger those calls become and the stronger the rallying force behind the Catalonian independent movement—whether or not it is recognized by Spain as legal.

Eduard Márquez (2018), a Catalonian citizen and writer highlights this situation:

> Social movements that, under the banner of non-violence, fight against political and judicial repression and seek new spaces for political and social dialogue, but are nevertheless accused of carrying out acts of terrorism (para. 5).

Márquez asserts it is too late to go back to being an entity under Spain's control due to their blatant demonstration of oppression. Márquez (2018) writes:

> Too much incomprehension, too much repression, too much injustice, too much pain, too many frustrated aspirations... Impossible. We need a new space of coexistence. And Spain, at the moment, is not the right place (para. 6).

Illegality is just another name for freedom in the minds of citizens like Eduard. What Spain has labeled illegal, these Catalonians have drawn strength and power from, knowing this arduous road is necessary to travel to obtain the freedom they desire.

6. CONCLUSION

Argumentation occurs not simply in favor of legality, but also in favor of illegality. Rather than continue to look for power or some sense of the political subject in legal identity, we need to think more broadly about how anti-legality can construct the political subject, and what benefits that construction may have in a given situation.

Yes, Spain declared the referendum illegal, but that does not mean the referendum was worthless, or that it did not have political effects. Rather, this declaration helped shape a

discourse of anti-legality that bolstered the Catalan case. It is easy to conclude that Spain's actions seem legal and reasonable given the government's interest in holding the country together, and that this is the end of the story. But, a more nuanced understanding of people's power comes from appreciating the full breadth of resistance available in anti-legal identities.

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Towards defining the relation of attack

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ABSTRACT: The aim of this paper is to define the relation of attack that holds between arguments and (counter)arguments. The definition to be given provides the necessary and sufficient conditions of a successful counterargument, relatively to the previously developed model of representation and numerical evaluation of structured arguments. In the course of the exposition, three traditionally distinguished kinds of defeaters: rebuttals, underminers and undercutters are discussed, however special attention is paid to the latter. In particular, an algorithm to estimate the impact of undercutters on the strength of arguments is proposed.

KEYWORDS: argumentation diagrams, argument evaluation, attack relation, defeasible reasoning, rebuttals, undercutters, underminers

1. INTRODUCTION.

It seems that in argumentation theory at least two logical approaches to the relation of attack can be distinguished in connection with the study of defeasible thinking. The first, classical approach deals with the analysis of structured arguments that can be represented by argumentation diagrams known from informal logic, and can be evaluated on the basis of the RSA-triangle requirements (Johnson, Blair 1977). The second approach is developed within the abstract argumentation theory initiated by Dung (1995), where the notion of attack is regarded as a primitive one, and where the attackers, as well as the objects that are attacked, are unspecified, so that they can be single sentences, propositional structures or indeed any extra-linguistic entities if they only satisfy the theorems of the abstract argumentation theory. The definition to be proposed here is based on the analysis of argument structure, however it is accompanied by the conviction that together with the underlying method of argument evaluation it can serve as a link between the classical and the abstract approach.

There are a few argumentation systems using diagrams of arguments and adopted to consider defeasible reasoning, so that they can serve as a basis for the formulation of the definition in question, e.g. Deflog (Verheij 2003), ASPIC+ (Prakken 2010), Carneades (Walton and Gordon 2015). The system proposed here has its own way of formal representation of argumentation structures, but the key difference affecting the definition of attack is that the underlying model of evaluation allows infinitely many degrees of acceptability. Therefore it allows us to consider an attack as more or less efficient and express its efficiency numerically. Within this model an attack can be unsuccessful, even though the counterargument in question is acceptable, but it is not strong enough to prevail the attacked one. An attack can also be considered as partly successful if it only weakens the attacked argument (in particular when it is aimed at only some of its converging subarguments).

The aim of this paper is to define the relation of attack that holds between arguments and (counter)arguments. There are three traditionally distinguished kinds of attack: *undermining attack* on a premise, *rebutting attack* on a conclusion and *undercutting attack* on the relationship between premises and a conclusion (Pollock 1987, Prakken 2010). Respectively, three kinds of attackers are: *underminers*, *rebuttals* and *undercutters*. The

nature of each of them will be discussed, but special attention will be paid to undercutting defeaters and their relation to the so-called hybrid arguments (Vorobej 1995).

The following Section 2 concerns the propositional structure of arguments given by the standard argumentation diagrams and their dialectical extensions. In Section 3 the associated evaluation method is considered. In Section 4 syntactic relations between arguments and corresponding counterarguments are defined first. Then some procedure serving to evaluate the effectiveness of attack is given, and the definition of successful attack is formulated. Finally, in Section 5 some consequences of the proposed definition are discussed briefly.

2. SYNTAX. ARGUMENTATION DIAGRAMS

The starting point of the exposition are the standard argumentation diagrams (*cf.* Jacquette 2011) that enable us to represent the supportive part of reasoning, i.e. the inferential distribution of the support relation between premises and conclusions that form arguments. Figures 1a-e show the standard diagrams of basic types of arguments. Among them, Figures 1c-e correspond to the elementary syntactic operations on arguments. The atoms of these operations are individual inferences, represented by arrows on diagrams. Since single arrows, and by the same single inferences, are distinctive for simple and linked arguments (Figures 1a-b), these two types can be called *atomic*.
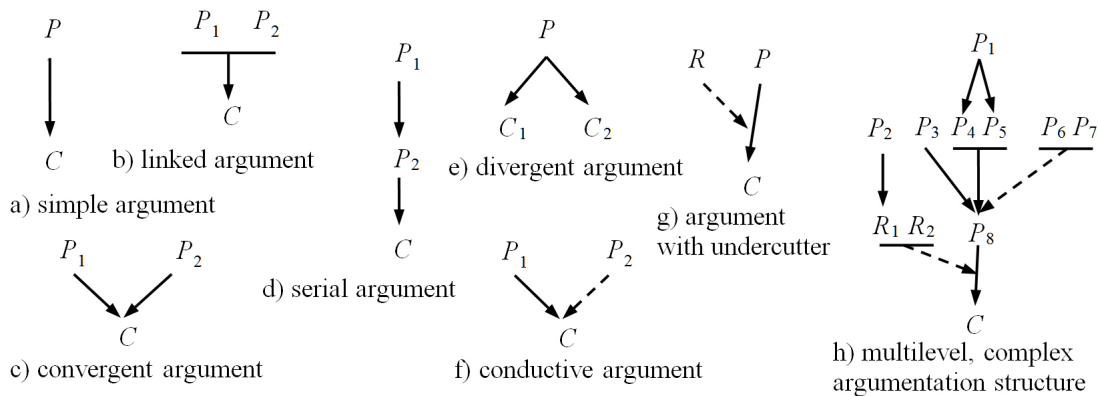

Figure 1. Argumentation diagrams

The standard diagrams can be enhanced in various ways. In order to define the attack relation, it is useful to introduce two dialectical extensions. The first is to add the representations of con-arguments whose premises contradict (or 'deny', or just 'attack') their conclusions. This extension corresponds to probably the genuine way to understand the relation of attack, i.e. as holding between sets (or conjunctions) of sentences and individual sentences. Such a relation can be reduced to the relation of support of the negatives of conclusions, but on diagrams it is convenient to mark it as a primitive one using dashed arrows that lead from single or linked premises to their conclusions. This extension of standard diagrams enables us to represent conductive arguments (Figure 1f) recognized as pro-contra arguments (*cf.* Walton & Gordon 2015, Selinger 2015), i.e. arguments matching the following scheme (or some of its variations), where pros are presented as overcoming cons:

(1) *Since* <pro>, *therefore* <conclusion>, *although* <contra>.

Introducing con-arguments serves us to incorporate the representations of rebutting and undermining defeaters to argumentation schemes. The second extension is to incorporate the representations of undercutting defeaters (Figure 1g). Undercutters are understood as exceptions of inference rules that normally hold. In the original Pollock's example (1987) the argument:

(2) *The object looks red, so it is red*

can be defeated by the sentence:

(3) *The object is illuminated by the red light*

which is an exception of the rule that enables us to accept (2) under normal circumstances. Freeman (2011) considers undercutting defeaters to be dialectic parts of arguments matching the scheme:

(4) *Since* <premises>, *therefore* <conclusion>, *unless* <undercutter >.

However, in the utterances of this form, (e.g. *The object looks red, so it is red, unless it is illuminated by the red light*) undercutters are neither claimed nor disclaimed. Without this information arguments cannot be normally evaluated, and *unless* seems to work rather as a disjunction connective, and if it is to be a propositional connective then the conclusion of (4) is the whole sentence after *therefore* (thus without comma before *unless*). It can occur in a particular reasoning or argumentative dialogue as a result of weakening of the previously intended conclusion of some inference, which has just been realized to have a possible undercutter. If this undercutter will be refuted then the previously intended conclusion can be inferred using *modus tollendo ponens*. Otherwise, i.e. if it will be accepted or remain undecided, the stronger, previous conclusion cannot be inferred, and one has to be satisfied by the lone disjunction.

The same scheme is used by Freeman to represent arguments with rebutting defeaters:

(5) *Since* <premises>, *therefore* <conclusion>, *unless* <rebuttal>,

and almost the same objection can be raised in this case. The only difference is that *unless* is to be interpreted in (5) as an exclusive disjunction connective. Thus, if rebuttal happens to be accepted then the previous, stronger conclusion can be rejected.

Regardless of the interpretation of the schemes (4) and (5), the enhanced argumentation diagrams can capture a fairy rich variety of complex argumentation structures as e.g. the one in Figure 1h. Given a language L, such structures can be represented symbolically as finite, non-empty sets of enhanced sequents, i.e. sets of quadruples of the form <P, c, d, R>, where $P \subseteq L$ is a finite, non-empty set of premises, $c \in L$ is a conclusion, d is a Boolean value indicating the polarity of inference (1 for pro- and 0 for con-arguments), and $R \subseteq L^2$ is a finite set of non-empty, finite sets of undercutters (*cf.* Selinger 2014, 2015). Thus, there can be many sets of linked undercutters that attack as well pro- as con-sequents (if R is empty then such an inference is not being attacked).

3. EVALUATION OF ARGUMENTATION STRUCTURES

In what follows it has to be assumed that all the considered arguments are not circular. Only such arguments can be evaluated using the method proposed here. For simplicity of the exposition it is also assumed that the considered arguments are coherent, and divergences, if any, can occur only locally as in Figure 1h, i.e. all divergent conclusions have to be intermediate and eventually support (or deny) the same further conclusion. Thus, each structure under consideration has exactly one final conclusion (*cf.* Selinger 2014).

Argumentation structures will be evaluated using the scale of rational numbers belonging to the interval [0, 1], where 1 stands for *fully acceptable* (*credible*), 0 for *fully unacceptable* (*incredible*), and ½ for *undecided*. In the starting point of the evaluation process a partial function is given that assigns acceptability values to the elements of some subset of *L*. It is called *evaluation function*, and it plays the role of an audience. The first premises (and undercutters) of an argument in question have to belong to its domain. Arguments are computed 'from bottom up', i.e. acceptability values of the first premises (and undercutters) are transformed to the acceptability of the final conclusion. Formally, the initial (i.e. input) evaluation function is extended step by step using suitable algorithms to eventually include the final conclusion of an examined argument. The acceptability of the final conclusion is taken as the acceptability (or *strength*) of the whole argument. The algorithms have to correspond to syntactic operations on arguments and their premises. Thus, there must be algorithms for computing 1. the overall acceptability of linked premises (the sign '$\odot$' will be used to denote the corresponding arithmetical operation), 2. the acceptability of atomic pro- ($\otimes$) and con-arguments ($\otimes^c$), 3. a modification of this value by possible undercutters ($\copyright$), 4. the overall acceptability of converging atomic pro- ($\oplus$) and con-arguments ($\oplus^c$), and finally 5. the acceptability of conductive arguments ($\oslash$). In order to compute atomic arguments one more factor is needed in addition to the acceptability of premises, namely, a parameter that reflects the strength of inference, i.e. the degree of relevance of the premises of a given sequent to its conclusion. This parameter is to tell us the acceptability of the conclusion under the condition that all the premises are fully acceptable, thus it can be called *conditional acceptability*. Formally, it corresponds to a function assigning acceptability values to ordered pairs – the first element of each pair is a sentence of *L*, i.e. a conclusion, and the second one is a set of sentences of *L*, i.e. a set of premises (the latter element can be also considered to be a single sentence, i.e. the conjunction of premises).

The main idea behind the proposed method is to employ the algorithms satisfying the following principle of proportionality: *the acceptability (strength) of an argument should vary proportionally to the variations in the values assigned to its components.* Since the algorithms for points 1, 2, 4 and 5 have already been discussed in detail (Selinger 2014, 2015), they are only listed below. The algorithm concerning undercutters (point 3) is justified and discussed separately.

Ad 1. Linked premises:
— $x \odot y = xy$, where x, y are the acceptability values of premises.

Ad 2. Atomic pro-arguments:
— $x \otimes y = xy$, where x is the acceptability of (the set of) premises, y is the conditional acceptability (conclusion/premises), and $x, y > ½$.

Atomic con-arguments:
— $x \otimes^c y = 1 - xy$, where x is the acceptability of (the set of) premises, y is the conditional acceptability ($\neg$conclusion/premises), and $x, y > ½$.

Ad 4. Convergent pro-arguments:
— $x \oplus y = 2x + 2y - 2xy - 1$, where x, y are the acceptability values of two converging pro-arguments, and $x, y \geq ½$.

Convergent con-arguments:

— $x \oplus^c y = 2xy$, where x, y are the acceptability values of two converging con-arguments, and $x, y \leq \frac{1}{2}$.

Ad 5. Conductive, i.e. pro-contra arguments:

— $x \oslash y = x + y - \frac{1}{2}$, where x is the overall acceptability of pro- and y is the overall acceptability of con-arguments, and $x \geq \frac{1}{2}$, and $y \leq \frac{1}{2}$, but for conclusive pros or cons the following exceptions apply:

— $1 \oslash y = 1$ for $y > 0$;
— $x \oslash 0 = 0$ for $x < 1$;
— $1 \oslash 1$ is an antinomy and it is incomputable.

Pro-arguments are acceptable if the obtained value is greater than $\frac{1}{2}$. Con-arguments are acceptable if this value is smaller than $\frac{1}{2}$. Since in the scheme (1) pros are presented as overcoming cons, conductive arguments are regarded to be acceptable just in this case, i.e. when the obtained value is greater than $\frac{1}{2}$. If at any stage of evaluation a considered subargument happens to be incomputable, because some component value does not fall within the scope of operation of a suitable algorithm, then for technical reasons its acceptability can be fixed as $\frac{1}{2}$.

Ad 3. The conditional acceptability in an atomic argument with an undercutter has to be equal $\frac{1}{2}$ if the undercutter is fully acceptable. It means that even if the premises are acceptable, the conclusion is undecided. Otherwise, if the undercutter is undecided then it cannot work, and thus it does not affect the inference. Therefore the conditional acceptability remains unreduced in this case. Within the range $[\frac{1}{2}, 1]$ the conditional acceptability should vary proportionally to the acceptability of undercutter, in accordance with the principle of proportionality. These variations are illustrated geometrically in Figure 2a, and the proportion in question can be read thanks to Thales' theorem.
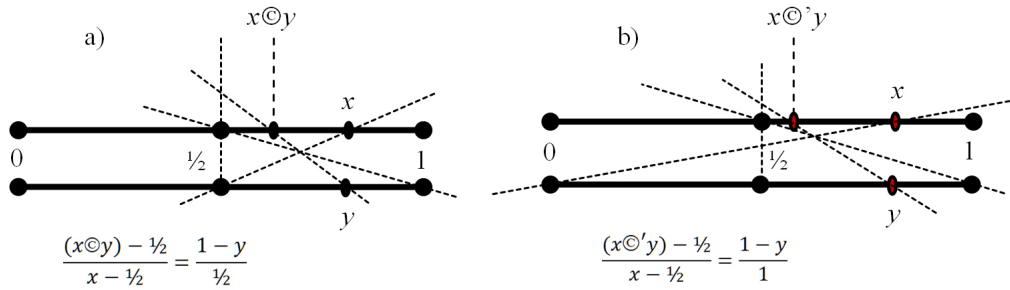

Figure 2. Conditional acceptability with undercutter

The obtained proportion brings us the following algorithm for computing the conditional acceptability in atomic pro-arguments with undercutters:

— $x \copyright y = 2x + y - 2xy - \frac{1}{2}$, where x is the conditional acceptability of an attacked pro-argument (conclusion/premises) or con-argument (¬conclusion/premises), y is the acceptability of its undercutter, and $x, y \geq \frac{1}{2}$.

An interesting property of the operation $\copyright$ is that in the case of many undercutters attacking the same inference, it can be applied consecutively in any order, because the following equation holds for every x, y, z:

$$(6)\ (x \copyright y) \copyright z = (x \copyright z) \copyright y.$$

Moreover, the operation $\copyright$ is interrelated with the operation $\oplus$, since for every x, y, z:

(7) $(x © y) © z = x © (y ⊕ z)$.

The operation ⊕ is commutative and associative, so the algorithm for computing convergent arguments can be used to calculate the overall acceptability of any finite number of different sets of linked undercutters.

Otherwise then in the case of plain premises, whose relevance to their conclusions in sequents is given as the conditional acceptability, a similar parameter has not been assigned to the relevance of undercutters. Therefore, in addition to the proposed algorithm, a separate condition for relevance has to be formulated in order to restrict the use of the operation © only to the real exceptions to the rules of inference in question. The idea of such a condition employs the so-called *hybrid arguments* perceived by Vorobej (1995), who observed that some premises can be neither sufficient to formulate a separate converging argument, nor linked with the other premises, since removing them merely weakens an argumentation in question. The unique role of such non-autonomous premises is to strengthen defeasible arguments. Vorobej gave an example of enumerative induction and a premise speaking that all individual cases are captured by the remaining premises, which makes the induction complete. It seems that the denials of undercutters are just premises of this kind. Thus, Pollock's example (2) corresponds to the following, stronger hybrid argument:

(8) *The object looks red, and it is not illuminated by the red light, so it is red*.

Freeman (2011) claims to the contrary that the refutation of an undercutter merely removes an obstacle to draw the conclusion of an attacked argument, so that it does not increase its strength, but only can restore it. However, such a refutation allows us to exclude a possible exception to the rule of inference in question. The smaller the set of exceptions to the rule, the more reliable the inference seems to be. In the extreme case, if excluding all the possible exceptions to some rule is achievable (as in the example of induction), one can arrive at the deductive inference.

Based on the above consideration, the following relevance condition for undercutters can be formulated in order to supplement the proposed algorithm:
— the conditional acceptability of an attacked argument (conclusion/premises) is smaller than the conditional acceptability of its hybrid counterpart (conclusion/premises&¬undercutter).

If this condition is not satisfied then the conditional acceptability in question remains unchanged. For example, the conditional acceptability in deductive arguments is equal 1. Since this value cannot be strengthen, deductive arguments do not have relevant undercutters.

At the end of this chapter it is worth noting that a more restrictive than ©, alternative operation can be considered (*cf*. Figure 2b), which reduces conditional acceptability even if an undercutter is unacceptable, but not fully unacceptable, i.e. if there is any shadow of doubt about its falsity (the proportion read from Figure 2b determines the following algorithm: $x ©'$ $y = 2x + y - 2xy - ½$, where $x > ½$ is the conditional acceptability of an attacked argument, and y is the acceptability of its undercutter). But if the acceptability of an undercutter belongs to the interval [0, ½), then the acceptability of its negative is greater than ½, so that this negative can be used as a premise of a suitable hybrid argument strengthening the conclusion. The operation ©' within this range, on the contrary, weakens the acceptability of this conclusion, so that the choice of the operation © seems to be more compatible with the observations just discussed, regarding the relationship between hybrid arguments and undercutters.

4. DEFINITION OF ATTACK RELATION

Although some ideas concerning the relation of attack have been already fixed in (Selinger 2015), solely elementary cases of attack, i.e. restricted to atomic arguments, were discussed there, and successful undercutting attack was defined only partially. The definition to be proposed in this paper captures any arbitrary, elementary as well as complex, argumentation structures and thanks to the operation © specifies the impact of undercutters on arguments' strength.

Since some relation that holds in the set of structured arguments is considered, firstly, the appropriate form of attackers has to be defined, respectively to the form of arguments being attacked. Syntactically, attack on a conclusion and attack on a premise are similar, because what is attacked directly is a sentence. In both of these cases two possibilities can be distinguished, depending on whether a) an attacked sentence and the conclusion of an attacker are *contradictory*, in the sense that one of these sentences is the negative of the other, or b) instead of negation, con-arguments have been employed.

Thus, in the case of rebutting attack[1]:

1a) two arguments (either both pro, or both contra, or both conductive, or one pro and one conductive) with contradictory final conclusions can attack each other;

1b) a pro- (or conductive) argument and a con-argument with the same final conclusion can attack each other.

In the case of undermining attack:

2a) an attacker can be any pro- (or conductive) argument if its final conclusion is a sentence contradictory to a premise of an attacked argument;

2b) an attacker can be any con-argument if its final conclusion is a premise of an attacked argument.

What is attacked in the case of undercutting is neither a premise nor a conclusion. Thus, the conclusion of an attacker cannot be any of these individual sentences (or their negatives). What is attacked is precisely a relationship between the premises and the conclusion of some sequent forming one of atomic subarguments of an attacked argument. In order to conclude such an attack usually a meta-sentence is used, which says that the conclusion of an attacked (atomic) argument is not entailed by its premises, etc. Alternatively, a modal operator can be employed, and the conclusion of an attacker can be the sentence, which says that it is possible that the conclusion of an attacked (atomic) argument is not true (resp. 'not false' for con-arguments), while its premises are true. Otherwise, if neither metalanguage nor modalities can be used, the categorial classification of undercutting attackers as structured counterarguments seems to be problematic. Therefore, in the case of *undercutting attack* it will be assumed that:

3a) an attacker can be any (pro-) argument with the final conclusion of the form: *It is possible that ∧P and not C*, where ∧P is the conjunction of the premises of an attacked atomic pro-subargument, and C is its conclusion (or: *It is possible that ∧P and C*, if a con-argument is under attack);

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[1] Attack on a conclusion often has a form of *reductio ad absurdum*. Including it in the proposed model requires another enhancement of argumentation diagrams, namely introducing a representation of suppositional thinking (*cf.* Freeman 2011, Jacquette 2011, Selinger 2016). Formally, following some scholar's suggestions as Hitchcock (2007) or Freeman (2011), each suppositional derivation can be taken as a kind of premise of an entire argument. The acceptability of such a special premise can be computed as the acceptability of its final conclusion, assuming all its (first) suppositions are fully acceptable.

3b) an attacker can be any (pro-) meta-argument with the final conclusion of the form: *The conclusion of A is not entailed by its premises*, etc., where *A* is an attacked atomic pro-subargument (or: *The conclusion of A is not excluded by its premises*, etc., if *A* is a con-argument).

Attack can be regarded as an essential element of a previously not assessed evaluation. It seems to be the case of Dung's frameworks, where the evaluation consists in the analysis of attack graphs containing an examined argument. But using the method outlined in the previous chapter, the acceptability of arguments can be computed initially, i.e. apart from their possible attackers, so that an approach considering attack as a revision of this preliminary computation seems to be more appropriate. It is necessary, however, to re-evaluate the entire argument under attack, not only its part that is attacked directly. The first reason is the presence of convergent arguments. An attack aimed at one of converging components does not have to affect the remaining ones, and thus can be only partially successful. The second reason is that, on the contrary, some partly successful attack on one element of an argument can happen to be fully successful with respect to the whole argument (e.g. weakening of one premise can make that, taken together with the remaining linked premises, it becomes insufficient to entail the conclusion, although taken separately it is still acceptable).

The process of re-evaluation proceeds in three following steps.

The 1st Step applies only to rebutting and undermining attack, where the conclusion of an attacker can be contradictory to the sentence directly attacked. In order to aggregate the representation of an argument with the representation of its counter on one diagram, such possible contradictories have to be eliminated. Therefore, the attacker's final conclusion is replaced by the attacked sentence, while the polarities of the attacker's final arguments have to be reversed, i.e. pros have to be replaced by cons and vice versa.

In the 2nd Step, the adopted diagram of an attacker and the diagram of an argument under attack are aggregated. The aggregation results in a conductive argument in the case of rebutting attack and in a serial argument in the case of undermining attack. Formally, the obtained diagram represents the set-theoretical sum of two aggregated sets of sequents. In the case of undercutting attack the aggregation is a bit more complicated. Metalinguistic or modal conclusions of attackers only indicate attacked sequents, so they are simply omitted, while sets of their linked premises (i.e. undercutters) are added to the fourth element of the indicated sequents. If undercutters have some further support then the supporting (or possibly denying) arguments are set-theoretically summed up with the rest of sequents forming the arguments under attack.

In the 3rd Step, the entire, aggregated structure, consisting of some argument as well as of its counter, is re-evaluated. The initial evaluation function is the same one, which was used originally to evaluate this argument before attack. All the first premises of the counter must be elements of its domain. A slight modification has to be introduced to the process of evaluation if a first premise is undermined. Since it is assumed that the attacked argument had been previously evaluated, it is presupposed also that all of its first premises belong to the domain of the original evaluation function. So the undermined premise also does, and its original value must be taken into account in the process of re-evaluation. The acceptability of such a first premise is computed using the operations $\oplus$ and $\oslash$ as if its original value would be the acceptability of a separate (pro-) argument supporting it.[2] Thus, while computing the

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[2] Such a computation can result in double counting if the original value of an attacked first premise was obtained with help of arguments, which are repeated in its attacker. Moreover, the original value could be obtained using pro- as well as con-arguments, and in order to estimate their exact impact on the overall value in question they should be reconstructed in fact, because firstly all the pros' and cons' are to be grouped and summed up

value of some undermined first premise, the function of evaluation is not extended but modified in fact.

An argument can be regarded as defeated if the aggregated argumentation structure is not acceptable. Thus, we eventually arrive at the following definition. An argument *A* *successfully attacks* an argument *B* iff

(i) the attacker *A* has a proper form relatively to the argument *B* under attack (i.e. one of those characterized by the conditions 1a-3b above);

(ii) either the attacked argument *B* is pro or conductive, and the acceptability of the aggregated argumentation structure obtained from A and B is not greater than ½ (i.e. ≤ ½ or incomputable), or it is a con-argument, and the acceptability of the aggregated argumentation structure is not smaller than ½ (i.e. ≥ ½ or incomputable).

If the acceptability of an attacked argument is only reduced then such an attack can be called *partly successful*.

4. CONCLUSIONS

The set of what one wants to call 'structured arguments' can be the set of all the argumentation structures defined in Section 2 or it can be extracted from this collection in many ways, depending on one's intuitions, practical reasons etc. (e.g. as corresponding to the standard diagrams only). Anyway it will be done, the particular application of the proposed definition of successful attack determines a suitable relation in this set, with respect to some given evaluation function. Such a set of arguments together with the corresponding relation can be regarded and analysed as an Abstract Argumentation Framework (perhaps the word 'abstract' is no more relevant in this case). In this sense the proposed definition is the link between informal logic and abstract argumentation theory, mentioned in the introduction.

If the set of arguments will be defined broadly enough to include the discussed dialectical extensions, then an attacked structure may even be strengthened when its subargument under attack is just an attacker of the positive part of the whole (as e.g. a con-subargument in a conductive argument). Although such a case satisfies the syntactic conditions of attack, obviously it cannot be successful with respect to the whole. But when it is successful (or partly successful) with respect to the negative part then it is a kind of *defense*, namely the kind considered in Dung's frameworks as an attack on an attacker. In the proposed model also a direct, supportive defense can be considered when the positive part of argument is expanded using supportive premises.

A counter to an undercutter can result in strengthening of an attacked argument if the undercutting sentence happens to be unacceptable and the corresponding hybrid argument is stronger than the attacked one. Otherwise, counter-rebuttals can only restore the acceptability of an attacked argument to its starting level, i.e. before the attack. However, it can be maintained that each rebuttal also undercuts any inference supporting the rebutted conclusion (*cf.* Freeman (2011) recalling Rescher's argument). If one agrees on this claim then she/he should add consequently all con-premises to all converging pro-arguments as their undercutters. Moreover, if (otherwise then in Freeman's approach) a symmetry between pros and cons is to be maintained then also all pro-premises should be added to all converging con-

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separately using the operations ⊕ and ⊕ᶜ, respectively, and only then the operation ⊘ can be applied. These difficulties are nothing more than a reflection of a real-life situation, in which a rational change of some view requires a confrontation of a new evidence with all the reasons that formed this view so far. Therefore, if possible, the computation of undermined first premises should be prepared by a thorough analysis of such reasons.

arguments as their undercutters. Obviously, the proposed model would still work, however taking into account all these dependencies among attackers would significantly complicate computations.

A way out of this somewhat troublesome situation can be seen in dialectics by recalling the interpretation of the schemes (4) and (5) given in Section 2. Namely, if some proponent's argument is challenged by any opponent's undercutting or rebutting defeater then the burden of proof rests on the proponent who has to weaken the intended conclusion by adjoining this sentence using an appropriate, either inclusive or exclusive disjunction. If the proponent is able to refute this defeater then she/he can deductively infer the intended conclusion by *modus tollendo ponens*. Otherwise, the conclusion either remains weakened, or — in the case of adjoining a rebuttal by means of the exclusive disjunction — can be deductively refuted by the opponent if she/he is able to justify this rebuttal. However, since the number and order of challenges can impede the final result, such a solution has to be deeply analysed within further work.

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A pragma-dialectical reconstruction of medical Shared Decision-Making (SDM)

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ABSTRACT: In this paper we approach medical Shared Decision-Making (SDM) from the perspective of the pragma-dialectical theory of argumentation. We develop an analytical tool for reconstructing the contributions of doctor and patient to the decision-making process, taking into account both the general characteristics of SDM and the different alternatives for the division of labour proposed in the medical literature. The tool can function as a starting point for well-founded evaluations of the reasonableness of these contributions.

KEYWORDS: argumentation, doctor-patient communication, medical consultation, pragma-dialectics, Shared Decision-Making, health communication

1. INTRODUCTION

For medical consultations involving a doctor and a patient, the model of so-called 'Shared Decision-Making' (SDM) is now generally viewed as ideal (Stiggelbout et al., 2015).[1] According to this model, doctor and patient make a joint decision about the best treatment for the patient. This is in contrast to older models for doctor-patient communication such as the 'paternalistic model', in which the doctor decides what is the best treatment for the patient, or the 'informed decision-making model', in which the decision-making about the treatment is left entirely to the patient (Charles et al., 1997, pp. 682-683).

According to the classic description by Charles et al. (1999, p. 652), SDM has at least the characteristics that both doctor and patient are involved in decision-making about the treatment, sharing information with each other, presenting treatment preferences, and jointly agreeing on the final choice for the treatment. In the medical literature one usually finds a characterization of the process of SDM that is in accordance with this general description. At the same time, various proposals are made for the concrete interpretation of the division of labour between doctor and patient in the successive stages of the decision-making process. As a result of this diversity of opinions, in the literature there is little agreement about the assessment of the quality of medical consultations.

In this paper we approach the process of SDM from the perspective of the pragma-dialectical theory of argumentation (van Eemeren & Grootendorst, 1984, 2004). The resulting analytical tool enables the analyst to provide an accurate reconstruction of the various contributions of doctor and patient to the process. Such a reconstruction may then subsequently

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[1] This paper is an amended translation of a paper presented at the VIOT 2018 Conference at the University of Groningen on January 19, 2018.

serve as a starting point for providing a theoretically justified assessment of the quality of those contributions.

The paper is structured as follows. In Section 2 we describe the general starting points and features of the process of SDM. Next, in Section 3, we give an overview of the different views on the exact division of tasks between doctor and patient. Based on this inventory of the general and specific characteristics of the process of SDM, in Section 4 we translate the possible contributions of the doctor and the patient to the process in terms of the pragma-dialectical ideal model of a critical discussion. In Section 5, we reflect on the usefulness of the resulting analytical tool for the reconstruction and assessment of those contributions.

2. GENERAL STARTING POINTS AND FEATURES OF SDM

The discussion model of SDM is premised on the idea that the patient should be given a large degree of autonomy (Charles et al., 1997). In this respect, SDM differs from the earlier paternalistic model, which assumes that the patient will completely rely on the professionalism of the doctor (see, e.g., Emanuel & Emanuel, 1992, p. 2221; Kaba & Sooriakumaran, 2007).

The idea of the patient's large degree of autonomy is reflected in the model of SDM by giving the patient and not the doctor the ultimate right to make a decision about the treatment. Because the difference so created between the participants in the process is related to an inequality in the rights or duties that are assigned to them, it can be called a 'deontic' asymmetry (see, e.g., Lindström & Weatherall, 2015; Stevanovic, 2013).

Another factor that has influenced the design of the model of SDM is the difference in biomedical expertise that usually exists between doctor and patient. The size of this difference, which can be called an 'epistemic' asymmetry (see, e.g., Raymond, 2014), obviously varies from patient to patient. In recent years, the average level of asymmetry may have been slightly reduced due to the emergence of websites with medical information, which are often consulted by the patient prior to the consultation (van Klaveren, 2017).

While it can thus be assumed that the doctor is most knowledgeable when it comes to biomedical insights, the situation with regard to the knowledge of patient preferences is exactly the opposite. After all, it is the patient, and not the doctor, who is most knowledgeable about his personal preferences for certain treatment methods and his experiences with their effects (Raymond, 2014, p. 39). This difference in knowledge level can be labelled as a second 'epistemic' asymmetry.

Finally, for the division of tasks between doctor and patient it is important to recognize that the process of SDM takes place in the context of the medical consultation. Both the initiative and responsibility for carrying out the various steps of that process will therefore in most cases lie with the doctor.

In the medical literature divergent views exist about the nature, number and sequence of the steps that make up the process of SDM. For the purpose of providing a general description of that process, we follow the so-called 'integrated model of SDM', which was developed by Makoul and Clayman (2006). On the basis of a systematic research into conceptual definitions of SDM put forward in a representative number of articles in the medical literature published to date, they describe a number of 'essential' elements of SDM:

> In order for SDM to occur, patients and providers must first define and/or explain the problem that needs to be addressed. That discussion will likely lead to a presentation of options: Physicians should review options, if options exist, and patients should raise options of which they may be aware. Physicians and patients should discuss the pros

and cons of options raised, particularly because they may have different perspectives on the relative importance of benefits, risks, and costs, including convenience and opportunity cost. These perspectives become evident through explication of patient values and preferences – including ideas, concerns, and outcome expectations – as well as physician knowledge and recommendations in the context of the decision at hand. Discussion of patients' ability, or self-efficacy, to follow through with a plan (e.g., test, medication, procedure, behavior change, referral) […] is a critical – though often overlooked – component of assessing the viability of options. Throughout the process, both parties should periodically check understanding of facts and perspectives, providing further clarification as needed. The importance of checking and clarifying understanding has been reinforced by research on health literacy […]. Of course, decisions are not always ''made'' when problems are first discussed; they may be explicitly deferred for a later time (e.g., pending discussion with members of the family and/or healthcare team) […]. Thus, it is essential that physicians and patients arrange follow-up to track the outcome of decisions that have been made or reach resolution on those that have not. (2006, pp. 305-306).

From this description it is clear that the integrated model of SDM does not record the exact division of tasks between doctor and patient. According to Makoul and Clayman, the extent to which the different steps are shared can be interpreted as a continuum: 'It may be helpful to envision the degree of sharing as a continuum with physicians leading the discussion and making decisions at one end, patients leading the discussion and making decisions at the other, and truly shared discussion and decision-making in the middle' (2006, pp. 306-307). In order to gain more insight into the diversity of opinions about the division of tasks between doctor and patient, we provide in the next section an overview of the most important variants thereof that have been put forward in the medical literature.

3. THE DIVISION OF LABOUR BETWEEN DOCTOR AND PATIENT

Although expressing treatment preferences by both patient and doctor is seen as essential in the original description of SDM given by Charles et al. (1997), some authors point at the danger that doctors may try to steer the patient too much in the direction of a particular treatment option by making it clear what their own preferences are. By influencing the patient too much, the process of SDM might be hindered (Engelhardt et al., 2016, p. 56). Other authors believe that doctors do have the right to express their preferences, since otherwise one cannot really speak of *shared* decision-making (Emanuel & Emanuel, 1992, p. 8).

An important criterion for deciding whether or not doctors are allowed to make their own preferences clear seems to be the nature of the decision. In cases in which there is one treatment that is clearly to be preferred on medical grounds, some authors think that it is even mandatory that the doctor tries to influence the patient to opt for that treatment (Dubov, 2015, p. 501). However, if there is a choice to be made between treatments that are equally acceptable from a medical point of view, then, according to Engelhardt et al. (2016, p. 56), the patient's wishes should be decisive. The doctor should then not attempt to influence the patient to choose for a particular treatment (unless the patient explicitly indicates that he prefers the doctor to make the decision).

Another matter on which opinions differ in the literature on SDM, is the question of whether it is the doctor who should ensure that the patients' preferences become clear by actively stimulating the patients to formulate their preferences or the patients themselves who should make known what their own preferences are. According to Ishikawa et al. (2013, p. 151),

to achieve patient centred communication, 'it is inevitable that both the patient and the physician make concerted efforts in that direction'. They believe that SDM cannot be achieved if patients are unwilling or unable to fulfil their roles. Other authors, such as Emmanuel & Emanuel (1992, p. 5) think that the initiative for obtaining clarity about the patients' values and preferences should lie with the doctor.

A last point of discussion in the literature on SDM is whether or not the division of labour between doctor and patient – and in particular the way in which the decision will be taken – should be explicitly discussed at the outset of the decision-making process. Towle and Godolphin (1999, p. 767) regard it as an essential task of the doctor to establish in advance what role the patients would like to have in making the decision about the best treatment option. Other authors, among whom Charles et al. (1999, p. 656), are of the opinion that doctor and patient can also come to an agreement about this during the decision-making process itself. Stiggelbout et al. (2015, p. 1174) believe it is particularly important that the doctor explicitly makes it clear to the patient before the actual decision-making process starts that there is a real choice to be made and that the patient's preferences will play a major role in the decision.

4. A PRAGMA-DIALECTICAL RECONSTRUCTION OF THE PROCESS OF SDM

It has now become clear what the most important opinions are about the general characteristics of the process of shared decision-making that have been put forward in the medical literature and what kind of proposals have been made for the division of labour between doctor and patient. We will next turn to translating the steps that are involved in SDM in terms of the discussion stages of the pragma-dialectical ideal model of a critical discussion (van Eemeren & Grootendorst, 1984, 2004). For each of the four discussion stages distinguished in the model, we will give a reconstruction of the possible contributions of both the doctor and the patient to the process of SDM. In our reconstruction, we will also take the different views on the division of labour between the discussants into account.

Confrontation stage

According to the ideal model, the first discussion stage is the confrontation stage. In this stage, it becomes clear what the difference of opinion is about and what type of difference it is (van Eemeren & Grootendorst, 2004, pp. 60, 135). As soon as it cannot be taken for granted that one party's standpoint will immediately be acceptable to the other party, one can speak of a difference of opinion. Given the general characteristics of SDM presented in Section 2, and the possible variants in the process discussed in Section 3, the following types of differences of opinion can arise between doctor and patient.

In all views on SDM, the doctor is obliged to defend the standpoints that the different treatment options (T_1-T_n) medically speaking are each an acceptable choice. Since it may be assumed that the patient has not yet taken a stance on any of these standpoints, the difference of opinion is a non-mixed multiple one. The need to defend these standpoints results from the doctor's obligation to inform the patient about which medically acceptable treatments are possible. The doctor has the burden of proof for the fact that in the case of each of the mentioned treatments, seen from a medical perspective, the pros outweigh the cons.

According to some views on SDM, the doctor should not put forward a standpoint on which of the mentioned treatments is the most suitable, but should leave the choice of treatment to the patient. According to other descriptions of SDM, doctors are allowed to indicate which treatment they prefer. In such cases, various types of difference of opinion may arise.

First, in a situation in which the patient has not yet formed an opinion on what would be the best treatment, the difference of opinion that then arises can be characterised as *non-mixed single*. The doctor puts forward the opinion that one of the treatment options is the best choice seen from a medical perspective. That this is the case, should be defended by arguing that the weighing up of pros and cons produces the best result in the case of the treatment at issue. As has become clear from the discussion of the literature on SDM, ideally, the doctor should only put forward such a standpoint if the different treatment options are not equivalent from a medical point of view.[2]

When the patient indicates in response that he or she does not agree with the doctor's standpoint that a certain treatment is to be preferred, the difference of opinion changes from a non-mixed single difference into a *mixed single* one. The doctor then takes a positive stance on a certain treatment choice, whereas the patient takes a negative stance on the treatment choice. If the patient only expresses doubt with respect to the doctor's standpoint, the difference of opinion is again *non-mixed single*. The doubting patient has not put forward a standpoint and therefore does not carry any burden of proof.

On the basis of the given characterization of SDM it must be assumed that in many cases the difference of opinion will change during the decision-making process. This occurs in those cases in which the doctor at first does not express any preference for a treatment, but only indicates that there are a number of medically acceptable treatment options. After having heard the preferences of the patient, the doctor can then defend the standpoint that a certain treatment, in view of the patient's preferences, would be the best choice. In this way the doctor can participate in the discussion without immediately steering the patient in a particular direction ('When I take into account what is important to you, I believe that option T_1 is your best choice'). The difference of opinion then changes from non-mixed multiple to *non-mixed single*. The same thing happens when patients themselves take a stance on what would be the best treatment ('Considering what is important to me, I believe option T_1 is the best choice').

Finally, the difference of opinion may also become a *mixed single* one. This occurs when doctor's and patient's opinions differ on what, in view of the patient's preferences, would be the best option.

Opening stage

In the opening stage of a discussion, the starting points for the discussion and the procedure that is to be followed need to be decided on (van Eemeren & Grootendorst, 2004, pp. 60, 137). An important procedural step is to establish which party has the burden of proof for which standpoint. The division of the burden of proof is dependent on the type of difference of opinion. In a non-mixed difference of opinion, only one of the parties carries the burden of proof: the party who has put forward the standpoint. If the difference of opinion is mixed, both parties carry the burden of proof for their own standpoint.

In the first type of difference of opinion that may arise during SDM, the doctor has the burden of proof for the fact that each of the options is medically speaking an acceptable choice. In the second type of difference of opinion, which may arise when there are no equivalent alternatives, the doctor has the burden of proof for the fact that his own preference is the best option seen from a medical perspective. In the third type of difference of opinion, in which it is either the doctor or the patient who puts forward the standpoint that one of the treatment options is best choice in view of the patient's preferences, the situation is a bit more complicated. In this case, the doctor still has the burden of proof for his own position, but this does not

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[2] In theory, it can also be the patient who defends the standpoint that a certain treatment is medically speaking the best choice.

necessarily hold true for the patient. Since it is the patient's right to make the final decision on which of the medically acceptable treatments he prefers, he is not obliged to provide support for his standpoint. If he does not provide any support, the consequence is that the difference of opinion is not resolved, but only settled.

In some descriptions of SDM it is stated that, in view of their role as the discussion leader, it is the doctors who should ensure that their patients' preferences become clear. More recently, the patients' responsibility for making their preferences known is emphasized. Argumentatively speaking it makes no difference which procedure is followed in introducing the patient's preferences into the discussion.

Another important procedural starting point for SDM is that, in evaluating the various treatment options, the decision rule should be applied that of all medically acceptable treatments that treatment should be chosen that is most in agreement with the preferences and values of the patient.

It also belongs to the aims of the opening stage to reach agreement on how the decision-making process as a whole should proceed. In the literature, different views can be found on whether such decisions should be made at the start of the consultation, or during the process of SDM itself. Argumentatively speaking, both ways of operating are permissible, provided that it is clear what the procedure is, and that both parties agree with the procedure.

Finally, agreement should be reached on what will be the material starting points for the discussion. On which facts, values and criteria do the parties agree? As we have seen in the literature, it is generally speaking the doctor who determines the starting points in so far as they concern medical facts, whereas the patient determines those starting points that concern their own preferences and values. Both doctor and patient are in principle expected to accept the starting points introduced by the other party. This division of labour is a consequence of the deontic and epistemic asymmetries that we have discussed in Section 2.

Argumentation stage

The aim of the argumentation stage is to test the acceptability of the standpoint at issue by an exchange of arguments and criticism (van Eemeren & Grootendorst, 2004, p. 61). In the process of SDM the aim of this exchange is to make a choice between different treatment options. Below, we shall discuss the elements that play an argumentative role in this decision-making process.

First, making a choice always takes place on the basis of one or more decision criteria. In the process of SDM, these criteria are related to the consequences of carrying out the various treatments. Examples of such criteria are the extent to which the treatment may prolong life and the character and intensity of the side-effects of the treatment. Since the doctor may be expected (more than the patient) to possess the required biomedical knowledge about these consequences, it is an argumentative task of the doctor to bring up those consequences during the consultation.

As discussed above, it is to be expected that the patient will not find all biomedical consequences equally important. A second element that plays a part in the process of SDM is therefore a specific decision rule, which states how the scores of the treatment options regarding the decision criteria should be weighed. Ideally, the decision rule should reflect those values that are most important for the patient. It may, for instance, be the case that the patient finds a substantial prolongation of life more important than particular side effects, or the other way around. Since patients are the only ones who can decide what their own preferences are and how these preferences relate to each other, it is the patients' argumentative task to put forward the decision rule in the consultation, although of course the doctor can help them in making this rule explicit.

In our pragma-dialectical reconstruction of the argumentation stage in the process of SDM, the medical consequences and the decision rule function as arguments in support of the final treatment choice. Put more precisely, the standpoint on what is the best treatment choice is defended by the following argument:

standpoint	Treatment option T_1 is the best choice from the medically acceptable treatment options T_1-T_n
argument	Of the medically acceptable options, treatment option T_1 is most in agreement with the patient's preferences
decision rule	The treatment option that is most in agreement with the patient's preferences is the best choice from the medically acceptable treatment options T_1-T_n

Concluding stage

The aim of the concluding stage is to establish the outcome of the discussion (van Eemeren & Grootendorst, 2004, pp. 61-62, 154). Has the difference of opinion been resolved, and if so, in whose favour? Instead of being resolved, differences of opinion can also be settled. In that case the parties have not reached an agreement on the basis of their arguments, but have chosen a different way to come to a decision.

According to the literature on SDM, ideally, the difference of opinion between doctor and patient should be resolved, not settled. This means that at the end of the process, both doctor and patient should be convinced that a particular treatment is the best choice. Since it is in principle the patient who has the right of making a decision, they can, also in cases where the doctor has a certain preference, decide to opt for a different treatment. When several medically equivalent options are at stake, the doctor should agree with the patient on institutional grounds (the choice for a particular treatment is then subjective, and the patient has the right to make the decision). But even if there is a treatment that, according to the doctor, is clearly to be preferred on medical grounds, the patient still has the right to choose a different treatment option. That would mean that the dispute is settled, or that the doctor pulls out of the discussion and refers the patient to another doctor.

5. CONCLUSION

In this article we have given a pragma-dialectical translation of the process of Shared Decision-Making (SDM) that can serve as an analytical tool for reconstructing the discussion contributions of doctor and patient to the decision-making process in medical consultations. Our reconstruction of the process of SDM basically applies to all medical consultations: Even though the nature of the considerations leading to a final decision may vary per type of consultation, there will always be a combination of medical evidence and preferences of the patient involved. In the literature on SDM, specific contexts are mentioned that pre-eminently ask for SDM, because the views and experiences of the patient are considered to be of decisive importance (as in palliative or chronic care, for example).

By translating the process of SDM, including the different variants of the division of labour between the participants, into pragma-dialectical terms, it becomes clear what the argumentative tasks of doctor and patient are in the different stages of the decision-making process and what kind of variation is possible depending on factors such as the nature of the decision that is up for discussion and the preferences of the patient. More importantly, with such an analysis, the necessary preliminary work has been done for a more precise evaluation

of the decision-making process. Until now, the assessment of the medical decision-making process in the professional literature is limited to the question of whether all 'essential' elements of SDM are present and whether doctors do not act too steering or persuasive. The latter is determined in practice on a case-by-case basis, on the basis of standards that are not entirely or not clearly articulated. By using the code of conduct for reasonable discussants as developed within the pragma-dialectical approach to argumentation, it can be verified in a more detailed and also more theoretically justified way whether in concrete cases the contributions of doctor and patient to the process of SDM are reasonable or fallacious.

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The role of decision-making agency in distinguishing legitimate and fallacious slippery slope arguments

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ABSTRACT: Despite many attempts to schematize and categorize slippery slope arguments, considerable ambiguity exists between valid and fallacious forms. Often, putative examples of fallacious slippery slope arguments are not formally invalid, but simply unjustified. But all arguments require sufficient evidence; fallacies are fallacious without respect to evidence quality. We review the theory, practice, and historical development of slippery slope arguments and the range of contradictory ways in which they have been conceptualized. We review and reject the concept of slippery slope fallacy. Finally, we propose that the formal validity of slippery slope arguments hinges on the agency of the relevant decision-maker to whom the argument is addressed. We argue that this best conforms to how the metaphor works and is understood in the wild, and is best suited to the most important and difficult to assess arguments that characterize late modernity.

1. INTRODUCTION

Despite many attempts to schematize and categorize slippery slope arguments (SSAs), definitions vary widely and there is considerable ambiguity between putatively valid and fallacious forms (for a good review of the literature, see Walton, 2015). More a metaphor than logical type, slippery slope arguments suggest that a proposed decision, which may appear desirable or at least not catastrophically bad, increases the risk of subsequent decisions which are catastrophically bad. While most critics of SSAs admit that some slopes are in fact slippery, the suggestion that SSA are a 'fallacy' has entered the public consciousness and impugned their reputation. This is amplified by the fact that hearing terrible slippery slope arguments proffered apparently earnestly is a matter of common experience.

When considering constructions of SSA schema, we are interested both in the way argument theorists have defined and categorized SSAs theoretically as well as how they are taken up and used in practice, in the classroom or in textbooks as well as in the wild. We are concerned with whether and how an SSA schema should be constructed theoretically, taking into account the concept's utility in the hands of non-theorists. We have observed students in the classroom and in debate competitions invoking the concept unreasonably—and characterizing it as an informal fallacy—to dismiss reasonable arguments from negative consequences. In individual cases it is usually straightforward to describe the reasoning error behind the misapplication, but it is difficult to invoke general rules from the theoretical literature because of the many inconsistent and mutually exclusive definitions of an SSA, and

a lack of any consensus behind a clear and consistent method of distinguishing fallacious and non-fallacious SSAs.

A "slippery slope" is clearly a metaphor, but is it also an argument scheme? Many studies have started from the premise that it must be, and then proceeded to define it systematically. It is not, however, obvious to us that this is necessary or useful. There are many metaphors that express relationships between events that comprise an argument from consequences that we do not generally regard as unique schemes, e.g., tipping points, linearity, brinks or thresholds, feedback/feedforward processes, gateways, etc.

We take the position that a special category of informal fallacy for certain SSAs is probably not useful or justified. In addition to the usual problems plaguing informal fallacies—i.e., that it is nearly impossible to craft a definition that does not admit counter-examples, or that textbook examples are typically quite obviously terrible arguments even though the only fallacies that are practically dangerous are those that deceptively seem reasonable (See Walton, 1995, for an extensive treatment of the evaluation problem)—there are many different ways that an SSA can be unsound due to the various mechanisms by which the innocuous first decision internally links to the abhorrent subsequent one. Moreover, the SSA is often defined as a special case of arguments from consequences, and in the aggregate do not significantly differ from the larger category in terms of argument quality. Nevertheless, the belief that SSAs are fallacious leads some to dismiss these arguments—often including mislabeled non-slippery slope arguments from consequences uncritically.

2. TEXTBOOK APPROACHES TO THE SSA

We begin by examining how the SSA is defined in texts designed for undergraduate students. Groarke and Tindale (2004) define the SSA scheme explicitly as an argument from consequences, not even necessarily negative consequences: "PREMISE 1: A causes B, B causes C, and so on to X. PREMISE 2: X is undesirable (or X is desirable). CONCLUSION: A is wrong (or right)" (p. 330). Here it seems that the only explicit limitation is that the argument contain at least two intermediate steps, but a subsequent example ("If you add vodka to your life, your sleepy life will be transformed into a life of cosmopolitan excitement") leaving any intermediate steps unstated suggests that even this limitation is irrelevant in practice (p. 332). Later on, they note that the scheme they call "appeals to precedent" is similar to the SSA scheme, although relying on analogical instead of causal reasoning (p. 343).

This definition, like many we came across, does not limit the focus of SSAs to subsequent undesirable *decisions.* The first example of an SSA provided is a political cartoon that visually represents a slippery slope, arguing that if Germany is allowed to invade Czechoslovakia with impunity, it will lead to the fall of Romania and Poland, and then the French Alliance, thereby threatening Anglo-French security. None of the intermediate steps seem to entail decisions made by anyone except Hitler, who presumably has already made up his mind about his territorial aspirations. It seems possible, but unlikely, that the grounds for the claims made in the intermediate steps involve bad decisions made by the Allies as a result of their initial bad decision, particularly because Groarke and Tindale repeatedly distinguish SSAs from arguments about setting bad precedents. This example also calls attention to the difficulties involved in maintaining a strict division between causal and analogical reasoning, since the causal elements of the argument are entirely unstated, communicated exclusively through a single figurative analogy. Should this be considered an SSA? Should it make any difference that, as a meta-argumentative move, the argument itself invokes the slippery slope metaphor to communicate its warrant structure? That is, when conceptualizing the SSA, how

important is it that the criteria manage to include arguments that are self-labeled as SSAs? We shall return to these questions shortly.

Most textbook approaches that characterize an SSA as an argument from consequences tend to restrict those consequences to undesirable ones. After carefully noting that "slippery slope reasoning itself is not inherently fallacious, as earlier textbooks claimed," Tindale (2007) offers a somewhat more limited definition than presented above: "Slippery slope reasoning is a type of negative reasoning from consequences, distinguished by the presence of a causal chain leading from the proposed action to the negative outcome" (p. 185). Herrick (2011) similarly defines an SSA as an "argument from direction urging that the first step in a progression not be taken" (p. 139).

Among the criteria for assessing SSAs, Tindale implies the importance of diminished agency, suggesting that one should consider whether one could "stop and go back, or is the 'slope' clearly slippery?" (p. 187). This is further clarified to mean that each causal step must *necessarily* follow from the previous step, such that the process is "unstoppable or irreversible" (p. 188). But for an earlier remark that non-fallacious SSAs "will present causal links that are plausible (while not guaranteed)," it would be natural to read this as implying that a series of steps that were merely probable or more difficult to stop once set into motion would qualify as a fallacious form – or at least a relatively more fallacious form – of this category of reasoning (p. 186). Walton, at least in his textbook on informal logic, more explicitly seems to exclude the merely probable:

> The slippery slope fallacy occurs when a proposal is criticized, without sufficient evidence, on the grounds that it will lead, by an inevitable sequence of closely linked consequences, to an end result that is catastrophic... This type of argument... proceeds by presuming that there is an inevitable sequence of steps leading down a slippery slope, once you take that first step of accepting a proposal at issue. (p. 23)

This distinction is important because something similar is frequently mentioned in attempts to define an explicit slippery slope fallacy.

Consider the argument that one should never start smoking because it is a slippery slope to addiction and, later, lung cancer, emphysema, or some other frightening health condition. Each step in that chain is merely probable. Certainly it is possible to quit smoking before becoming addicted, or even after becoming addicted, and not every long-term smoker eventually suffers from a tobacco-related health condition. The steps are certainly plausible and indeed empirically supported, but are by no means unstoppable or irreversible before the final consequence occurs. Should this be considered an SSA? If so, is it a fallacious one? Finally, are these classifications, and their associated criteria, analytically useful to someone interested in assessing its strength? We will return to these questions after discussing a brief history of the schema and the theoretical literature.

3. HISTORICAL ARC

To get a sense of the historical arc of the concept outside the disciplinary literature, we searched the LexisNexis and Google Ngram Viewer databases for the phrases "slippery slope" and "slippery slope fallacy." The phrase saw sporadic use during the first half of the 20th century, especially around the rise of Nazi Germany, whether warning about the slippery slope to fascism, or, in Germany, the slippery slope to liberal democracy. After the war, the metaphor was taken up by writers preoccupied with the rise of the USSR and the existential threat it posed to the United States and its allies. The underlying argument structure, however, is much older. Aristotle (1941) makes several proto-slippery slope arguments in the *Politics,* e.g., that children should not be exposed to depraved art, or else it will lead them to be unable

to resist depravity in their own lives as they get older (sec. 1336b 20-35), or that the state must pay special attention to "small matters… for transgression creeps in unperceived and at last ruins the state… In the first place, then, men should guard against the beginning of change" (sec. 1307b 30-40). It appeared frequently in the writings of the American founding fathers; for example, James Madison (1785) famously argued that "it is proper to take alarm at the first experiment on our liberties" (sec. 3).

During the 1950s and 1960s, a few philosophers identified a "slippery slope fallacy," but what they had in mind had little to nothing to do with the kinds of arguments in which the metaphor explicitly is invoked. Rather, their concern was for the sorites paradox, or the paradox of the heap (see, e.g., Bernadete, 1964). This paradox arises from the application of discrete ordinal categories to a continuous variable. If one continues to add grains of sand one at a time, at what precise point do the assembled grains comprise a heap? It seems reasonable to adopt a rule that says if you don't have a heap, adding a single grain will not transform the pile into a heap. Similarly, if you are impoverished, adding a single penny to your net worth will not bring you out of poverty. But then it follows by mathematical induction that there are no heaps and everyone is impoverished, which seem obviously absurd. It is not entirely clear why the metaphor became attached to this referent, but many well-known slippery slope arguments at the time (for example, Madison's warning) emphasized the importance of vigilance because of the difficulty entailed in detecting a transition from liberty to tyranny, and the sorites paradox depends on the difficulty in precisely localizing phase transitions in a fuzzy continuum of very gradual changes.

Although it was not mentioned in Hamblin's (1970) comprehensive treatment of fallacies, later in that decade the term began appearing in argumentation and informal logic textbooks as a type of fallacy. These uses were mostly for bad causal arguments, and bore a closer relationship to the kind of arguments that were made in which the interlocutors themselves invoked the metaphor. It also was taken up in legal scholarship in the context of the role of precedent in the Anglo-American common law tradition. Both expansions and restrictions of rights establish precedents that can serve as stepping stones to further expansions and restrictions. Following these developments, the 1980s saw some academic discussion of the slippery slope fallacy (see, e.g., Govier, 1982). By the end of the decade, however, the concept of a slippery slope fallacy had become part of the public meta-argumentative imaginary, appearing frequently in newspaper and magazine articles without any accompanying explanation, as if the author could take for granted that her audience would understand what the term meant and accept it as a reason to regard some other argument as invalid. It was at this point a public object of knowledge. Systematizing efforts began in the early 1990s, most notably by Douglas Walton.

4. WALTON'S APPROACH

Walton (1992) characterizes the slippery slope argument as "the kind of argument which warns you that, if you take a first step, you will find yourself involved in a sticky sequence of consequences from which you will be unable to extricate yourself, and eventually you will wind up speeding faster and faster toward some disastrous outcome" (p. 1). In Walton's (1992, 1995, 1996, 2015, 2016) conception, all slippery slope argument types employ on gradualistic reasoning. Gradualistic reasoning, making use of Perelman and Olbrechts-Tyteca's (1969) *device of stages*, involves a chained sequence of small internal links to reach its major conclusion.

Walton describes four types of slippery slope argument: Sorites; Causal; Precedent; and Combined. These reflect the various ways the argument had been conceptualized since references began appearing in the middle of the twentieth century.

4.1 Sorites type

This type depends upon the vagueness of a predicate giving rise to a category for which non-arbitrary brightlines of inclusion and exclusion are not possible. A sorites SSA makes use of the paradox to argue that either in every instance it is inappropriate to affirm the predicate in question—if an destroying an embryo is killing a person, then scratching your arm and destroying skin cells is as well—or that it is always inappropriate to deny it. As an example of the latter, if a fetus is not a human person today, then it won't be tomorrow, either, and so infants are not human persons. This kind of SSA interacts with definitional arguments and entails an implicit *reductio ad absurdum* (because only a monster would not consider an infant to be a person). A sorites SSA may also use the fuzziness of transitions to insist upon a brightline—any brightline is going to be arbitrary, but one is necessary, so birth will suffice (or, alternatively, viability or conception). Finally, a sorites SSA may be used to reject the idea of a brightline entirely and demand that the variable be reconceived as gradual and continuous.

4.2 Causal type

Causal SSAs—which, as we've seen, became the default textbook version of the SSA—argue that a proposed course of action will initiate a chain of causes and effects that culminate in an undesirable outcome and that once initiated, the chain will be difficult or impossible to interrupt. For example, if you start smoking cannabis, you could become addicted, move on to harder drugs, and die of an overdose. This kind of SSA interacts with deliberative arguments. The focus is on causal mechanisms like momentum, shifts in public opinion, tolerance to regulatory moves or lifestyles, changes in political power (e.g., a policy that reduces union membership may produce a slippery slope to much larger defeats for labor since an intermediate consequence is that their lobbying power is attenuated), material changes in circumstances, addiction, etc.

4.3 Precedent type

Precedent SSAs suggest that some proposed course of action would establish a more general rule that would authorize undesirable conduct, against which we would be powerless, having already invested the rule with authority. For example, if we were to adopt a regulation that prohibits the possession of a firearm equipped with a bump stock, it would "establish a precedent according to which the federal government (specifically, unelected employees of the ATF) would be empowered to seize property from any individual without affording them any compensation, and rendering anyone who fails to turn in or destroy such property subject to federal criminal penalties" (Barr, 2018, para. 3).

This kind of SSA invokes a hypothetical judicial analogy. In its essence, however, it is almost always causal, because it generally does not argue that fairness would demand we permit the imagined negative consequences, but rather that the precedent creates a regime in which objections to those consequences are unpersuasive and impotent. That is, a dangerous precedent is a mechanism that causes danger.

Like the sorites type, bidirectionality is possible with precedent SSAs. Rather than caution against the adoption of a general rule, one might caution against the violation of a

general rule, implicitly characterizing the proposed course of action as special pleading. For example, a professor might refuse a request to change a student's grade on the grounds that, say, "if I change your grade, I'll have to deal with hundreds of grade change requests every semester." In that case, it is self-focused; it may also be other-focused, as in "if you give him an inch, he'll take a mile."

4.4 Combined/Full type

Full SSAs involve each of the preceding components in a complex argument—that is, by adopting vague (or clear but arbitrary) predicates, we establish a dangerous precedent that will cause a horrific outcome. For example, by codifying a right to access abortion services, "the point has been reached where the most basic care, even nourishment, is denied to babies born with serious handicaps or illnesses. The contemporary scene, moreover, is becoming even more alarming by reason of the proposals, advanced here and there, to justify even infanticide, following the same arguments used to justify the right to abortion. In this way, we revert to a state of barbarism which one hoped had been left behind forever" (John Paul II, 1995, sec. 15). This argument interlaces distinct staging elements, beginning with the personhood of a fetus, which threatens to establish a dangerous precedent according to which infanticide would be justified, and causally lead society down a path toward "a state of barbarism."

4.5 Evaluation

The general thrust of Walton's approach seems to be ecumenical, an attempt to integrate all of the different approaches that preceded him. Walton has very carefully attended to the history of the concept and the literature, and his combined or full type is a very creative synthetic move. But is it ideal? In our judgment, Walton seems to have been led by arbitrary accidents of history to bundle fundamentally dissimilar arguments together, although the existence of the combined type does demonstrate that sometimes the various elements mutually reinforce one another. Walton's scheme seems even more overly inclusive than the textbook versions of the SSA. But at the same time, the opposite problem is that in another sense, the elements are not really sufficiently distinct conceptually. Without a causal element, for example, a pure sorites SSA is just an observation about vagueness and presumption is just a judicial analogy. Ultimately, this approach tends toward including arguments that are not really SSAs (e.g., the heap paradox), but also, insofar as it insists on the consequences having the logical force of necessity, excludes arguments that should not be excluded (e.g, the argument above about the risks of smoking cigarettes). Indeed, in Walton's most recent (2015) essay, he wonders if there are *any* reasonable SSAs.

Hinton (2017) offers many similar criticisms of Walton's approach, though arrives at rather different conclusions. He argues that the SSA scheme has come to encompass every argument from negative consequences, even those that are "very different from each other" (p. 2). He suggests distinguishing SSAs from arguments from material consequences, arguments from precedent, and arguments from consistency. Hinton's alternative is far more narrow than Walton's SSA scheme subtypes or the various textbook versions of the SSA:

> An SSA is an argument which states that 1. Accepting proposal (a) would mean breaking [or establishing] the hitherto accepted [or rejected] principle (p). 2. Upholding [or rejecting] (p) is necessary/important to argue against proposals (b), (c), … (z). 3. Proposal (z) is clearly undesirable. Therefore, (a) should be rejected. (p. 12).

Hinton clarifies further that the scheme only includes arguments involving truly inevitable, logically necessary consequences.

5. VOLOKH'S APPROACH

The literature about SSAs has not been entirely consumed with definition, classification, or whether and to what extent SSAs are fallacious. Some of the most productive scholarship has been concerned with the actual mechanisms by which slippery slopes lead one to slip. Volokh (2003) defines a slippery slope as "all situations where decision A, which you might find appealing, ends up materially increasing the probability that others will bring about decision B, which you oppose" (p. 1030). Rather than focus on the formal validity or logical subtypes of SSA, Volokh focuses on mechanisms by which slippery slopes can occur, with the goal of facilitating the evaluation of slippery slope risk. He is exclusively concerned with public policy contexts, and emphasizes that collective decision-making is an inherent feature of public controversies in democratic societies. This leads him to reject Van der Burg's (1991) argument against SSA that "if we can stop now, we will be able to stop in the future as well, when necessary; therefore we need not stop here yet" (p. 65). Volokh (2003) argues that the 'we' in a democratic society is composed of a multitude of interest groups with different and changing preferences, and so at the very least SSA are not inherently fallacious: "The claim that A's will inevitably lead to B's as a matter of logical compulsion might be mistaken, but the more modest claim that A's may make B's more likely seems plausible" (p. 1134).

Volokh identifies five categories of slippery slope mechanisms. The first are cost-lowering slippery slopes, in which decision B is only not possible now because of its high cost, which will no longer be the case after decision A is implemented. The second are attitude-altering slippery slopes, in which the passage of decision A induces changes in public opinion that favor decision B. The third category are small-changes slippery slopes, in which the magnitude of change from the status quo to decision B is sufficiently large to motivate the opposition to effectively oppose it, while the magnitude of change from decision A to decision B is not. The fourth category are political power slippery slopes, in which decision A increases the relative political power of the group of people advocating for decision B. The fifth category are political momentum slippery slopes, in which passage of decision A emboldens its supporters to pursue decision B, which formerly seemed too unrealistic to justify the expenditure of advocacy resources and political capital necessary to bring it about.

6. CONCLUSION

Why is the SSA concept a useful one? As an object of knowledge, it facilitates the evaluation (and refutation) of arguments by facilitating the application of criteria by students learning to assess, evaluate, and refute arguments. In this sense, it seems more of a failure than a success. This is in part because of the failure of to achieve any sort of consistent consensus about what is included and excluded, driven in part by a significant divergence between definitions given in the scholarly literature and those given in textbooks. However, to the extent that it drives practical studies that focus on mechanisms and help to evaluate the risks of probable but not certain consequences, the SSA concept can be useful. This is especially the case because of how commonly the metaphor for which it is named is invoked both by individuals advancing SSAs as well as their interlocutors.

The notion of an independent "slippery slope fallacy," however, seems indefensible. The criteria for considering SSAs to be fallacious are universally weak and very unlikely to be useful. When SSAs are bad, it is obvious that they are bad. Indeed, this seems to be taken for granted by many descriptions of the fallacy as a fallacy. In Walton's textbook definition above, the thing that makes a SSA into a fallacy is that its criticisms come "without sufficient

evidence" (p. 23). But every claim that comes without "sufficient" evidence is fallacious, and there is nothing special about SSAs in that respect. This line is echoed by Warnick & Inch (1989), who note that when fallacious, an SSA "assumes, without evidence, that a given event is the first in a series of steps that will lead inevitably to some outcome" (p. 142). Other common criteria include being far-fetched, exaggerated, or untrue, which are hardly useful to someone who is not quite sure whether to accept or reject an argument. In some cases, the putative fallacy is conflated with fear appeals, which are inexplicably asserted to be necessarily fallacious in nature (Dowden, 1993; Osborn & Osborn, 1988). Most commonly, logical necessity is the key dividing line between valid and fallacious SSAs. But arguments from consequences are rarely logically necessary.

Indeed, the world of late modernity is a risk society (Beck, 1992; Giddens, 1991; Luhmann, 2005). Our biggest concerns are laced with probability and uncertainty. Our argumentation theory, if it is to be relevant, must be responsive to that. Beyond that, none of the mechanisms discussed in Volokh's masterful study have the force of necessity, but they adhere closely to the metaphor as it is understood by those engaging in public policy argumentation. This kind of study connects basic argumentation research to empirical research in political science, public policy, and law, and seems far more useful than another debate about categories. Not a single one of the examples discussed in this essay have the force of logical necessity. It is far more important to teach our students how to assess probable consequences than merely identify (and reject!) those that are contingent in the first place.

How, then, would should SSA be defined? We suggest that an SSA is an argument that some proposed decision (A), which may be apparently desirable, or at the least innocuous, should be resisted because otherwise there would be an increased risk of a more extreme decision or event (B) that is clearly undesirable. A key component is impaired agency. That is, after A is chosen and executed, the ability of the decision-maker (which may be an individual person or organization, or a more collective 'we') to resist B, relative to the pre-A status quo, is diminished. This approach has a few advantages. First, it is has what social scientists might call construct validity – that is, it captures the kinds of situations in which actual arguers invoke the metaphor. This advantage extends over even Volokh's definition, which excludes arguments in which the final consequence is not brought about by a *decision* (e.g., containment / domino effect arguments during the Cold War or appeasement arguments before World War II), as well as arguments in which the final consequence is not brought about by *others* (e.g., any argument in which addiction is the slippery slope mechanism). Second, it emphasizes probability and risk. Third, it focuses on agency, which encourages interlocutors and argument auditors to consider the degree to which actions can be taken to insulate A from B, what is sometimes known as link intrinsicness in competitive academic debate. Finally, it is well-suited to controversies arising from interacting institutional logics. For example, arguments about the diagnostic criteria for mental illnesses selected and endorsed by the American Psychiatric Association have wide-reaching consequences, many of which are mediated through other technical systems (the legal system, which distinguishes between acts committed by the sane and the insane; the market as regulated by the state, which develops, tests, and markets pharmaceuticals to treat specific recognized disease entities, etc.). Some proposed disorders have been rejected due to fears that they would be a slippery slope to medicalizing normal human variation, that they would lead to uncontrollable medication of children, or that they would facilitate unjustified violations of due process through civil commitment proceedings (Strait, 2014). If the function of categories and theoretical constructs in argumentation theory is to focus attention to the most important and challenging kinds of arguments, while also reflecting the way people actually deploy and think about natural language arguments, our approach seems beneficial.

One trend we have observed in our study of SSAs is that the longer an analysis goes on, the more unreasonable it tends to get. In light of that, we must conclude our essay here, or else sooner or later, we will probably say something incorrect.

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Convergent structures in argument: Theoretical-linguistic description

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ABSTRACT: Convergent arguments are traditionally difficult to flawlessly relate to the multiple or to the co-ordinate type. The difference in question is meaningful not only from the theoretic, but also from the verbal influence point of view: the paper explains why co-ordinate structures have greater suggestive potential. Convergency in argument is viewed here as a phenomenon of semiotic complication of the elementary two-component ('standpoint-plus-premise') argument. Tectonically, convergent arguments are composites, i.e. complications of atomic arguments. To be co-ordinate, premises in convergent arguments must contain homogeneous parts. In general, premise homogeneity results in semantic-syntactic co-ordination in an argument. The paper discusses six homogeneity-based criteria for differentiating between co-ordinate and non-co-ordinate arguments.

KEYWORDS: argument, compound structure, convergency, co-ordinate structure, multiple structure, premise homogeneity

Convergent arguments are phenomena of two principal types – multiple and compound. Multiple structures usually are alternative defenses of one standpoint. Compound structures are re-enforce arguments defending the same Claim. In multiple argument independence of premises is what matters; in compound dependence character is important.

The structural interpretation of the arguments emphasizes the relationship between the premises. Premises are usually treated as propositions, but their components in them are not analysed. Thus, the principle of analysis resembles the one used in sentential logic.

Structuring an argument is a working tool for its analysis, used for explication purposes (Johnson & Blair, 1994, pp. 36-40). The explication is usually carried out introspectively and is generally subordinated to the rationalization of the argumentative activity.

In the special literature on the taxonomy of the structures of argument, types and subtypes of the structure are not numerous. There we find a divergent type (one argument is several protected theses), a convergent one (several arguments are one defended thesis) and a chain argument (successive submission, in which the thesis of one argument is simultaneously the premise for the next one). However, this terminology varies in content. Let's consider some basic structural approaches in two main argumentological schools, pragmadialectics and informal logic.

Pragmadialectic. Here, a goal of analysis and evaluation of the argument is to determine whether the premises are good (deductively necessary or inductively strong) grounds for accepting the conclusion. The unit of analysis is the set of "premise(s) – standpoint". The purpose is to establish how well a critical discussion leads to rational resolution of some controversial issue. In dialectics, the proponent can offer arguments, and then renounce them if they are successfully criticized, and offer other arguments (thereby forming another argument). If there are several participants, the argument offered by the proponent may be acceptable for some participants, but not necessarily for others. If the proponent offers several arguments, then each participant can receive at least one argument

with which he agrees. If each argument is sufficient to justify the standpoint at issue, then, by providing such set of arguments, the proponent seeks a favorable resolution of the dispute, through a series of arguments.

The typology of arguments in pragmadialectics is based on: (1) the nature of the differences in opinions (single unmixed, multiple unmixed, single mixed, multiple mixed varieties of reasoning); (2) the distribution of roles between participants in the discourse (protagonist, antagonist); (3) the assumptions and conclusions that make up the arguments (expressed, not expressed); (4) argumentative structures (single, multiple, compound, compound, subordinate); (5) the scheme of argumentation (based on evidence, similarity, effect) (Eemeren et al., 1996, pp. 288–289).

In pragmadialectics, the division of argumentation into multiple and compound based on the feature of conclusiveness. For multiple arguments, single premises should be regarded as irrefutable defenses of the proponent's point of view (Eemeren & Grootendorst, 1992, p. 79). Thus, the function of "irrefutability" appears to be the separation of arguments in multiple arguments. This term has a modal meaning – it is directly related to the logical necessity in deduction, and the deductive argument in logic has the maximum (absolute, unquestionable) power. If any premise forms a deductive argument, then the remaining premises do not add to the argument force: the power of the deductive argument cannot be increased, no matter how many premises we add. Consequently, an argument having another premise, in fact contains more than one argument: one constitutes a deductive argument, while the others are either non–deductive or deductive, which can be established on a separate basis.

The use of "irrefutability" becomes problematic when it comes to arguments that are correct from a logical point of view, but do not have irrefutable conclusions. Apparently, it would be possible to envisage the existence of multiple arguments for such cases, and at the same time – the existence of a co–ordinate argumentation for cases in which the premises together support, but not incontrovertibly, the conclusion.

In F. Snoek Henkemans's view, the single argument is contrasted with the complex one on the basis of the number of arguments – in a single there is one, in a complex there are several arguments. The composition of the latter is divided into multiple, coordinatively compound, and subordinatively compound (Henkemans, 1997, p. 15).

In our opinion, the author does not notice the level mismatch between them. On the one hand, the multiple argumentation is clearly terminologically different from the composite argument, which is divided into two subtypes. On the other hand, the plural and compositional compound argumentative versions presuppose the presence of arguments lying on one level, and the subordinate component is the presence of an argument of a different level (a built–in argument with a thesis of the second order).

F. Henkemans' distinction between compound (compositional) and multiple reasoning is based on the principle of ±sufficiency: in the multiple argument, according to the author, the premises sufficiently substantiate the standpoint separately, in the composite – only in the aggregate. Therefore, in the multiple argumentation, it is sufficient that at least one of the arguments be acceptable, and while in the compound one – necessarily all. The author sees the solution of the problem in a dialogue principle, arguing that these types of argumentative structures perform different functions in argumentation, and also function differently in the discussion. The mentioned structures have different content. The structures themselves can be established by formulating critical questions that call for argumentation from the proponent in the form of multiple or compound arguments. Such argument helps overcome both doubts and criticism on the part of the opponent.

The dialogue–oriented solution to the problem proposed by F. Henkemans does not, however, lead to a denial of the possibility of considering the monological argumentative

discourse, since the latter is usually an implicit dialogue and is carried out in orientation to possible doubts and disagreements of the absent opponent. Discourse indicators of the type of structures are, according to the F. Henkemans, pragmatic, dialogical and dialectical clues. The first indicator of the structure is the type of the standpoint, the second is the type of criticism that is anticipated and to which the argumentator reacts, the third is the organisation of the argument.

Informal logic. In informal logic, there is no emphasis on the dialogic nature of the argument: the opposition of dialogical and monologic argumentation is assumed to be only manifestational. It means that in fact any argument is internally dialogic, because it is reasoning directed to a real communication partner, therefore, to her possible objections.

The interdependence of arguments can be interpreted in a narrow and broad sense. The narrow interpretation provides that arguments provide some justification for the conclusion, the broad – that besides, the arguments must be interdependent to give a sufficient justification. Independent arguments are treated as individually giving (a) some and (b) sufficient justification for the conclusion. Independence is also treated as relative and as absolute. In the first case, independent arguments are not necessarily sufficient for the conclusion, in the second case they are.

S. Thomas (Thomas, 1981, pp. 51–56) distinguishes four types of arguments: serial (serial), divergent, connected and convergent. The three types of non–divergent reasoning are deductively valid (syllogistic), inductive (statistical generalization), and support of the hypothesis. An example of an inductive argument in S. Thomas is: (a) *I ate chocolate bar # 1 and afterwards my face broke out.* (b) *Likewise, for a chocolate bar # 2 through #N, each time after eating the chocolate bar, my face broke out.* (c) *Therefore, I conclude that after eating a chocolate bar, my face will always break out.* For an example of supporting the hypothesis, the author gives: (a) *His swimming suit is wet.* (b) *His hair is plastered down.* (c) *He's been swimming.*

According to F. Henkemans, in a related (interdependent) reasoning, the premises individually (a) may not support the conclusion at all, but can (b) support it to some extent this type of reasoning (Henkemans, 1997, p. 33) . However, S. Thomas does not have case descriptions (a), so it is an artificial addition to the critic! More sound would be the remark that related reasoning encompasses the linked and cumulative types (cf.: (Pinto, 2001)) and thus requires appropriate refinements. Convergent or independent reasoning is defined as taking place when (a) each individual premise can be sufficient to support inference, and (b) the falsity of any of the premises does not weaken the conclusion (Thomas, 1981, p. 55). For example: (a) *Smoking marijuana is against the law.* (b) *The smoke will be bad for my lungs. Therefore*, (c) *I should not smoke marijuana.*

J. Nolt defines independent (split support) arguments as having two or more independent lines of reasoning ((a), (b)) and leading to the same thesis: (a) There is absolutely no demand for an appliance that converts earthworms into ice cream. Besides, (b) it would be so costly to produce that no one could afford it anyway. So (c) such a device will never be marketable. The signal of the independence of the premises is the word *besides*. Normal arguments are those that are not independent and provide support for the conclusion together: (a) *Either Ophelia is very sick or else she's faking. But* (b) *she's not capable of faking. So* (c) *she must be very sick* (Nolt, 1984, p. 31–33).

In our opinion, this definition needs clarification of the following points (with respective explication of the types of interdependence): (a) for premises that individually do not provide any justification for the conclusion; (b) for premises, each of which gives some justification; (c) for premises, some of which provide some justification, while others do not; (d) for premises that have unequal force of support of the conclusion.

T. Govier gives a relatively narrow definition of interdependent premises, referring to them cases where one premise could not provide any justification for the conclusion in isolation from others (Govier, 1988, p. 126). Independent premises give sufficient support separately, regardless of the truth of other premises. This definition is close to the cumulative type by R. Pinto. According to F. Henkemans, the narrowness of this interpretation leads to the fact that if only relevant premises taken together are considered independent, the case when the independent premises in the aggregate are sufficient for a conclusion is lost sight of – in this case they can be interdependent (Henkemans, 1997, p. 36).

A very detailed schematization of the argument is given by D. Walton. Although the interpretation of the structures of argumentation here is related to the dialogical form of argumentation, the actual dialogical exchange acts as a verifying and guiding procedure that does not touch the semantic-tectonic component of the argument. The central concept in the development of argumentation schemes in D. Walton is *presumption*. This concept is correlated with the concept of the burden of proof. It lies between the *assertion*, needing the burden of proof and the *assumption*, not related to the burden of proof. Accepting some position as a presumption the person also allows for a (possible) refutation of the position: the presumption "shifts" the burden of proof. For D. Walton, argumentation schemes are "forms" of argumentation, which are normatively committing kinds of reasoning; such forms are better to be considered as moves or as speech acts. Normative committing is treated as the duty to accept the conclusion of the argument, if it is built according to the correct scheme, corresponding to the context of the dialogue. The logical correctness of the argumentation schemes depends on the context.

In cumulative arguments, according to D. Walton, each of the premises contributes to the substantiation of the thesis, the more the number of premises, the greater the power of conclusion. The aggregate force of the premises in them is higher than the sum of any premises taken individually or in groups. Their compositional nature is that premises have a topical coherence, i.e. they normally narrate about the same phenomenon, nominating its various markers. Such arguments are usually inductive, since in deduction the number of premises, if it exceeds the nominal, does not in any way affect the strength of the conclusion – it is already 100%. A typical example of cumulative arguments are arguments based on a characteristic, cf .: (a) *He has a temperature*; (b) *His head hurts*; (c) *He has a general weakness*; (d) *His body aches*; (e) *He has a dry cough without a cold*; (f) *He has the flu*.

Some cumulative arguments lie, according to D. Walton, between coherent and convergent. Their co-ordinate nature lies in the fact that the premises have implicit topical coherence ("the properties of the organism"); their convergent nature is that each of them represents a separate line of reasoning and therefore independently gives a certain justification for the conclusion, cf. examples from (Walton, 1996, pp. 131-133): (A) (a) *The gram stain of the organism is gramneg.* (b) *The morphology of the organism is rod.* (c) *The aerobicity of the organism is anaerobic.* (d) *There is suggestive evidence that the identity of the organism is bacteroides.* (B) (a) *Bob was seen at the scene of the crime, holding a smoking gun*; (b) *Bob confessed to the crime*; (c) *Bob committed to the crime.*

The nature of such arguments can be determined if one tries to answer the following questions: (a) if one of the premises is not confirmed, can we assume that the remaining premises support the conclusion? (b) is it sufficient for the legitimacy of inferring the correctness of at least one premise under the insolvency of the others? To solve this problem, one can presume that we have in front of us inductive arguments that do not have a 100% truth value. Then (1) and (2) continue to operate even if the strength (probability) of the conclusion is reduced. However, such a reduction should not be significant. In this sense, the arguments given are not convergent. If we remove the requirement of insignificance, then they are close to convergent.

Such considerations allow Walton (Walton, 1996, p. 134) to consider the dichotomous division of arguments into coherent and convergent ones as inadequate-if the argument is not convergent, this does not mean that it is a coherent and non-coherent argument that is not necessarily convergent. Cumulative arguments are difficult to consider as a form of coherent, therefore R. Pinto and T. Blair refer both to the varieties of dependent arguments.

Summing up, division of arguments into the coordinate and convergent, widely used in modern theory of argumentation, gives a very ambiguous picture.

Kaluga School of linguistic argumentology (cf.: (Vasilyev, 2006; Soushentsova, 2014) has for a number of years been doing research in different spheres of argumentation. Several years ago, myself and T. Soushentsova analysed a number of court decisions in Russian and in English. The analysis showed that arguments used by judges are predominantly compound, not multiple. Since the *ad verecundiam* aspect of court decisions calls for explicit grounds, it has the perlocutionary effect of verbal influence, as well. We hypothesized that the convincing force of arguments having homogenuous premises could be stronger than of those with non-homogeneous grounds because of the seek of people to well-grounding (and not leaving aside factors that obviously matter).

With multiple argument defense resembles deductive arguments where it is not essential how many premises we have – the *scheme (mode of reasoning)* is of primary importance.

Somewhat different is the picture with compound arguments. Here the premises defend the thesis in parallel. Theoretically significant is this question: which compound structures are more and which are less co-ordinate? The question has to do, of course, with the answer to the question: what relations are there between the elements of the argument, namely, between its premises?

Let us look at the relations from two angles: logical and linguistic. In both cases we take that the premises have certain relations between one another.

The logical angle. Relations between 2 coordinate premises can be: (1) Generality – Paricularity (≈ Governing, but ≠Subordination: the *why?* is inapplicable): (a) A dominates (is more general than) B: *(Bill is unbearable:) (A) He gets me to do all the house work; (B) He has me to sweep the floor and do washing up.* (b) B dominates (is more general than) A: *(Bill is unbearable:) (A) He gets me to do all the house work; (B) He does it all the time.* (2) Equality: (a) Non-intersection: *(Bill is unbearable:) (A) He gets me to do all the house work; (B)He makes me supervise (not do myself!) the house expenses.* (b) Intersection: *(Bill is unbearable:) (A) Some of his house work is what I dislike; (B) Some of what I dislike is his house work.*

The linguistic angle. Here, coordination is connected with the problem of homogeneity. Homogeneous parts of the sentence and of the text are relatively independent. Still, their independence is specific. They differ from introductory words, phrases, and sentences, parceling constructions, or addressings. These language structures have no relation to either some member of sentence or the sentence grammatical base. Unlike introductory words, phrases, and sentences, unlike parceling constructions, unlike addressings, homogeneous parts are syntactically connected to some member of sentence. If we climb out of the rigid borders of the simple sentence to the composite sentence (where real arguments live) we can easily observe these relations between the clauses: co-ordinative, half-predicative, explanatory, particularising, connecting.

The features of homogeneity of syntactic units are their similarity in composition, in quality, and in origin.

Similarity in composition. It is similar sentence lexico-grammatical structure with similar predicate center, verbal tense, mood, voice, and conjunctions that help to detect the type of relation. P.ex.: *The Tribunal determines that the Respondent is not entitled to*

administration charges for its costs in connection with arrears of ground rent and *is not entitled to charge the costs of these proceedings to the Applicants' service charge account* (HM Courts & Tribunal Service).

<u>Similarity in quality</u>. These are traditional clauses performing one and the same syntactic function – that of an attribute, of a complement, of an adverbial modifier. P.ex.:

Subject clauses: *What I want to do and what I plan to do is to save you and your brother; It was always possible that they might be noticed and that they might be captured; Whether she was determined to bring matters to a crisis, or whether she was prompted by some private sign from Mr. Buff, is more than I can tell* (T.Dreiser).

Predicative clauses: *It seemed as if he were frightened or as if he were at a loss; That is what he loved best and what he appreciated most.*

Attribute: *You could not feel but sympathy for a man who took so much delight in simple things **and** who was so sincere and sympathetic; All that could be done and that could not was readily explained.*

Complement/Object: *But this time, just about sunset, was always what I loved best, what I adored; Time will show whether I was right or whether I was wrong; I insist upon it that you tell me what you mean and that you explain me what you want; He stopped in the hope that she would speak or that she would smile at him.*

Adverbial modifier: *He was getting on better than he had expected or had dreamt of; I am confortable where I am and where my kids are; Should he marry tomorrow or should he go to the front – I don't care.*

<u>Similarity in origin</u>. It has to do with a contextual factor that helps to make closer constructions with different characteristics. The uniting factor is really contextual – it can be a distant common feature, appearance, similarity in effect, or an assessment (cf. *ad verecundiam*). P.ex.: The plea: *(1) This is an application by the landlord for a determination that the tenant is obliged to pay £287.50 by way of administration charges in respect of an application for consent to a letting of the property. (2) The building is recently built block of flats. (3) The flat with which this application is concerned is in the basement.(4) The lease in Schedule 2 contains covenants by the tenant to pay all costs etc of any application by the lessee for a consent or license (para 4.1)* (HM Courts & Tribunal Service). The sentences (2), (3), (4) here are only contextually homogeneous and are united by the plea (1).

I propose these set of linguistic criteria for detecting homogeneity of co-ordinate premises in an argument:

(1) Teleological criterion – intentional unity of the premises given by the same standpoint.

(2) Coherence criterion – a copulative link between the premises.

(3) Semantic criterion – propositional homogeneity of the premises.

(4) Contextual criterion – field sameness of the premises.

(5) Grammatical criterion – syntactic and morphological conformity of the premises.

(6) Lexical criterion – sameness of words and clichés in the premises.

The more criteria can be found in an argument, the more homogeneous its co-ordinatie premises are: here we can speak about maximal, moderate, and minimal homogeneity.

Still, some of the criteria are obligatory minimal (necessity conditions) for homogeneity: they are criteria (1) – (4). Omission of the criterions (5) – (6) is not so difficult to explain: for an argument more important is contentive, but not manifestational characteristics. Content must be common, while form can differ.

Now, let us look at some compound arguments within an argumentative text which is a court decision.

Texts of court decisions which were analyzed demonstrate predominance of convergent co-ordinate structures. The reason for it appears to lie in judges' aspiration to

give a comprehensive and complete analysis of all the premises in the case. Also, priority of such structures can be explained by the fact that the strength of all the premises is supported by all the facts and by their legal force. The grounds in the arguments were contextually homogeneous because the coherence of the text of court decision concerns any textual element. All the premises on any argumentative level of the text are contextually connected with the Claim of all the Macro-Argument. The contextually-homogeneous premises support the Claim collectively.

The syntactic criterion in the court decisions is represented by several types of connection between the homogeneous premises – copulative, adversative, gradual, and disjunctive. The syntactic connection between the premises can be easily established due to contextual concurrence and goal-orientation of the premises. Look at this example analysis:

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER PARAGRAPH 5 of SCHEDULE 11 to COMMONHOLD and LEASEHOLD:
REFORM ACT 2002.
Case Reference: LON/00AE/LVA/2012/0003
Premises: Flat 45 Danes Court, North End Rd, Wembley, Middlesex
Applicant: Mr Robin Davis
Representative: In Person
Respondents: LKB Investments Limited
Representative: Freshwater Group (LK Investments)
Date of hearing: 14 June 2012
Appearance for Applicant: In Person
Appearance for Respondent: Mr Fieldsend of Counsel
Leasehold Valuation Tribunal: Ms E Samupfonda LLB (Hons) Mr KM Cartwright FRICS Mrs R Emblin
Decision of the Tribunal.
(1) The Tribunal determines that (2) the application dated 13 March 2012 be dismissed.
The application.
1.   The Applicant seeks a determination (3) pursuant to paragraph 5 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 (4) ("the 2002 Act") as to (5) whether legal fees demanded by the Respondent are variable administration charges payable by the Applicant.
2.   (6) The Applicant holds a long lease of the property which (7) requires the landlord to provide services and (8) the tenant to contribute towards their costs by way of a variable service charge.
The hearing.
3.   The Applicant appeared in person at the hearing and Mr Fieldsend of Counsel represented the Respondent. Ms Judd, his instructing solicitor was also in attendance.
4.   Mr Fieldsend set out the history of proceedings clearly and succinctly in his skeleton argument.
The issues.
5.   At the start of the hearing (9) the parties identified the relevant issues for determination as follows:
(i)   (10) The payability and/or reasonableness of variable administration charges relating to legal fees.
(ii)   (11) Whether the application to the Tribunal should be dismissed (12) pursuant to paragraph 5 (4) of Schedule 11 to the Commonhold and Leasehold Reform Act 2002.
6.   (13) Having heard evidence and submissions from the parties and (14) considered all of the documents provided, (15) the Tribunal has made determinations on the various issues as follows.

The Tribunal's decision.

7.   (15) The Tribunal determines that (16) the application be dismissed.

Reasons for the Tribunal's decision.

8.   (17) The Tribunal considered the history of proceedings as set out in the skeleton argument. (18) Mr Fieldsend stated that (19) the legal fees that form the subject matter of these proceedings formed part of the costs that were claimed in the County Court proceedings claim no. 1UD65335. The court heard that claim on 23 March 2012 and (20) the court determined that (21) the Applicant was liable for costs and (22) assessed the amount payable at £2,990.

9.   The Applicant, (23) Mr Davis admitted that (24) he had paid the legal fees that are the subject matter of this application on 18 May 2012. However, (25) he sought to challenge payability on the basis that (26) at the time (27) the amounts were debited from his account (28) there was no liability to pay.

10.   (29) As the Applicant has admitted and paid the costs in issue, (30) the Tribunal does not have jurisdiction to consider matters further (31) pursuant to paragraph 5 (4) to Schedule 11 of the 2002 Act and (32) the application is dismissed.

11.   (33) There was no application for costs and (34) no application made under section 20C of the Landlord and Tenant Act 1985.

Chairman: Evis Samupfonda

The text is composed of 11 Argument Moves (each equaling to a paragraph), each consisting minimally of one simple argument (Argument Step). In the text we found a number of compound-structure Moves. As an example, we give here our analysis of one of them.

The Move-5 reflects the opinion of the court. Its scheme is this: (13) + (14) → (15)

Its Claim (we use R. Crable's (1976) version of the Toulmin model) is Declarative *(15) the Tribunal has made the determination.* Its Evidence are «reports of situations» *(13) Having heard the evidence and submission*, *(14) (Having) considered all the documents provided* and implicit causative Warrants for both (14) → (15) (*having respective documents enables the court to come to making a decision*) and (123) → (15) (*plaintiff's testimony and evidence enables the court to come to making a decision*). The homogeneity is based on the notional criterion verbalized in the Claim (15) as well as on the semantic and on the contextual closeness. The homogeneity of the Evidence is also proved by a copulative syntactic connection *(13) the evidence and submission…* AND *(14) all the documents provided.* We can also mark the lexico-grammatical Evidence homogeneity: *Having heard… and considered* (the perfect form of the participle). So, in this Move the Evidence are of complete homogeneity.

Homogeneous Warrants are implicit, still they are homogeneous: they have a common Claim; they are contextually relevant; they are compoundly connected on the deep level (cf. the inner modal semantization between *allowing* and *giving an opportunity*); of course, their homogeneity is incomplete.

To recapitulate, if all the six criteria are met in an argument, it has absolute homogeneity and the complete co-ordination of structure. If only some are present, there can be:

(a) incomplete co-ordination with the same trajectory of support;

(b) incomplete co-ordination with different trajectories of support;

(c) non-coordinate support (still to be distinguished from multiple grounding).

Minimal homogeneity set of the criteria can be stated and explained for co-ordinate argument structures.

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An annotated corpus of argument schemes in US election debates

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ABSTRACT: We present a corpus comprising the first general election debate between Clinton and Trump (17,190 words) annotated with types of argument on the basis of the Periodic Table of Arguments. This extends the annotation of an existing corpus (97,999 words) of transcripts of television debates and associated reactions on the Reddit social media platform, annotated on the basis of Inference Anchoring Theory with relations of inference, conflict and rephrase, and their illocutionary discourse anchoring.

KEYWORDS: annotation, argument schemes, corpus, Inference Anchoring Theory, Periodic Table of Arguments, political debate, television debate, US presidential elections

1. INTRODUCTION

In this paper we present the US2016G1tvWAGEMANS corpus, a freely available resource of empirical data on argument schemes. The corpus consists of transcripts of television debates leading up to the 2016 presidential elections in the United States, combined with reactions to these debates on the Reddit social media platform. The annotation of the corpus consists of two layers. The whole corpus (97,999 words) was annotated (Visser et al. 2018a) on the basis of Inference Anchoring Theory (Reed & Budzynska, 2011), with argumentative relations of inference, conflict and rephrase, and their dialogical anchoring by means of illocutionary connections (see Section 3). The annotation of a sub-corpus containing the first general election television debate (17,190 words) is extended by classifying the argument schemes on the basis of a factorial approach to argument classification called the *Periodic Table of Arguments* (Wagemans, 2016) (see Section 2).

The Periodic Table of Arguments classification is based on three discriminating properties: first-/second-order arguments; predicate/subject arguments; propositions of fact/value/policy. The individual propositions and inference relations in all arguments are annotated with the three properties (see Section 4). The results on the three distinctions are then combined for each argument and mapped to the Periodic Table of Arguments' technical classifications (such as '1 pre FF', a first-order predicate argument relating two factual propositions) (see Section 5).

The US2016G1tvWAGEMANS corpus serves as an open resource of empirical data on argument schemes (see Section 6). It can inform the identification of isotopes of the 36 systematic characterisations of arguments in the Periodic Table, and be used to review the

appropriateness of the three discriminating properties. The corpus also serves as a resource for argument mining (the automated reconstruction of argumentative discourse). The development of the machine learning techniques that are popular for argument mining is dependent on the availability of large quantities of uniformly annotated data, which US2016G1tvWAGEMANS provides.

2. THE PERIODIC TABLE OF ARGUMENTS

For identifying the types of arguments in the corpus, we made use of a factorial approach to argument classification called the *Periodic Table of Arguments* (Wagemans, 2016). Within this approach, an argument type is conceived as a characterization of an inference relation, i.e., the specific way in which a premise supports a conclusion. The theoretical framework of the table consists of the following three independent, partial characteristics of arguments.

2.1 First-order arguments and second-order arguments

The approach assumes that premises and conclusions of arguments are expressed by categorical propositions consisting of a subject term (S) and a predicate term (P), giving an argument the general form "S_C is P_C, because S_P is P_P". The distinction between first-order and second-order arguments hinges on the possibility of breaking down the subject term of the proposition expressed in the premise of the argument (S_P). If this element cannot be broken down any further, the argument is characterised as a first-order argument ("1"). An example is "The suspect was driving fast, because he left a long trace of rubber on the road", which has "he" as the subject of the premise. If this element can be broken down, for instance because it consists of the categorical proposition expressed in the conclusion (S_C is P_C), the argument is characterized as a second-order argument ("2"). An example is "We only use 10% of our brain, because Einstein said so", which has the conclusion functioning as the subject of the premise and "is said by Einstein" as the predicate of the premise. In this case, the general form is instantiated as "S_C is P_C, because (S_C is P_C) is P_P".

2.2 Predicate arguments and subject arguments

If the subject of the proposition expressed in the premise is identical to that in the conclusion, the underlying mechanism of the argument is based on a relation between the (different) predicates. Such an argument is characterized as a predicate argument ("pre") and has the general form "*a* is *X*, because *a* is *Y*". Both examples mentioned above can be viewed as predicate arguments ("being true" functioning as the unexpressed predicate of the conclusion in the case of the second-order argument). If the predicate of the proposition expressed in the premise is identical to that in the conclusion, the underlying mechanism of the argument is based on a relation between the (different) subjects. In this case, the argument is characterised as a subject argument ("sub") and has as its general form "*a* is *X*, because *b* is *X*". An example is "Biking on the lawn is forbidden, because walking on the lawn is forbidden".

2.3 Types of propositions

Finally, arguments are characterized on the basis of the specific combination of types of propositions they instantiate. For this purpose, the approach distinguishes between propositions of fact (F) such as "Investing in solar energy will diminish CO_2-emission", propositions of value (V) such as "Investing in solar energy is a good idea", and propositions

of policy (P) such as "The UK should invest in solar energy". After determining the type of proposition expressed in the conclusion and the premise, the argument is characterised as a PP, PV, PF, VP, VV, VF, FP, FV, or FF argument.
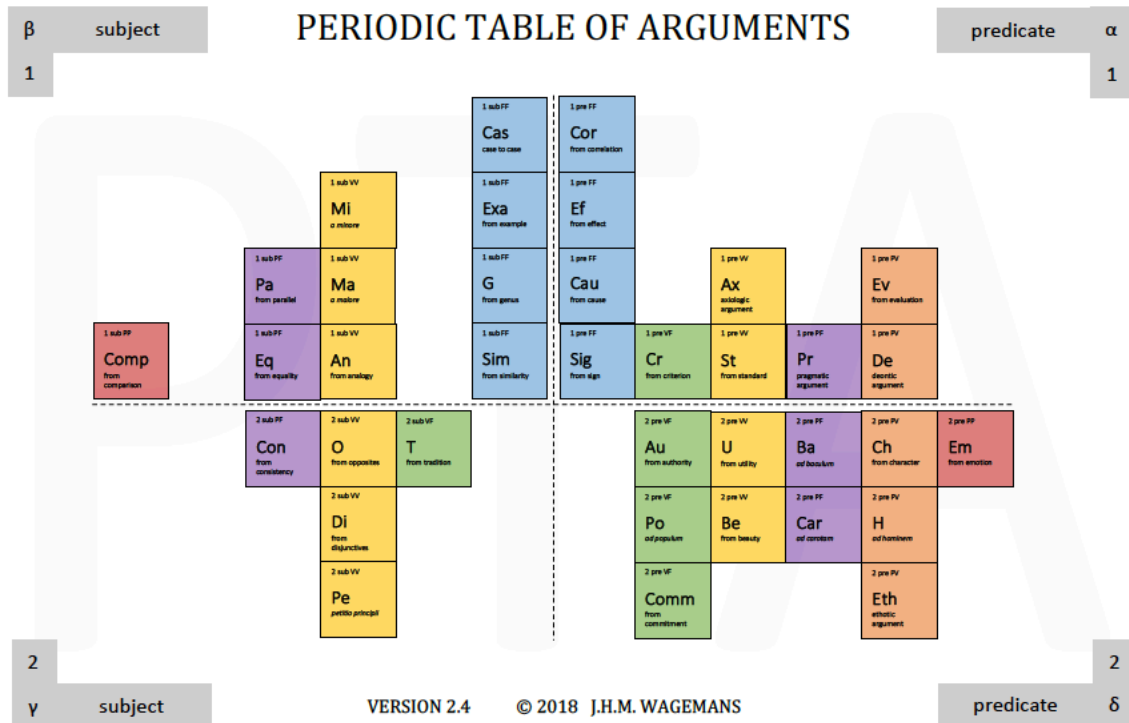

Figure 1. Visualisation of the four quadrants of the Periodic Table of Arguments.

2.4 Factorial full characterisation

After having performed these three analyses, they are combined into a full characterisation of the argument type. The resulting possible characterisations can be visualised in a Periodic Table based on the distinctive partial argument characteristics. Figure 1 shows a subset of argument types classified into four quadrants: the α quadrant groups the first-order predicate argument types ("1 pre"), the β quadrant contains the first-order subject arguments ("1 sub"), the γ quadrant covers the second-order subject arguments ("2 sub"), and the δ quadrant the second-order predicate arguments ("2 pre"). The argument types in the four quadrants are then further subdivided based on the combinations of different types of propositions employed as conclusion or premise. For example, "The suspect was driving fast, because he left a long trace of rubber on the road", would be characterised as a "1 pre FF" argument, i.e. a first-order predicate argument (α quadrant) combining a proposition of fact with another proposition of fact. This approach to argument classification is factorial in that the theoretical framework of the *Periodic Table of Arguments* leads to 2 x 2 x 9 = 36 full characterisations of arguments.[1]

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[1] More information about the Periodic Table of Arguments is also available online at www.periodic-table-of-arguments.org.

3. A CORPUS OF TELEVISED ELECTION DEBATES

3.1 The 2016 US presidential election debates

The US2016 corpus comprises transcripts of televised debates for the 2016 presidential elections in the United States of America. These debates constitute a type of communicative activity within the political domain. The context in which communication takes place influences the argumentative activity, as it determines, e.g., the outcomes aimed for, the roles of the participants involved, and the rules or conventions with respect to the argumentative means available to them (van Eemeren, 2010). The interests and values of the individual participants further shape the practice (Fairclough, 2006): the context of televised election debates is heavily influenced by the candidates' objective to persuade the electorate to vote for them, and the broadcasting networks' aim of providing a fair and well-viewed platform for doing so.

Ever since the first televised election debate between the then US presidential candidates John F. Kennedy and Richard Nixon in 1960, the debates have played an important role in the democratic process in many countries (Kraus, 2013). The general election and the associated television debates between Hillary Clinton and Donald Trump as the candidates for the two dominant political parties in the US (respectively the Democratic Party and the Republican Party) took place in the Autumn of 2016.[2] Prior to the general elections, both main parties held primary elections and caucuses to elect their party's candidate for the presidency. These primaries were also preceded by television debates between the leading prospective candidates in 2015 and 2016.

While the format of each of the debates is slightly different, there are some recurring characteristics. Being television debates, the discourse is spoken, with transcripts available retrospectively through a variety of sources, and video recordings broadcast live and available afterwards. The participants are expected to use language that is appropriate for the occasion. A selection of a limited number of candidates is invited to these events, moderated by anchors and journalists from the television networks that air them (among others, CBS, CNN, Fox News, and NBC).

The television networks' moderators pose questions to the invited candidates, and guide the debate (for example by keeping time and order), while the candidates make opening statements, answer the moderators' (and occasionally the public's) questions, defend their views and challenge those of their political opponents, in an attempt to garner more support among the electorate. For the general elections, three television debates were organised between Democratic candidate Clinton and Republican candidate Trump, and one debate between their candidate vice-presidents. For the primaries, the Republican party held 12 debates for the front-runners and seven so-called `undercard' debates between the next tier of candidates. The Democratic party held 10 primary debates. As time went on and more of the candidates withdrew their candidacy, the number of participants declined over the course of these series of debates.

The argumentation encountered in the debates is not always nicely signalled linguistically, or even and intuitively clear. The television debates are a spoken genre of discourse, such that the history of the dialogue is not entirely available to the participants – depending on their memory, of course – which may lead to repetitions and contradictions of what was said earlier. Furthermore, candidates cannot always rely on their prepared and practised lines and topics, but have to respond to unexpected turns and twists, and to

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[2] In the current paper, we focus exclusively on the debates between the (prospective) candidates of the two dominant parties in US politics.

interaction with the other candidates and moderators. Because responding well to such dynamic situations is expected to instil the voters' confidence in the candidate, candidates receive support to varying degrees from communication professionals in their preparation and training, and rely on their experience in political debating.

The context of televised election debates fosters a mixture of well-structured and well-presented argumentation that appears to have been prepared in advance, and impromptu argumentation originating from the need to cope with the interactional dynamics. The level of noise in the data – in terms of e.g. crosstalk, unconventional use of discourse markers, and low discourse cohesion – poses a challenge in the analysis of the argumentation. Consider Example (1), advanced by then prospective candidate (now President) Trump.[3] Trump anticipates his claim about the topic of immigration to not be accepted outright. He therefore supports it with multiple statements, but does so in a non-straightforward fashion. Upon closer inspection, Trump's support relies mostly on the rhetorical device of repetition, with several of his assertions constituting a relation of rephrase rather than inference. By relying on varying ways of presenting the same content within a superficially inferential reasoning structure, Trump introduces an element of circularity.

(1)   Donald Trump: *So, if it weren't for me, you wouldn't even be talking about illegal immigration, Chris. You wouldn't even be talking about it. This was not a subject that was on anybody's mind until I brought it up at my announcement. And I said, Mexico is sending. Except the reporters, because they're a very dishonest lot, generally speaking, in the world of politics, they didn't cover my statement the way I said it.*

In addition to the annotated transcripts of the television debates, the US2016 corpus contains annotated social media posts extracted from Reddit. The communicative context of social media posts leads to different conventions and communicative characteristics. Since, in the current paper, we only focus on a television debate sub-corpus of US2016, we will not go into detail on the Reddit sub-corpora – these are reported on elsewhere (Visser et al., 2018a).

3.2 Annotation with Inference Anchoring Theory

Four annotators, trained in the use of Inference Anchoring Theory (IAT) (Reed & Budzynska, 2011), annotated the US2016 corpus that we take as a case in point in the current paper. Building on insights from discourse analysis and argumentation studies, IAT explains argumentative conduct in terms of the anchoring of argumentative reasoning in communicative interaction. Drawing on Speech Act Theory (Austin, 1962; Searle, 1969), the anchoring is theoretically conceptualised as the `illocutionary connection' between locutions in dialogue and their propositional content. IAT then allows the analytical concepts and annotations to be represented in terms of the Argument Interchange Format ontology (Chesñevar et al., 2006), resulting in a graph-based representation that facilitates the computational processing of data and procedures.

The annotation guidelines, summarised below, are based on IAT. The full version of the guidelines (available online at arg.tech/US2016-guidelines) deals with, among others: anaphoric references, epistemic modalities, repetitions, punctuation, discourse indicators, interposed text, reported speech, and how to deal with context-specific peculiarities.

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[3] The annotation of example (1) – taken from our corpus of the first Republican primaries television debate on 6 August 2015 in Cleveland, Ohio – is available online at aifdb.org/argview/10829.

- *Segments* divide the (transcribed) text into locutions, consisting of a speaker designation and an `argumentative discourse unit' (a text span with discrete argumentative function) (Peldszus & Stede, 2013).

- *Transitions* capture the functional relationships between locutions, reflecting the dialogue protocol – a high level specification of the set of transition types that are available in a particular communicative activity.

- *Illocutionary connections* embody the intended communicative functions of locutions or transitions, such as: *Agreeing*, *Arguing*, *Asserting*, (three sub-types of) *Challenging*, *Disagreeing*, (three sub-types of) *Questioning*, *Restating*, and *Default Illocuting* (when none of the other types suffice). Some types of illocutionary connection lead to the reconstruction of a propositional content.

- *Inferences* are directed relations between propositions, reflecting that a proposition is meant to supply a reason for accepting another proposition. A specific argument scheme (e.g., *Argument from Example* or *Argument from Expert Opinion*) can be specified; failing that, it is labelled as *Default Inference*.

- *Conflicts* are directed relations between propositions, reflecting that a proposition is meant to be incompatible with another proposition or relation. Such incompatibility may depend on, e.g., logical *Contradiction* or pragmatic *Contrariness*, or the annotated relation may default to *Default Conflict*.

- *Rephrases* are directed relations between propositions, reflecting that a proposition is meant to be a reformulation of another proposition. Such reformulation may involve, e.g., *Specialisation*, *Generalisation* or *Instantiation*, or the relation defaults to *Default Rephrase*.

The annotation has been validated by means of calculating the inter-annotator agreement on a 11.3% sample, resulting in a Cohen's (1960) κ of 0.610, and a CASS (Duthie et al., 2016) κ of 0.752 – both indicating substantial agreement according to Landis and Koch's 1977) standard interpretation of the kappa metric. The resulting annotated US2016 corpus is freely available online at corpora.aifdb.org/US2016. We compiled some of the quantitative characteristics of the US2016 corpus in Table 1. Additionally, the table contains the properties of the US2016G1tv sub-corpus, the extended annotation of which we discuss in the current paper. Aside from a basic word count, Table 1 comprises counts of, e.g., locutions (text segments), some illocutions, arguments ('inference'), and counterarguments ('conflict').

Corpus	Word tokens	Locutions	Illocutions	Propositions	Inference	Conflict	Rephrase	Arguing	Disagreeing	Restating
US2016G1tv	17190	1584	2285	1473	505	79	140	507	62	121
US2016	97999	8937	13331	8099	2830	942	764	2788	907	576

Table 1. Quantitative annotation properties of the US2016 and US2016G1tv corpora.

4. ANNOTATION WITH THE PERIODIC TABLE OF ARGUMENTS

The annotation of argument schemes on the basis of the Periodic Table of Arguments is treated as an extension of the existing IAT-annotated argument structure of US2016G1tv. Because the typology of the Periodic Table of Arguments is based on the interplay between three distinguishing characteristics of the arguments, the annotation task has been deconstructed into three partial classification sub-tasks. Two annotators trained in annotation with the Periodic Table of Arguments, each carried out the three classification sub-tasks on 55% of the inferential relations and the related propositions of the US2016G1tv corpus. Based on those partial results an aggregated final classification of the argumentative inferences is produced with one of the 36 possible main types of the Periodic Table of Arguments (e.g. *1 pre FF*). If any of the inference relations or propositions involved in an argument cannot be classified, this leads to a classification as *Default Inference* in the final aggregation step. Similarly, any inference relation involving several premises without a dominant proposition type is labelled *Default Inference*.

4.1 Annotation guidelines

- *First-order and second-order arguments:* An inference relation is classified as *first-order* if it connects two propositions each containing a subject-predicate pair. An inference relation is classified as *second-order* if its premise is a locution (often the result of reported speech), or if the premise is otherwise applying a predicate to the full proposition in the conclusion.

- *Predicate and subject arguments:* An inference relation is classified as a *predicate argument* if the propositions involved share the same subject term to which different predicates are applied, and as a *subject argument* if vice versa. This classification is made more complicated by the fact that natural language generally does not neatly follow the subject-predicate structure of categorical propositions, while the IAT analysis does not mandate such reconstruction of propositions either. This means that the annotator has to make a reconstructive interpretation of the proposition as if it were a categorical proposition, to then categorise it – in order to respect the starting point of not changing the original annotation aside from classifying the types of argumentative inferences, i.e. argument schemes.

- *Propositions of fact, value and policy:* A proposition is classified as a *proposition of fact* if its veracity can be verified through empirical observation, as a *proposition of value* if it contains some evaluation (whether ethical, aesthetical, legal, or logical), and as a *proposition of policy* if it expresses an act or policy to be carried out.

4.2 Validation

The annotation guidelines are validated by calculating the inter-annotator agreement for the three partial classifications, as well as for the final aggregated schemes. For the classification of *first-order* and *second-order* arguments, a random sample of 10.0% was annotated by both annotators, resulting in a Cohen's κ of 0.658. While generally not considered a low κ – still amounting to substantial agreement (Landis & Koch, 1977) – this is the lowest inter-annotator agreement of all three sub-tasks. The lower score is a result of the set of arguments being unbalanced with a preponderance of *first-order* arguments: 481 *first-order* to only 11 *second-*

order arguments). This imbalance throws off the calculation of the Cohen's κ metric, as becomes clear when calculating the corresponding percentage agreement of 98.0% between the two annotators.

Also on a 10.0% sample, the classification of *predicate/subject* arguments results in a Cohen's κ of 0.851. The classification of propositions as *fact/value/policy* yields a Cohen's κ of 0.778 on a 13.4% sample. The inter-annotator agreement for the aggregated argument scheme classification is based on a 10.4% sample, resulting in a Cohen's κ of 0.689. This means that the partial and final annotations all fall within the range of substantial to almost perfect agreement.

5. THE US2016G1tvWAGEMANS CORPUS

The annotation of argument schemes based on the Periodic Table of Arguments is compiled in the US2016G1tvWAGEMANS corpus (available online at corpora.aifdb.org/US2016G1tvWAGEMANS). Each of the previously annotated argumentative inference relations in the US2016G1tv corpus has been labelled on the basis of the three distinguishing characteristics defined by the Periodic Table. For example, Clinton's argument in (2) is classed as a *1 pre PV* argument.[4] Clinton defends a policy proposal (*P*) (people on the terrorist watch list should be restricted from buying a gun), by drawing an analogy to a value statement (*V*) (people on the terrorist watch list are too dangerous to fly). She does so by means of two first-order propositions (*1*), that share a common subject term (*pre*) (people on the terrorist watch list).

(2)   CLINTON: *And we finally need to pass a prohibition on anyone who's on the terrorist watch list from being able to buy a gun in our country. If you're too dangerous to fly, you are too dangerous to buy a gun.*

	Total number	First-order argument	Second-order argument	Subject argument	Predicate argument	Proposition of value	Proposition of policy	Proposition of fact
Inferences	505	481	11	124	308			
Propositions	1473					383	110	289

Table 2. Results for annotation sub-tasks of distinguishing *first-/second-order* and *subject/predicate* arguments, and propositions of *value/policy/fact*

Quantitative metrics of the annotated corpus are compiled in Tables 2 and 3. Table 2 shows the counts for the three sub-annotations, while Table 3 contains the aggregated results. Notably low is the proportion of *second-order arguments*: accounting for only 11 out of a total of 505 inference relations. On the other end of the scale, the number of *default inference* classifications is uncomfortably high: 85 out of 505 inference relations have remained

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[4] The annotation of example (2) – taken from our corpus of the first General Election television debate on 26 September 2016 in Hempstead, New York – is available online at aifdb.org/argview/10850.

unclassified, amounting to 17% of the corpus. The main reason for the high number of *default inference*s is that a failure to classify a proposition or relation in any of the three annotation sub-tasks will cause the combination of the three sub-tasks to default into an unlabelled classification. In other words, if a proposition cannot be classified in terms of *policy/value/fact*, for example because it is too vague, or if the relation is not clearly *first-* or *second-order*, or if the propositions are incomplete to the extent that it's not clear whether the *subject* or *predicate* is responsible for the transferring of justificatory force, then the aggregated final classification of the argument as a whole fails and defaults.

Argument scheme	Count		Argument scheme	Count		Argument scheme	Count
Default inference	85		1 sub VF	23		1 sub VP	4
1 pre VV	78		1 sub FV	17		1 sub PV	3
1 pre VF	61		1 pre PF	15		2 pre FV	3
1 sub VV	50		1 sub FF	10		2 pre VF	2
1 pre FF	47		1 pre VP	8		2 pre VV	2
1 pre FV	27		1 sub PF	7		2 pre FF	1
1 pre PP	27		1 pre FP	5			
1 pre PV	25		1 sub PP	5			

Table 3. Aggregated results for the annotation of US2016G1tv with the Periodic Table of Arguments

6. IMPLICATIONS AND CONCLUSION

The US2016G1tvWAGEMANS is the first corpus of argumentative discourse annotated on the basis of the Periodic Table of Arguments, and it is one of the largest and most reliably annotated corpora of argument schemes publicly available. We intend the corpus to provide a resource for the quantitative study of argument schemes, and for computational approaches to argumentation in particular. Elsewhere (Visser et al., 2018b), we have reported on the annotation of the same source material (i.e. the US2016G1tv corpus) on the basis of Walton's (Walton, Reed & Macagno, 2008) typology of argument schemes. The dual annotation of the same source material with two distinct typologies of argument schemes makes it possible to do comparative studies. For example, the dual annotation can be used to map the technical names of Wagemans' Periodic Table of Arguments (e.g., *1 pre FF*) to the colloquial names of argument schemes familiar from Walton's typology (e.g., *Argument from sign*). This will expand the range of 'isotopes' in the Periodic Table: identifying the various sub-types of the larger classes delineated by the technical types (thereby creating the individual boxes in the four quadrants of Figure 1). A co-occurrence matrix, such as Table 4, can be used to look for regularities in the annotations based on the two typologies: it shows the number of arguments classified for the more common combination of the two typologies.

Corpus-based studies can provide new insights into the dialogical nature of argument schemes, and how they are employed in different communicative contexts. The frequency of particular schemes can further characterise the argumentative preconditions of the activity type, and feed into the study of which prototypical argumentative patterns are actually stereotypical (van Eemeren, 2017). A closer look at the linguistic surface structure associated with a particular type of argument scheme can lead to a greater insight into the use of discourse markers indicative of argumentation (van Eemeren, Houtlosser & Snoeck Henkemans, 2007); which in turn would be highly valuable for argument mining – the automated reconstruction of argumentative content from a natural language text (Lawrence & Reed, 2015). Also for approaches to argument mining that do not rely on discourse markers,

the availability of a robust annotated dataset is of great value for machine learning purposes (Peldszus & Stede, 2013).

	Argument from alternatives	Argument from analogy	Argument from bias	Argument from cause to effect	Argument from composition	Argument from consequences	Argument from danger appeal	Argument from example	Argument from fear appeal	Argument from popular opinion	Argument from popular practice	Argument from position to know	Argument from sign	Argument from values	Argument from verbal classification	Circumstantial ad hominem	Ethotic argument	Generic ad hominem	Practical reasoning	Practical reasoning from analogy	Pragmatic argument from alternatives	Default Inference
1 pre FF	1	2	1	6	1	5	·	13	·	·	1	4	3	·	2	·	1	1	2	·	1	2
1 pre FV	·	·	·	2	·	4	·	4	·	·	1	1	·	·	3	2	1	4	1	·	·	·
1 pre FP	·	·	·	·	·	·	·	3	·	·	·	·	·	·	·	·	·	1	·	·	·	·
1 pre VF	·	·	1	11	1	6	·	12	·	·	·	2	13	·	3	4	·	4	1	·	1	·
1 pre VV	·	1	2	9	1	2	1	13	·	·	·	1	7	3	11	4	·	6	9	·	3	2
1 pre VP	·	·	·	·	·	·	·	3	·	·	·	·	·	2	1	·	·	·	2	·	·	·
1 pre PF	·	·	·	·	·	2	·	3	·	·	·	·	·	·	·	·	·	·	2	2	3	·
1 pre PV	3	·	1	·	·	3	·	·	·	2	·	1	·	5	·	·	·	·	5	1	3	·
1 pre PP	·	·	·	·	2	2	1	3	·	·	·	·	·	·	1	·	·	·	14	·	4	·
1 sub FF	·	2	1	·	·	1	·	4	·	1	·	1	·	·	·	·	·	·	·	·	·	·
1 sub FV	2	1	·	·	·	3	·	·	1	·	2	·	·	·	·	1	2	1	2	1	·	1
1 sub VF	·	2	·	4	·	1	·	4	1	1	·	·	2	·	2	3	·	·	·	·	1	·
1 sub VV	·	·	2	6	1	2	1	7	·	1	·	·	4	3	4	8	·	6	1	·	·	1
1 sub VP	·	·	·	·	·	·	·	2	·	·	·	·	·	·	·	1	·	·	1	·	·	·
1 sub PF	·	·	·	·	·	1	·	2	1	·	·	·	1	·	·	·	·	·	·	·	1	·
1 sub PP	·	·	·	·	·	2	·	1	2	·	·	·	·	·	·	·	·	·	·	·	·	·
Default Inference	3	·	·	10	·	6	4	7	6	2	2	2	7	1	2	1	2	3	6	1	4	12

Table 4. Co-occurrence matrix of the most common argument scheme annotations in US2016G1tvWALTON (columns) and US2016G1tvWAGEMANS (rows)

An unavoidable difficulty in annotating argument schemes is posed by the fact that natural-language argumentation is not expressed in terms of categorical propositions or other abstractions. A reconstructive step is required to get from naturally expressed argument to the schematic abstractions that the typologies of argument schemes are based on. While technically possible, IAT annotation (see Section 3.2) ordinarily does not go into that reconstructive depth. The different approaches available to address this issue will be explored in future work.

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Maladaptive schemas as impaired internal arguments

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ABSTRACT: Cognitive behavioral therapy, schema therapy, and other cognitive therapies maintain that maladaptive thoughts, understood as propositions, cause emotional problems. Therapist and patient work together to reconfigure cognitive structures and processes (together called schemas) to achieve healthier beliefs, more logical thinking, happier feelings, and more constructive behavior. Schema theory is a cognitive model that offers a dynamic view of cognition, useful for understanding not only maladaptive beliefs, feelings, and actions in individuals, but perhaps also dysfunctional social and political movements.

KEYWORDS: argumentation, cognitive therapy, nationalism, schema, schema therapy, social movements, rhetoric

1. INTRODUCTION

Whether occurring in a coffee shop or a courtroom, a campaign headquarters, a bedroom, or a car lot, an argument is assumed to require at least two parties. One person may invent or plan, and one may listen or receive, but in general, the interaction of argument is indeed *inter-*, not *intra-*. Perhaps, though, this assumption leaves a vast ocean of symbolic exchange unexplored. Is not a mind a place where claims are made that are based on premises, where reasons and evidence are marshalled in support of claims? Indeed, a single mind is a site noisy with deliberation, negotiation, debate, dialogue, and persuasion. Yet there has not been a systematic study of internal argument.

Jean Nienkamp's innovative historical study of "internal rhetoric" (2001) forges a path inward, reminding us that dialectic and rhetoric were not always distinct from one another: Plato separated thought and speech, and Aristotle split *logos* into dialectic and rhetoric such that the latter was forever associated with public speaking (p. xi). Her project, however, is to trace the neglected thread of internal dialogue through major Western rhetorical theorists to show how each rhetorical theory has imbedded in it a notion of how the mind works. This approach does not offer a specialized vocabulary or theory to describe cognition (or certain kinds of it) as internal argumentation. I propose that therapeutic schema theory provides a useful model, the significance of which is that it re-embodies argumentation, weaving together the mutually reinforcing dimensions of auto-cognitions, feeling states, and actions ("behaviors"). This reintegration is useful for studying certain kinds of internal argumentation, but more apt, I submit, for understanding destructive social movements, since the latter consist of dysfunctional, emotional behaviors rooted in faulty argumentation.

2. THERAPEUTIC SCHEMA THEORY

The cognitive psychotherapies are good place to begin to imagine the mind as an eristic site. First some background: with the publication of his *Depression: Causes and Treatment* in 1967, Aaron Beck spurred a cognitive revolution in psychotherapy, a sea change that in the 1970s engulfed both the behaviorism and Freudian analysis (depth psychology) that had been dominant in the 20th century. His cognitive therapy maintained that the source of many emotional problems is wrong thinking--maladaptive thoughts and cognitive distortions--that is, negative interpretations of self, world, and future that arise spontaneously in response to incoming data (Knapp and Beck, 2008). Now, these negatively charged "automatic thoughts," as they are called, seem true and accurate to the thinker since they are part of an entire style and structure of thought on a particular subject, called a schema (short for maladaptive schema), but they are really based on negative or untrue "core beliefs" that shade the person's thinking about self, world, and future--from what they perceive in the first place all the way up to conscious opinions. A negative core belief might be something like, "I'm fundamentally not loveable" (self) or "people are just rotten" (world) or "things are never going to go my way" (future). Such negative core beliefs reinforce one another, creating a pervasive worldview (Wenzel, 2012, p. 17-18). Likewise--and this is part of what makes the schema model so powerful--dysfunctional thoughts, negative feelings, and maladaptive behaviors all feed one another, creating a cycle that colors perception, organizes new information, and largely determines one's experience (Knapp and Beck, 2008, p. 58). Knapp and Beck describe schemas as having a "variety of properties, such as permeability, flexibility, breadth, density, and also a degree of emotional charge" (2008, p. 58). These subtle and fine distinctions suggest a promising model. Even more determining are clusters of schemas, called modes.

Like an argument, a schema includes propositional content (core beliefs, conditional assumptions, inferences, and automatic thoughts) (Knapp and Beck, p. 57-59), as well as form: cognitive distortions and information processing biases (Wenzel, 2012, p. 19), which are akin to and sometimes identical to logical fallacies. Bokmelder has usefully identified these parallels (2014, Section 2). Indeed, both the understanding of mind and the therapeutic practices in the cognitive therapies are shot through with argumentation. What is interesting is how moving the site of argument inward broadens rather than narrows the scope of argumentation. This is because the therapeutic model is concerned with maladaptive schemas, which are defined as dynamic systems that encompass feelings (both mental and physical), thoughts, and actions (Knapp and Beck, p. 57). The logical-verbal aspect can be extracted, but only artificially. The model really describes being--and it places argumentation at the center.

Beck's schema model is rich in part because cognitive behavioral therapy, or CBT, which is now the umbrella term for several similar therapeutic models, grew out of an eclectic combination of influences. A Freudian psychoanalyst by training, Beck became frustrated with his depressed patients' lack of progress in psychotherapy. Through his conversations with patients, he surmised that their depressed state had to do with their interpretations of events, not, he realized, with repression (Knapp and Beck, 2008, p. 56). He read Stoic philosophy and developed the idea that "human beings are disturbed by the meanings they attach to facts, not by the facts *per se"* (Knapp and Beck, 2008, p. 57). And although he retained the notion that there are depths to consciousness, he maintained that all thoughts can be perceived and evaluated if a person is trained at noticing them (Knapp and Beck, 2008, p. 57). So in CBT, the patient and therapist work together to identify distressing "automatic thoughts" and the dysfunctional core beliefs that give rise to them. The method is essentially argument analysis, in which the therapist (at first) helps the patient to uncover and interrogate

dysfunctional core beliefs through the "Socratic Method" (by which is meant asking guiding questions) (Clark and Egan, 2015). The therapist leads, but the patient discovers. And the "homework" that patients do consists of argumentation strategies like testing a claim (a patient's assumption about herself or the world) against available evidence, but also employs trying and practicing challenging things in the world. For although Beck rejected the way traditional behaviorism discounted feelings, he embraced the importance of doing as part of learning. Intentional actions (comprising the behavioral dimension of the therapy) help people to have better experiences, which encourage new interpretations and beliefs. CBT has a humanistic-phenomenologist bent that values "conscious subjective experience" (Knapp and Beck, 2008, p. 57) and trusts the patient to study himself empirically and reflect upon his experiences. Likewise, there is an Enlightenment faith that if you will painstakingly dismantle the bad arguments within, the truth will set you free. The schemas want to stay hidden though, since unquestioned they have power. A brief dramatization will show the components and mechanisms of a schema system.

3. FABLE OF A MALADAPTIVE SCHEMA

Let us say Elise has a Defectiveness/Shame schema (one of the 18 most common "Early Maladaptive Schemas" identified by Jeffrey Young), with a core self-belief that she "would be unlovable to significant others if exposed" (one of the common beliefs in this schema) (Young, 2012). In other words, if her friends really knew her, they would reject her. Elise doesn't always believe she is unlovable, but the schema is easily activated (triggered) by input that another person might view as neutral. She goes to lunch at 12:30 at one of her department's usual dining spots and sees that two colleagues with whom she is friendly are already there finishing their lunches while rapt in a serious conversation. Elise feels a sudden stab of dismay. The feeling is upon her so quickly that she wouldn't be able to tell you if she felt it in her solar plexus or her mind first. Simultaneously, a thought rises up unbidden: *They've figured me out! Of course they didn't invite me.* The thought has a verbal form, but it flashes through her mind so quickly, she doesn't think of it as a thought. It is just something she suddenly knows. And she "knows" it is true because she believes that *if people like you, they never do anything without inviting you.* (Such a rule is what Judith Beck has dubbed a "conditional assumption") (Knapp and Beck, 2008, 60). She feels more than thinks about the "truth" of her sudden realization. It is familiar, like the proverbial "other shoe" dropping. Now she ducks out of the restaurant, feeling breathless, and turns two corners before she stops at a non-descript shop where she hopes to choke down a sandwich by herself. After this incident, Elise makes sure to leave for lunch early and eat at an unpopular cafe, and this she does, while holding up the daily newspaper in front of her face.

The core belief (unlovability) and its attendant conditional assumption (or intermediate belief) have prepared Elise to be mortified, so the system is easily activated. And "activation" is what puts the schema in motion; the beliefs are latent at other times (Knapp and Beck, 2008, 58). The idea is that most people hold co-existing healthy schemas, as well, and these are in place much of the time (Padesky, 1994, p. 268). Once the trigger happens, though, Elise's cognitive distortions (or "information processing biases") come into play to cause the initial automatic thought ("They didn't invite me because they've figured me out...").

Several cognitive distortions are evident here. Emotional reasoning, which is "thinking that something is true because one has a very strong feeling (actually, a thought) about it"; selective abstraction, which is focusing attention on only "one aspect of a complex situation," and mental reading, assuming one knows what others are thinking (Knapp and

Beck, 2008, p. 56). Along with negative core beliefs, cognitive distortions make the automatic thought seem true. Notice that in syllogistic terms, Elise's core belief acts as the conclusion, something that has now been proven true:

> If you are a loveable person, people will always invite you along.

> They didn't invite me.

> (Therefore) I must not be loveable.

In Stephen Toulmin's enthymematic structure, "I'm not loveable" would be called the claim, "because I didn't get invited to lunch" is the grounds or reason, and the intermediate belief, "if you are loveable…" is the warrant: it remains in the background, connecting the reason to the claim. The Toulmin model is especially apt since the "intermediate belief" or "conditional assumption" is exactly that: an assumption. It achieves its power from lurking in the background. The logical component of the schema cannot exist, though, without being woven together with feelings (sadness, loneliness) and actions (self isolation), which will maintain and even strengthen the core and intermediate beliefs so that the whole schema can easily be activated again.

4. FUNCTIONAL SCHEMAS

The cognitive therapies, as such, have focused on understanding schemas that cause distress, since the main goal of all the different cognitive therapies is to replace the maladaptive schema with a functional one. If Elise believed that she were fundamentally a good person, she would have seen her colleagues at the restaurant, waived hello, and either sat with them or not. It wouldn't matter which. There would be no activation and no temporary loss of reasoning ability. In the therapeutic schema model, functional (positive, healthy) schemas are not where the action is. Functional schemas more closely resemble the earlier use of the schema idea in learning theory, where a schema is simply a conceptual category. Beck's work is based, in fact, on Piaget's use of the word schema to describe category making in normal cognitive development (Padesky, 1994, p. 267). In 1961 Beck defined a schema in these terms, as a "structure for screening, coding, and evaluating the stimuli that impinge on the organism" (quoted in Padesky, 1994, p. 267). A schema was simply a way to process new information by "categoriz[ing] and interpret[ing] … experiences in a meaningful way" (quoted in Padesky, 1994, p. 267). In learning theory schemas are shortcuts for learning and placing new data. Without them we be overwhelmed. To put it another way, to a certain degree, lazy thinking is both normal and necessary, a mechanism for filling in details. Experiments in social psychology from the beginning of the Twentieth Century to the present have shown how people rely on schemas to fill in or create memories. Bartlett (1932) concluded that memory is

> an imaginative reconstruction or construction, built out of the relation of our attitude towards a whole active mass of organised past reactions or experience. . . . It is thus hardly ever really exact, even in the most rudimentary cases of rote recapitulation. . . . The attitude [of "remembering"] is literally an effect of the organism's capacity to turn round upon its own *'schemata'*, and is directly a function of consciousness. (Chapter X, Section 7, my emphasis)

Perhaps because we rely so heavily on schemas we are loathe to change them. In the view of learning theory, schemas are problematic only when they become imbued with negative value, such as in an experiment by Kleider et al. (2008) when subjects were ask to remember a detail from video footage that did not accord with a gender stereotype. Subjects got the detail wrong because the stereotype was stronger than actual recall.

None of this is news, though. The idea of schemas as buckets for sorting information is scarcely different from Aristotle's special *topoi*, or sets of common ideas meant to come in handy to persuade people in certain situations. The new insights for argumentation come from the analysis of maladaptive schemas. These show failures of internal argument, where premises hide themselves because seen clearly, their failure would be obvious, where fear and despair enable false reasoning and encourage self-defeating actions. In this regard, the theory is powerful in how it integrates faulty argumentation into a larger system, *a dynamic dysfunctional being-state, triggered by a stimulus.* This is a powerful model of human symbolic action at its most dangerous.

Just as it works for individuals, this model can work for groups. We have seen maladaptive schemas enacted on massive scales. The system is the same as it is in an individual. Often deeply imbedded negative categories are shared by many, they are harnessed to strong negative emotions, and given terrible life through predictable behaviors. Likewise, such maladaptive are triggered and self-reinforcing. Where an individual schema is activated unconsciously, however, a movement can be manipulated by leaders who use rhetoric and ritual behavior together to spark and to spur.

5. CONCLUSION

I submit that maladaptive schemas are ubiquitous and widely shared across populations. Jeffrey Young posits only 18 schema types, and the styles of cognitive distortion are likewise limited (Beck lists eight) (Knapp and Beck, 2008, p. 57). Cultural specificity of contents should further narrow the field. So there aren't that many ways to feel bad, as many people and many groups share dysfunctional core beliefs and look at the world mostly through the same distorted lenses. The cognitive therapies have used schema to understand and relieve individual suffering, but it takes only a change in orientation to see dysfunctional schemas as negative social phenomena.

A (dysfunctional) social schema might be seen as a large wave of emotionally heightened, distorted reasoning linked to dysfunctional and false core propositions about selves, world, and future--and reinforced with erratic and violent behavior. A mass schema like this sounds both frightening and familiar. It accurately characterizes the movement that put the current U.S. president in power, as well as similar zealous, fear-based movements, especially nationalist ones. This kind of schema seems to be latent all the time, and it just takes a trigger to activate it. Seeing nationalism, racism, and xenophobia as mass maladaptive schemas has the advantage of showing microcosm and macrocosm simultaneously. This view models how the self-fueling nature of mass maladaptive schemas combines propositions (slogans), negative feelings, and actions in a dynamic system. As well, the notion of modes, clusters of similar schemas that are triggered as one, might model in a new way how racism, nationalism, and isolationism crop up together, all deployed through paranoid, suspicious information processing biases and punctuated by violent behaviors.

A danger of medicalizing meanness, cruelty, and selfishness lies in the possibility of failing to hold wrongdoers accountable. This must be avoided, certainly. But we can learn from the idea that the remedy for such mass madness lies in trying to replace the bad schemas with the good ones that have gone dormant.

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Rhetorical invention and factual claim as arguable space in cross-cultural argumentation

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ABSTRACT: Among presuppositions firmly entrenched in the tradition and practice of Chinese discourse are the discursive axioms that "fact speaks louder than eloquence," which means "facts" exist independently of a specific context and audience. In the current discursive field of intercultural argumentation, what counts as "fact" or "data" for point of departure, has become a "stasis" from which arguers from both sides make great efforts to redirect or readjust their discourse production.

KEYWORDS: objectivity, meaning, rhetoric, audience, belief, context

1. INTRODUCTION

In this so-called "post-truth" era, we are frequently confronted with different incompatible or incommensurable versions of "truth" and "fact," tiny and large, trivial and important, old and new, hard and soft, etc., each of which is presented via different media, realistic ones or virtual ones, and spares no efforts to assert itself as the only true "factual claim" about or "accurate representation" of the reality or physical world. The distinction between truthfulness and falsehood is blurred in such a way as to suggest that gone are such "claims" or accurate "representations" as the only philosophically pursued metaphysical "Truth." In the postmodernist intellectual climate, everything seems capable of being reduced to a "discursive construct." Therefore, in the current discursive field of intercultural argumentation, what counts as "fact" or "data" for point of departure in argumentative practice is of extreme importance (Toulmin, 2013). For instance, people often come across such claims as "The Chinese government is a currency manipulator," "There are rampant abuses of human rights in China," "The rise of China as a geopolitical power is a threat to the current world's political and economic orders," to name just a few. Are these claims well-grounded? Or are they expressing sort of "truthful condition?" Are they accurate "representations" of reality? Are they of truth-value? Are they factual claims? Or rather are they simply arrogant assertions, or groundless accusations? so on and so forth.

However, what is the definition of "human rights?" What is the nature of representations? What is truth? Are they rooted in what is called "deep disagreements" (Fogelin, 1985)? What is the implicit argumentation scheme in these arguments (Macagno et al., 2017)? What is the relation between those implicit argumentation scheme and rhetorical invention? As such, this issue has become a "stasis" from which arguers from both sides make great efforts to redirect or readjust their discourse production. Fact is not something "out there" to be unearthed. Eloquence has an important role to play in the establishment of factual status or claim. Nevertheless, in the current literature on argumentation studies, the close relation between "fact" and "eloquence" has unfortunately been left untended among western theorists of argumentation. The traditionally assumed distinction between fact and eloquence has yet to be

problematized. Few theorists of argumentation have been patient enough to take a hasty look at the relation between fact and eloquence, let alone challenge the presumptively binary opposition between the two in Western thoughts.

2. THEORETICAL HORIZONS

The abovementioned case studies illustrate a key issue in intercultural argumentation. This is the close relationship between fact and eloquence. Since, as has been observed by Paul Ricoeur, "[Argumentation is] a mode of demonstration that situated halfway between the constraints of the necessary and the arbitrariness of contingency" (1997, p. 61). Later on this observation is echoed by Liu in saying that rhetoric operates between the scope of "the in-between region with the absolutely necessary and the totally random as its two outer limits, i.e., the domain of the probable" (Liu, 2005). Facts' rhetorical functions can be summed up as follows: (1) "as carrier of certainty, hence the point of departure in argumentation" [China's defense budget is on the increase annually, which remains a mystery far from transparent]; (2) "as a key element in the establishment of the arguer's credibility/authority" [US defense secretary Donald Rumsfeld: China buildup a threat to Asia] (Rumsfeld, 2005); (3) "as a mechanism for manipulating the audience's emotion" ("The cry that 'there is no excuse for September 11th' has become a means by which to stifle any serious public discussion of how U.S. foreign policy has helped to create a world in which such acts of terror are possible."); (4) a key yet often neglected role in the triggering of a rhetorical process as rhetoric, as far as its definition is concerned, is an interactive "multilateral cooperation," and also a non-coercive symbolic action. If only the rhetor can manage to get the audience, be it an individual, a group, an institution or a community, to join voluntarily the advocated rhetorical relationship and take a part in it, he/she [the rhetor] can thus initiate a real rhetorical process (e.g., for advocates of China Threat, if only they can succeed in persuading the relevant countries in Asia, their leaders and the general public to join voluntarily the rhetorical relationship between the advocates and others like Japanese Foreign Minister Taro Aso (Takahara, 2005), and the New York Times reporters Thom Shanker and David E. Sanger (Shanker & Sanger, 2005); (5) "as a mechanism for creating uncertainty (the strange, the controversial, the undecided) out of certainty" (the familiar, the settled, the decided): the need to address and remove this uncertainty would create a situation both for the speaker to say something and to ensure that whatever he says is of interest to the audience (Liu, 2004a, pp. 57-102). Understanding of facts' key role in laying down the argumentative foundation, establishing the arguer's credibility/authority, manipulating the audience's emotions and also in formulating the rhetorical relationship, initiating the rhetorical process and authorizing rhetorical invention, is surely helpful in deepening our recognition of the Western rhetorical norms, refuting the China Threat argument and engaging the West rhetorically.

Seemingly, our afore-mentioned discussion on facts' role in rhetoric leaves us the impression that facts speaker louder than eloquence, which we Chinese have taken for granted for too long a time. Nonetheless, in Western rhetorical practice, it's not the case. For Western rhetoricians, this seemingly indisputable proposition [facts speak louder than eloquence] is by any means meaningless. As Liu observes, first, any argument neglecting facts is by no means true eloquence, but a chicanery; second, this proposition is itself a misleading distortion of the relationship between fact and eloquence (Liu, 2004, p. 57). Since eloquence requires relevant facts or evidences as its argumentative foundation, argues Liu, the two terms never contradict each other. This proposition not only causes a conceptual mess and vagueness, but is a counterproductive presumption in practical use. In the case of China Threat Theory (CTT), since we assume that China poses a threat for nobody, some people might suggest that no attention be paid to CTT. Should this happen, we would find it too late to rebut the argument

of China Threat since we will shoulder the burden of proof. As has been pointed out, eloquence played a decisive role in creating a rhetorical *casus belli* for the Bush administration to launch the Iraq War. Factual claims are essentially rhetorical. Yes, indeed, within the Western rhetorical framework, though people seldom acknowledge it publicly, it has been widely assumed that facts must be established, "For facts depend on eloquence for its certification or justification. Even in the case of an instant and universal approval of a factual claim, the claim has been certified contextually, i.e., through eloquence embodied in contextual elements" (Liu, 2005). The role of eloquence once again directs our attention to Hermagoras's Stasis Theory, which takes the following three as its basic theoretical assumptions: (1) fact must be the central focus of rhetor, which runs through the whole process of rhetorical invention; (2) fact is not an unchangeable objective existence for the rhetor who can initiatively, from multiple facets, rhetorically intervene the proving process of factual representations that have been or are being advocated; (3) whether the rhetorical effort will turn out to be failure or success is up to the result of the rhetorical intervention (Liu, 2004, p. 64). Liu argues that the rhetorical intervention of eloquence upon the establishment of factual claim can be realized through a direct suspicion or objection of the current factual representation. Or it can be realized through the following three indirect strategies: (1) "renaming the fact"; (2) "invoking special circumstances"; (3) "demanding a radical institutional change" (Liu, 2004, p. 64).

We reject one of the fundamental assumptions in Western thoughts that rhetoric, as what is called in Plato's Gorgias "a habitude or knack of producing persuasion" (LCL1961/453A), is the producer of opinion, whereas what philosophy produces is knowledge or truth. In this sense, what is also unacceptable to us is the presumption among philosophers that rhetoric can be transformed in such a way as to serve as a "useful tool" for the transmission of knowledge or truth, as has been suggested in Plato's Phaedrus. Rather, we adopt as our working definition Aristotle's conception of rhetoric as "the ability to see in each given case the available means of persuasion" (1355b; emphasis added). However, in Kenneth Burke's "dramatistic" approach to language, "to see" here is a "reflection of reality," a "selection of reality," and also a "deflection of reality" as far as the adopted terminology in seeing is concerned (Burke, 1966, pp. 44-45). In this sense, "to see" is definitely not a pure or uncontaminated view of or look at something out there in the world, but rather a partial world in itself to be opened up as a result of "symbolic action" (Burke, 1966, pp. 44-45). "Not only does the nature of our terms affect the nature of our observations, in the sense that the terms direct the attention to one field rather than to another. Also, many of the 'observations' are but implications of the particular terminology in terms of which the observations are made. In brief, much that we take as observations about 'reality' may be but the spinning out of possibility implicit in our particular choice of terms" (Burke, 1966, p. 46).

This Burkean "terministic screen" is echoed years later by North American philosophical icon Richard Rorty, when he ponders on the contingency of language, in saying that "we need to make a distinction between the claim that the world is out there and the claim that truth is out there. To say that the world is out there, that it is not our creation, is to say, with common sense, that most things in space and time are the effects of causes which do not include human mental states. To say that truth is not out there is simply to say that where there are no sentences there is no truth, that sentences are elements of human languages, and that human languages are human creations. Truth cannot be out there---cannot exist independently of the human mind---because sentences cannot so exist, or to be out there. The world is out there, but descriptions of the world are not. Only descriptions of the world can be true or false. The world on its own---unaided by the describing activities of human beings--cannot" (Rorty, 1989, pp. 4-5; emphasis added).

Chaim Perelman and L. Olbrechts-Tyteca make the following comments on the status of scientific facts: "The authors of scientific reports and similar papers often think that if they

merely report certain experiments, mention certain facts, or enunciate a certain number of truths, this is enough of itself to automatically arouse the interest of their hearers or readers. This attitude rests on the illusion, widespread in certain rationalistic and scientific circles, that facts speak for themselves and make such an indelible imprint on any human mind that the latter is forced to give its adherence regardless of its inclination" (Perelman & Olbrechts-Tyteca, 1969, p. 17).

Therefore, our basic stance toward this issue between fact and eloquence is that by drawing upon Hermagoras' Stasis Theory, "fact" as a disputed space is what Hermagoras calls "stasis," which functions as a "strategic point of rhetorical invention," or a discursive field as a site of symbolic contention, or as a public sphere as has been defined by Jurgen Habermas. In such a site of symbolic interaction, to use Christopher Tindale's words in his recent interview with the Chinese academic journal Contemporary Rhetoric, "we encounter the prospects of argumentation wherever ideas are in question and there is an occasion for reasons to be given and evaluated" (Wang &Tindale, 2018, pp. 34-41).

3. INCOMMENSURABILITY, ARGUMENTATION SCHEME AND RHETORICAL INVENTION

The abovementioned perspectives point to the importance of "fact" in any kind of argumentation. Or to put it in Fogelin's words, "…to the extent that the argumentative context becomes less normal, argument, to that extent, become impossible". "The possibility of arguments, the possibility of a genuine argumentative exchange, depends, I am suggesting, on the fact that together we accept many things." What Fogelin means by "normal" or "abnormal" might be subjected to different understandings, nonetheless, as is rightly observed by Fogelin, the possibility of genuine dialogue or argument is doubtful "when the context is neither normal nor nearly normal." (Fogelin, 1985, p. 4) Stephen Toulmin emphasizes the importance of "facts" as point of departure in argumentation: "Let it be supposed that we make an assertion, and commit ourselves thereby to the claim which any assertion necessarily involves. If this claim is challenged, we must be able to establish it—that is, make it good, and show that it was justifiable. How is this to be done? Unless the assertion was made quite wildly and irresponsibly, we shall normally have some facts to which we can point in its support: if the claim is challenged, it is up to us to appeal to these facts, and present them as the foundation upon which our claim is based. Of course, we may not get the challenger even to agree about the correctness of these facts, and in that case we have to clear his objection out of the way by a preliminary argument: only when this prior issue or 'lemma', as geometers would call it, has been dealt with, are we in a position to return to the original argument" (Toulmin, 2003, p.90).

As what has been pointed out rightly by Perry Weddle, "the distinction between fact and opinion is not simple. Opinion, as contrasted with fact, is not always false nor is it always controversial. Nor is what is believed, what is identified, what is advocated, or what is judged" (Weddle, 1988, p. 55). What Weddle means here is that there is no difference between belief, identification, advocacy and judgment. For Perry Weddle, what really matters is not a "general way of distinguishing fact from opinion," but "the quality of the evidence or reasons for our beliefs" (Weddle, 1988, p. 55).

Diane F. Halpern in her *Thought and Knowledge*, tries to distinguish between "opinion, reasoned judgment and facts." Opinion is what is called "a simple assertion of a preference. I like it; I think it is best. No reasons were given to support the evaluation. Opinion reflects how an individual or group has assessed a position or product." Reasoned judgment is "the preference is supported a reason." Facts are "statement concerns factual claims" which "have a verifiable truth value" (Halpern, 2014, p. 280).

The abovementioned perspectives point to the intracultural dimension of "facts." Let's take the recent "S***hole" vs. "S***house" Controversy as an Intracultural case. Recently while offering his commentary on this controversy, CNN Anchor Jake Tapper said: "You're perfectly entitled to your own opinions, not your own facts." He made these reminders to all politicians "out there" in the Capitol Hill and the White House in refuting the Republican claim that Senator Durbin has a "history of misrepresenting White House meetings." "You are entitled to your own opinions, but not your own facts." This sounds a strong argument the way it looks to be, but here is a no-less-sounder-and-stronger counterargument. The New York Times columnist Paul Krugman, in offering his comments on this latest controversy, has made some insightful observations: "There are two central facts about 21st-century U.S. politics. First, we suffer from asymmetric polarization: the Republican Party has become an extremist institution with little respect for traditional norms of any kind. Second, mainstream media – still the source of most political information for the great majority of Americans – haven't been able to come to grips with this reality." Here comes his conclusion "Facts Have a Well-Known Liberal Bias" (Tapper, 2018).

What does he mean by facts with a liberal bias? In an article he wrote almost thirty years ago, J. Anthony Blair classifies "bias" into three categories: that of "an unfair slanting of material, violating a norm of fair representation" which is "harmful and avoidable"; that of "selection of facts and aspects of reality from some particular point of view" which is "inevitable," but "neither avoidable nor harmful"; and that of "being biased toward the good or toward truth" (Blair, 1988, pp. 93-103; emphasis added). Blair concludes this piece of "bias" discussion by saying: "[B]ias means a kind of leaning, or an inclination, or a predisposition. When this results in bad thinking---as when it consists of prejudice or pre-judgment, when it causes closemindedness, or when it leads to distortion, misrepresentation, or unfairness---then it is bad. When it is an unavoidable feature of our thinking processes, or of our methods of communication, then it is potentially dangerous but not necessarily harmful. When the influence of contingent bias is cause for neither praise nor condemnation, we regard it as innocent and value-neutral. And when it disposes us to right-mindedness, we regard it as good" (Blair, 1988, pp. 93-103; emphasis added).

4. ARISTOTELIAN TOPOI AND ARGUER'S POSITION: ARGUMENTATION SCHEMES AS CULTURAL BINDING

Not only do facts have their intracultural dimension, but also they are proved to have their intercultural dimension. A typical case in question is the Wang v. Connolly controversy. Amanda Connolly [Canadian Journalist]: Hi Minister Dion, I am Amanda Connolly with IPolitics.ca, thanks for taking our questions today. There are no shortages of concerns about China's treatment of human rights advocates such as the Hong Kong booksellers and its detention of the Garratts, not to mention the destabilising effects of its territorial ambitions in the South China Sea. Given these concerns, why is Canada pursuing closer ties with China, how do you plan to use that relationship to improve human rights and security in the region, and did you specifically raise the case of the Garratts during your talks?"

("[Amanda Connolly] followed up with another question, which had been agreed upon by several news media." "The IPolitics question was agreed to by a number of journalists representing several news organizations at the event, including The Canadian Press.") It's an agreed-upon belief among western media that there are "abuses" of human rights in China and that western countries should take this issue very seriously before forging a closer tie with this "authoritarian" country.

There are at least two assumptions in the question. One is that because of China's accused treatment of human rights advocates, and also because of "the destabilising effects of its territorial ambitions in the South China Sea," Western countries such as Canada should not seek to develop closer ties with China. The other one is that a relationship with China should be used as an opportunity or even precondition to urge the improvement of the human rights records in China.

Wang Yi [via Interpreter]: "I want to make a response to the questions asked by this journalist about China. I have to say that your question is full of prejudice against China, and arrogance, where, I don't know, where that comes from. And this is totally unacceptable. I have to ask whether you understand China. Have you been to China? Do you know that China has lifted more than 600 million people out of poverty? And do you know that China is now the second largest economy in the world from a very low foundation? Do you think development is possible for China without protection of human rights? And do you know that China has written protection and promotion of human rights into our constitution? And other people don't know better than the Chinese people about the human rights condition in China. And it's the Chinese people who are in the best situation, in the best position to have a say about China's human rights situation. So, I would like to suggest to you that please don't ask questions in such an irresponsible manner and we welcome good-will suggestions, but we reject groundless or unwarranted accusations.")

In Wang's responsive remarks to Connolly's question, there are three implicit assumptions, i.e. "Facts Speaker Louder Than Eloquence" (事实胜于雄辩); "Seeing Is Believing" (百闻不如一见) (The translation literally means to see something once is better than to hear about it a hundred times) in the sense that the best judges of China's human rights are Chinese people themselves; and "Action Speaks Louder Than Words." (行胜于言). Therefore, according to Wang, Connolly's question is "irresponsible," "full of prejudices," and "totally unacceptable."

According to a commentary carried in The Globe and Mail, China's foreign ministry spokeswoman Hua Chunying "sought to strike a gentler tone on Thursday at a daily briefing" by urging reporters present to "ask yourself whether reporters are fair to China, whether you are objective and fair in your knowledge of China, whether you are accurately transmitting or describing China's current situation to readers, whether you are telling a correct story about China." "We also welcome more friends in the media to live and work in China, and use their own eyes and hearts to feel the development and progress China is making" (Nathan VanderKlippe, emphasis added).

Who knows better about the "true" situation or picture of "human rights" in China? Or who has the more accurate access to the "facts" of human rights in China? What's the nature of human rights issue from a perspective of cross-cultural argumentation? All these questions point to an important issue in argumentation studies, i.e. the arguer's position and his or her relevant propositions (Walton, 1985).

As an original idea put forward by Arthur Hastings, Argumentation Scheme is interpreted by Douglas Walton as "a formal pragmatic structure of arguments that is the counterpart to logical forms of inference in semantics" (Walton, 1996, p. x). Later, Walton points out that argumentation scheme is kind of presumptive reasoning, which is meant to be closed off for the audience's consent in epistemology (Walton, 1996). A similar view is expressed in the quote by C. L. Hamblin: "Presumptions are a conservative force: there is a Presumption in favor of existing institutions and established doctrines, and against anything paradoxical, that is 'contrary to the prevailing opinion.' By calling any person, institution or book an 'Authority' we are according it a Presumption" (Hamblin, 1998, p. 172).

For some Western media, Wang's Remarks are counterproductive in the sense that they play right into the hands of western media as site of rhetorical invention that engendered counterproductive discourse. The same commentary in The Globe and Mail interpreted Wang's remarks as "a sign of China's unwillingness to brook any discussion of the way it treats its own people, a record that includes jailing critics, barring Muslims in certain areas from wearing beards and heavily censoring speech, particularly online" and as an "outburst" which "marked a striking departure, his anger underscoring China's refusal to accept criticism, particularly as its economic might give it the ability to penalize other countries for speaking out against it"(Nathan VanderKlippe).

Tony Clement, the Conservative foreign affairs critic, while saying he was "absolutely shocked and outraged" by Wang's scolding of Connolly, called on Dion and the Liberal government to formally respond to the incident and urged them to "make it clear that Canadians believe in human rights and journalistic freedoms," along with his strong argument that "to have a foreign minister invited onto our soil to publicly berate a journalist who asked a perfectly legitimate question is absolutely unacceptable" ("Canadian Reporter Berated by China's Foreign Minister Speaks Out, " CTV News, Thursday, June 2, 2016).

5. CONCLUSION

Crucial to our approach are two basic assumptions. We emphasize that facts do not really speak louder than eloquence, and that we emphasize one possible perspective at addressing the relationship between fact and eloquence, i.e. the perspective of rhetorical invention. But before whatever will come up in our concluding remarks, here's a reminder for our audience. I must clarify that I am not denying that facts do not exist. Therefore, I am not targeting the existence of "facts." Rather my target is the kind of binary opposition inherent in metaphysical thinking which is implicated in the juxtaposed relation between fact and eloquence. On the one hand, "fact" and "opinion" are juxtaposed in such a way as to suggest that they are in an oppositional relation, neither of two are interdependent. On the other hand, in this juxtaposition "fact" and "opinion" are rendered in an axiological order with the former necessarily being superior to the latter.

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Why a theory of warrant strength is a necessity for argument assessment

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ABSTRACT: The strength of the warrants, whether offered or tacitly available, underlies the adequacy of arguments of all sorts. Obvious for arguments whose merit is epistemological, this paper focuses on the role of warrant strength in persuasion dialogues. The analysis of bias in arguments about educational policy supports the centrality of warrant strength. Recent work in cognitive science shows the psychological basis for the role of warrants that serve as cognitive networks that support commitments.

KEYWORDS: argument assessment, bias, brain, cognitive science, commitment, public policy, warrants

1. INTRODUCTION

Whether argument is seen as a vehicle for persuasion, as striving towards epistemological adequacy or as a contest with winners and losers, more than a recitation of the reasons given is required if the adequacy of an argument is to be assessed. My position is that the strength of the warrants, whether offered or tacitly available, underlies the adequacy of arguments of all sorts. I believe that this is obvious for arguments whose merit is epistemological and will focus on the role of warrant strength in areas relevant to persuasion using the analysis of bias and the example of educational policy to support the centrality of warrant strength. Recent work in cognitive neuroscience offers the psychological basis for the role of warrants that serve as cognitive networks that support commitments.

But first a word about warrants. Standard models of argument structure, for example, warrants, grounds and claims, reflect the classic deductive logical structure, major, minor premises and conclusion. This has proved to be a powerful organizing image. But the basic architecture must be elaborated if it is to account for the preponderance of practical and theoretical arguments off all sorts. The substantive warrants in such arguments, as in Aristotle's trenchant phrase, hold "mainly and for the most part." This creates a challenge to the common construal of warrants as generalizations seen as universal propositions in the classical logical sense. If we are to understand such inferences, a logical account of mainly for the most part that captures the nuance of warranted generalizations in substantive arguments must move beyond Boolean interpretations and offer a model theoretic basis that permits of gradation. Logical theory must identify the normative structure that supports such inferences, indicating how the force of the warrant supports commitment and illuminate the dialectically central role of counterarguments in light of conflicting reasons (Weinstein, 2012).

I see warrants as generalizations that link grounds to claims serving to license inferences by showing the relevance of the reasons offered in light of a pattern of similar arguments. I will argue that the key feature of such warranting generalizations is their place in a network of related generalizations and that the strength of a warrant is a function of the adequacy, depth and breadth of the supporting network. I will briefly indicate my solution to the problem of warrant strength based on the history of argumentation in physical science and in relation to the developing study of cognitive neuroscience.

2. WHY COGNITIVE NEUROCIENCE?

The basis of cognitive neuroscience is neurophysiology, a natural science that offers the potential for a level of warrant that is characteristic of the most deeply entrenched theories that inquiry has produced, the branching structure of interlocking explanations grounded in physical chemistry that connects, through explanatory relationships, scientific understanding that ranges from micro-physics to organic chemistry, from the material sciences through which we build our bridges to the micro-chemistry through which we biopsy suspicious moles. The physical and chemical understanding of the living brain offers a foundation for psychology that has enormous potential for explanatory power, even if confronting the formidable complexity of the bio-chemical structures that the current understanding of the nervous system increasingly exposes. The explanatory power of a physicalist account of the mind is apparent in the epistemological structures upon which physical chemistry is based. I have attempted to capture an image of that power in a model of emerging truth based on the structure of physical chemistry (Weinstein, 2016). This is a departure from the standard analysis of scientific method in terms of deductive or inductive logic, an analysis that I believe has consequences for understanding the central role of warrant strength in argument evaluation.

Physical chemistry exhibits an explanatory structure that includes three highly intuitive epistemological properties: consilience breadth and depth. These three are the core of the epistemological power of scientific theorizing. Viewed over time, their satisfaction marks a theoretic enterprise as progressive, and in the physical science may be seen as productive of emerging truth. (Weinstein, 2013b). The first, consilience, requires that theories are increasingly adequate, supported by a body of evidence that is improving in scope and detail. Breadth requires that a theory explains an increasing number of diverse phenomena, and depth requires that a theory is reinterpreted in terms of higher-order explanatory frameworks that connect it to other theories of increasing breadth and increasing evidentiary adequacy. These epistemological characteristics, were first exemplified by physical chemistry in the mid 1800's. And despite a history of false starts, misleading empirical data and over-stated arguments, with the elaboration of the periodic table of elements in the 20th century, physical chemists were able to offer an emerging, increasingly unified and increasingly coherent body of branching explanatory structures, that ranges from micro-physics to cosmology, from the basic properties of matter to the complexity of the living cell (Sceri, 2007). Such progress over time in achieving disciplinary goals marks physical chemistry as, arguably, the most progressive inquiry in human history. Cognitive science, viewed through the epistemological perspective that looks to consilience, breadth and depth seems, even in its infancy, may be seen to exhibit similar potential for explanatory power (Weinstein, 2015).

Cognitive science begins with a level of theoretic articulation exemplified by Chomsky (1957) and called on the resources of logic and computer science. This mirrors the epistemological context of early atomic theory. Cognitive scientists, like early chemists had a basic theoretic perspective that permitted mathematical articulation. Rather than look at behavior alone. Cognitive scientists built theoretic models that accounted for the behavior in terms of functional models based on theoretic constructs (Gardner, 1987). This placed cognitive science in a position of indefinite growth. And the promise of increasingly sophisticated computer simulations of mind offered possibilities for the description of the complex theoretic structures put forward. Complex descriptions that require computer modeling for their articulation offers a test of consilience unlike anything in the prior history of psychology. Computer simulations of interactions employed theoretic constructs based on a vastly increased knowledge of the structure of the brain, available through powerful advances in instrumentation, brain scans of various sorts enable the analysis of a range of cognitive behaviors and their functional substrate.

We do not know which theories in cognitive science are correct, but if they can be developed consistent with the available evidence they have the potential to grow in scope and detail as the theoretic predictions of ever-finer models of complex systems can be ascertained through computer simulations corresponding to the increasingly detailed experimental knowledge of the brain (Thagard, 2012). We will look at the details of two attempts to develop potentially consilient models of brain function in the next section. These are highly speculative and limited by both our current knowledge of the brain and the availability of sophisticated computer programs that can model the growing body of information that must be included in the theory if it is to have empirical validity. Like early physical chemistry, we don't know which theories in cognitive science will turn out to be progressive, but if a theory continues to yield important explanations, the potential for growth and an all-encompassing theoretic structure adequate to the range of cognitive behaviors seems more plausible.

In the history of physical chemistry, consilience, the increasing degree of articulation in the details that chemical theories explained, was combined with breadth, that is, with the scope of a theory. Cognitive science is, if nothing else, exceptionally broad in the scope of its concerns. The *Cambridge Handbook of Cognitive Science* (Ramsey and Frankish, 2012) lists eight related research areas that reflect different aspects of cognition, including perception, action, learning and memory, reasoning and decision making, concepts, language, emotion and consciousness. In addition, they list four broad area that extend the reach of cognitive science from human cognition standardly construed to include animal cognition, evolutionary psychology, the relation of cognition to social entities and artifacts, and most essential, the bridge between cognitive science and the rest of physical science: cognitive neuroscience. Each of these is a going concern, and none of them is free of difficulties. Yet in all cases there is a sense of advance, of wider and more thoughtful articulation of theoretical perspectives that address a growing range of cognitive concerns. But as compelling as these characteristics are, it is depth that cognitive science shares with physical science, as both structures enable micro-explanation that can be seen to yield an over-arching ontology (Weinstein, 2002).

The key to the epistemological power of cognitive science is its foundation in neuro-science. Speculations of instantiated neural mechanisms have systemic power much greater than their evidentiary weights. Such speculations offer an image of enormous potential warrant. For their enterprise, bridging between fundamental pre-cognitive processes such as physiological control and emotions to build the functional potential for memory and cognition, reflects deep structural accounts, warrants supported by reliable evidence and accepted theories of brain and neurological structure and function (Thagard and Aubie, 2008, Damasio, 2010) and accounting for cognitive capacity common to both animal and human behavior (Panksepp, 2005). Materialist assumptions permit a deep reduction to physiology, neurobiology, biochemistry and electrochemistry, which any adequate theory of brain function must ultimately depend on. This is despite the enormous gap between the simple models of neurological activity proffered and the brute facts of the living brain: 30 billion neurons making countless trillions of connections and sensitive to a wide array of known biochemical agents, with more perhaps to come (Weinstein, 2015). Such a picture of cognition has consequences for the argument theory.

3. COGNITION AND ARGUMENT

The connection between cognition and argument rests on the relation between reasoning and emotions, especially as it pertains to belief preservation in the face of contrary evidence. Research indicates that our past associations affect our ability to alter all beliefs (Jacoby, et. al, 1989). A study of political beliefs showed resistance to argument that challenge our memories

and commitments: "the persistence of misinformation might better be understood as characteristic of human thinking" (Lewandowsky et al., 2012, p. 114). Much of the available research relevant to the role of emotions in cognition focuses on bias and stereotyping. For example, the studies of unacknowledged bias indicate "influence of implicit stereotypes on judgment and behavior." (Blair, Ma, & Lenton 2001, p. 828). Unacknowledged, such attitudes may remain disconnected from a person's avowed beliefs: "Dissociations [between implicit and explicit attitudes] are commonly observed in attitudes toward stigmatized groups, including groups defined by race, age, ethnicity, disability, and sexual orientation." (Greenwald & Krieger 2006, p. 949). Such implicit biases create emotional disturbance when in the face of social pressure such views are put into question. "When one denies a personal prejudice (explicit bias) that co-exists with underlying unconscious negative feelings and beliefs (implicit bias] leading to diffuse negative feelings of anxiety and uneasiness." (Dovidio and Gaertner 2005, p. 42).

There are neural mechanisms that account for such phenomena. The prefrontal cortex which processes conscious thought and the so-called "executive functions," planning, goal setting, evaluation, and cognitive control is connected to other parts of the brain organizing input together into a coherent whole. Under the prefrontal cortex is the orbitofrontal cortex, which broadly supports self-regulation: physical, cognitive, emotional and social. These regions combine inputs to create the image of our physical body as well as perceptions of the external world and mental constructs (Dehaene, 2014). An interesting detail relevant for social cognition are so called "mirror neurons," neurons that fire both when you act and when you perceive another performing the same action and which allow us to infer or predict others' intentions (Iacoboni, et. al. 2005). Research indicates that mirroring of emotions, the degree of empathy we show others, is modifiable by real or perceived social relationships supporting ethnic or gender stereotypes (Amodio & Devine, 2006). There is evidence that biasing emotions reach deep into our biographies and are expressed in implicit biases. Evidence indicates that "early and affective experiences may influence automatic evaluations more than explicit attitudes. In addition, there is growing evidence that systemic, culturally held attitudes can bias people's automatic evaluations" regardless of their expressed personal opinion. (Rudman, 2004, p. 81). Childhood based biases cause strong reaction such as fear of unfamiliar others, which has been correlated with activation in the amygdala (Dunham, Baron, & Banaji 2008).

Biases interferes, on a neural level, with the ability to experience others. When "European-American subjects looked at the face of another European-American, there was a larger neural response than when they looked at African-American faces (Lebrecht, et. al., 2009, p. 3). The result: "people do not mentally simulate the actions of [members of] outgroups. Their mirror-neuronsystems are less responsive to outgroup members than to ingroup members" (Gutsell and Inzlicht 2010, p. 844). Such results have been generalized in a theory of the "automaticity" of higher mental functions sees ordinary cognition as dependent on environmental and social factors (Bargh & Ferguson, 2000). Evans (2008) offers a complex image of the interaction between what he terms unconscious and conscious cognition, seeing a variety of distinct and possibly incompatible systems. The work continues with the development of computer generated neural models that attempt to capture the integration of cognition and emotion. We turn to two such accounts, the ambitious attempts of Thagard and Aubie, (2008) and Damasio (2010) to bridge the gap between abstract structure and available physiological knowledge.

Thagard and Aubie draw upon both neurophysiology and computer modeling. This enables both theoretic depth and the possibility of assessing increasing adequacy, even if the latter is no more than increasingly adequate computer simulations of simplified cognitive tasks. They cite ANDREA, a model which "involves the interaction of at least seven major brain areas that contribute to evaluation of potential actions: the amygdala, orbitofrontal cortex, anterior

cingulate cortex, dorsolateral pre-frontal cortex, the ventral striatum, midbrain dopaminergic neurons, and serotonergic neurons centered in the dorsal raphe nucleus of the brainstem" (Thagard and Aubie, 2008, p. 815). With ANDREA as the empirical basis, they construct EMOCON, which models emotional appraisals, based on a model of explanatory coherence, in terms of 5 key dimensions that determine responses: valance, intensity, change, integration and differentiation (pp. 816ff.). EMOCON employs parallel constraint satisfaction based on a program, NECO, which provide elements needed to construct systems of artificial neural populations that can perform complex functions (p. 824ff., see pp. 831ff. for the mathematical details). This points to the potential power of their approach. Computer models, even if gross simplifications, permit of ramping up. A logical basis with a clear mathematical articulation has enormous potential descriptive power as evidenced by the history of physical science.

Damasio (2012) has a similarly ambitious program. He begins with the brain's ability to monitor primordial states of the body, for example, the presence of chemical molecules (interoceptive), physiological awareness, such as the position of the limbs (proprioceptive), and the external world based on perceptual input (extroceptive). He construes this as the ability to construct maps and connects these functions with areas of the brain based on current research (pp. 74ff.). This becomes the basis for his association of maps with images defined in neural terms, which will ground his theory of the conscious brain.

Given that much he gives an account of emotions elaborating on his earlier work, but now connecting emotions with perceived feelings. As with the association of maps and images, Damasio associates emotions with feeling and offers the following account: "Feeling of emotions are composite perceptions of (1) a particular state of the body, during actual or simulated emotion, and (2) a state of altered cognitive resources and the deployment of certain mental scripts" (p. 124). As before he draws upon available knowledge of the physiology of emotional states but the purpose of the discussion is not an account of emotions *per se*, but rather to ground the discussion of memory, which becomes the core of his attempt at a cognitive architecture (pp. 339ff.). The main task is to construct a system of information transfer within the brain and from the body to the brain. The model is, again, mediated by available physiological fact and theory about brain function and structure. The main theoretic construct in his discussion of memory is the postulation of 'convergence-divergence zones' (CDZs), which store 'mental scripts' (pp. 151ff.). Mental scripts are the basis of the core notion of stored 'dispositions,' which he construes as 'know-how' that enables the 'reconstruction of explicit representation when they are needed" (p. 150). Like maps (images) and emotions (feelings) memory requires the ability of parts of the brain to store procedures that reactivate prior internal states when triggered by other parts of the brain or states of the body. Dispositions, unlike images and feelings are unconscious, 'abstract records of potentialities' (p. 154) that enable retrieval of prior images, feelings and words through a process of reconstruction based in CDZs, what he calls 'time-locked retroactivation' (p. 155). CDZs form feedforward loops with, e.g. sensory information and feedback to the place of origination in accordance with coordinated input from other CDZs via convergence-divergence regions (CDRegions) by analogy with airport hubs (pp. 154ff.). Damasio indicates empirical evidence in primate brains for such regions and zones (p. 155) and offers examples of how the architecture works in understanding visual imagery and recall (pp. 158ff.).

Damasio like Thagard and Aubie offer speculative models that reference current physiological knowledge, rely on concepts from computer science and information theory and bypass the deep philosophical issues that are seen by many to create an unbridgeable gap between the mental and the physical short of deep metaphysical reorientation (Chalmers, 1996). Yet, whatever the ultimate verdict on these two authors, the rich program in cognitive science persists and has a strong appeal. The reason is the potential strength of the warrants, that is to say, if such models prove to be correct the epistemic force of the warrants that support them

will be enormous, swamping the force of alternative approaches that rely on, for example, psychological evidence alone. But issues of normativity remain.

4. COGNITIVE NEUROSCIENCE AND NORMATIVITY

Argument theory must address the values inherent in reasoned practices if argumentation is to be more than persuasive. Some commitment to normativity is required and the *is* of networks of commitments must be weighed against the *ought* of any disciplined argument practice that uses normatively compelling procedures to achieve normatively sanctioned ends. How then to bridge between the logical and epistemological intuitions that govern normatively constrained discourse and the brute fact of emotional entanglement. This is a challenge to any naturalistic account of thinking, if only because it tends towards relativism and Harvey Siegel (1987) an advocate of normatively driven critical thinking has, to my mind, shown the incoherence of such a view. Siegel's arguments are simple, any argument for relativism is either merely relatively true or incoherent, since if the argument for relativism is more than merely relatively true than not all arguments are merely relatively true. The point for argument theory is that we must struggle towards some objective reasonable standpoint, one for which giving reasons is required (Siegel, 1988). But how is this possible if all cognitive functions associated with reasoning are conditioned by emotional weights, if the very cognitive mechanisms that support our functions are distorting and biasing the evidence as we collect it, qualifying our memories and information processing, determining the weight of our commitments through organizing schema with which the brains encodes, stores and selectively retrieves? All of this impinges on the executive functions that drive our reasoning. Our arguments express who we are in the most profound sense.

I find a solution in a better understanding of how successful inquiry works. Despite the vagaries of the individuals involved, their jealousies, their cultural and professional prejudices, the limits on individual's knowledge and competence, and despite the biases manifested in institutional policy and practice, and the litany of emotional barriers to reasoning, scientists, seen in aggregate as communities of inquiry, form institutions that modulate individual differences through a focus on the evolving ideas and practices.

Given the idiosyncrasy with which our evidence is obtained and stored the most our arguments can be taken for are suggestions, possible avenues for the continuing inquiry. They enter into the dialogues as points of view, contributions that claim relevance to the ongoing inquiry. This is exemplified in the history of chemistry, where passionate dialogues over time and distance slowly evolved as key ideas were transported and modified into new configurations and more productive inquiry. Like science, standpoints within argument exchanges should be seen as suggestions, opportunities for engagement, and so along with logical or epistemological flaws we must look for the location from which a dialogical move is made. Dialogue seen as contrasting points of view presented for consideration enable responses across the range of speech acts and in so doing create modify or remove cognitive/emotive constructions by the participants as the dialogue moves forward. As the group forms and reforms perspectives the scope of the dialogue expends, offering examples and making analogies, explaining and challenging assumptions, making connections with other issues, exploring new information, and inventing now modes of explanation. The analogue to breadth and depth in scientific inquiry is the variety of opinion and its configuration and reconfiguration as people through dialogue see in each other's perspectives something worth considering and the value of striving for deeper understanding of themselves and the issues they embrace.

5. EDUCATIONAL POLICY AND WARRANTING NETWORKS

There are few places were the need for an analysis on terms of networks of commitment and the concomitant strength of warrants is as obvious as in the arguments put forward in respect of educational policy. Policy disputes are multi-dimensional including such topics as the relative centrality of goals, such as, citizenship, workplace readiness, cultural literacy, critical thinking, college readiness and many more. Policy disputes includes a number of central questions, including who should teach, what should be taught, where and how students should be educated, how to determine the level of expenditure and who should pay for it, and most essentially in recent years, what standards should be used for assessment and how do we remediate in light of evidence of failure. Arguments for particular policies are embedded in moral and cultural perspectives and most notoriously in political positions (Banack, 2015, Gerber, et al, 2010). They are entangled with larger social and economic issues (Furlong, 2013, Zembaylas, 2009)) such as resource allocation and in light of competing social expenditures and the self-interest of primary stake holders, educators, parents and politicians. And all these factors interact in a changing social environment (Fusarelli & Bass, 2015, Reich & Mendoza, 2008).

In addition, recent policy debate includes a focus on methodology, questioning the standard use of statistical and other positivist methodologies as inadequate to the rich human dimension in educational policy. Hidden factors supporting positions in educational policy are seen to be obscured by leveling methodologies, such as statistical evidence. Alternative approaches to analysis, including feminist and race theory are increasingly found in the literature (Diem, et al, 2015) as well as phenomenological approaches such as Basil Bernstein's notion of recontextualization or Burdieu's concept of relational epistemology (Loughland & Sriprakash, 2016; McGuire, 2016). Such approaches move beyond apparent meanings in speech acts to explore the deeper power relations and language codes that make the discourse in which an argument is housed resistant to easy analysis. Rather than look at the surface of utterances, we need to explore the deep conceptual apparatus upon which they rely. And it is the network of such an apparatus, the connections of warrants that make the arguments intelligible and open to evaluation. But how are we to obtain a clear and coherent logical process for appraisal? The analysis of scientific discourse offers the clue.

Looking at physical chemistry over its history we identify three salient criteria that support a hierarchy of warrant strength. A warrant is strong to the extent that it reflects, increasing consilience over time, increasing breadth of scope and increase depth of connection to underlying networks of concepts that serve as support by offering foundational theoretic accounts of potential breadth. These can be applied to the warrants offered or assumed in arguments about social policy. Take as an example, the generalization that smaller class size leads to academic advance. This is a warrant that subsumes statistical arguments in support of policy choices in particular cases. Consilience requires that there be increasing sequence, in general, of empirical confirmation, over time and in greater detail, for the relation between class size and academic achievement, measured in some acceptable way. Breadth requires that accounts of increasing success on measures of academic achievement, for example standardized tests, can be correlated with achieving other educational goals, such as improved attendance or a decrease in the need for disciplinary procedures. Most importantly depth is indicated by situating the claim and its support in terms of broader and more consequential considerations, for example, that decreased class size has psychological and social resonance. Can we show how smaller class size connects with other social and moral goals for education, such as deeper appreciation of learning, critical thinking, tolerance of diversity? The greater a warrant scores across a network of relevant considerations, the more strength it has and the more credibility it

lends to specific arguments that use it as an organizing principle for research or policy recommendation.

Although the example is a simple one, it points to the reality of competing perspectives, each with its own evidence, theoretic background and ideological filters. This makes comparative evaluation by direct contrast impossible, where not question-begging. But each perspective can be evaluated internally in terms of the demands of progressivity, mirroring the essential elements that mark physical science as the paradigm for correct understanding. We look to consilience, depth and breadth. My research agenda is to move past the physical sciences, from which the criteria were derived, to look more closely at socially significant arguments. I have applied the three criteria to the debate over scientific racism (Weinstein, 2013a) and I have indicated possibilities for applying the criteria in legal and political arguments (Weinstein, 2013b).

My position moves the assessment of argument into the weeds. If the strength of the warrant is of essential concern, there is no quick and easy way to evaluate an argument. Evaluating arguments requires at least the degree of complexity found in formal debate. Evaluating the argument requires an analysis of how evidence is marshalled and challenged. In debates in the press or in academic journals, engaging substantive arguments about significant social concerns, the evidence evolves and challenges are redrawn in response. An argument points to its context and so the analysis of an argument requires space and perspective. What does this mean for those of us who want to rationally evaluate the complex arguments within social policy debates? As in all serious inquiry, including the history of chemistry, we look at the internal epistemological structure of competing points of view, the evidence as it evolves in the light of the most reliable theories, and then we place our cognitive bets. But such considerations require a shift in the perspective or argument theorists, if they want to be able to evaluate substantive arguments outside of the artificial contexts and isolated examples of the sort that are all too common in discussions of argument theory.

6. CONCLUSION

Argumentation theorists must learn to live with complexity. Psychologists tell us part of the reason why this is the case and the history of inquiry shows its inevitability. Even the most successful inquiry, physical chemistry, shows the unescapable fact of local inadequacy. False steps abound as each scientist reflects his or her local situation, her opportunities, his competence, her experiences, his or her commitments. Truth is not there to be seen in particular positions (Weinstein, 2018). Prout's hypothesis, which correctly saw hydrogen as the unit basis of the periodic table of elements was rejected on the available evidence as 'pure illusion' (Scerri, p. 41). The evidence was sound, but its analysis was faulty since the understanding of the evidence was lacking. The existence of isotopes and the theory of atomic number was needed before experimental evidence could be correctly understood (Scerri, pp. 41-42; pp. 58ff.). Would that things were so simple in areas of social concern. If the history of chemistry is our exemplar, truth emerges slowly even in the most successful inquiry. So, if we are to participate in reasoned argument about significant issues, each available perspective demands to be considered, whether accepted, modified, challenged, reevaluated, remembered for later or temporarily forgotten. The value of the model of scientific inquiry for understanding argument is in the process and its outcomes. Local inadequacy is the rule not the exception. Argument theorists must look at arguments in the large, how competing perspectives are brought forward for challenge and assessment. This requires argument theorists to reject the appeal of specificity; that following standard logic, sees argument as recursive, as based on the evaluation of micro-arguments. My perspective is thus extremely radical: to stop looking at argument as a

chain and to conceptualize it as a network of commitments subject to dialogical advance and retreat. This requires us to see an argument not as weak as its weakest components, but rather, as strong as the constant readjustment of a network of considerations permits.

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Deception in real world argumentative dialogue systems

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ABSTRACT: Argumentative dialogue systems can provide human-oriented interaction mechanisms between people and artificially intelligent machines. Questions remain about how normative systems of argument and dialogue fare when exposed to real-world arguers. It's often assumed that the truth should always be told, but even when achievable, can be counterproductive. We shed light on some gray areas concerning truth telling, or lack thereof, in relation to human dialogical interaction with AI systems.

KEYWORDS: argumentative dialogue, persuasion, lying, deception, behaviour change, artificial intelligence

1. INTRODUCTION

With the increasing prevalence of artificially intelligent machines in everyday life, a trend that threatens not only to continue but to accelerate, the need to examine how people interact with these machines intensifies. Whilst the basis for much of the increased interest and utility of Artificial Intelligence (AI) has been rooted in machine learning and neural network based systems, there are also areas of particular concern for argumentation theorists. For example, regardless of how an AI decision is made internally, should that decision be called into question, then the system should be able to explain itself, and perhaps even defend itself, furthermore, the system should be able to work with people to improve decisions, should they be found wanting.

This is in line with recent trends stemming from various regulatory and professional bodies, which have independently proposed that AI systems be capable of explaining their decisions. This trend is found at the supranational regulatory level, in recommendations from the European Commission (2015/2103(INL), 2016), at the national level in the 2017-18 French parliamentary mission (Villani *et al.* 2018), as well as at the industrial professional level, in British standards for intelligent and autonomous robots [BS 8611:2016].

It would appear that many years of research into formal argumentative dialogue systems may soon result in real-world payoffs. However, thorny questions remain in relation to how our ideal, normative systems of argument and dialogue will fair when exposed to real-world motivations.

Whilst it is often assumed that the truth should, or will, always be told, this can be easier said than done, and even when achievable, can be counterproductive. In this paper we attempt to shed light on some gray areas concerning truth telling, or lack thereof, in relation

to human dialogical interaction with AI systems. From this investigation, we make recommendations for the design of future, real world, applied dialectical argumentation systems.

The remainder of this paper proceeds as follows: A number of socio-technical trends and consequent issues that arise are investigated. The use of dialogue as a humane interface between people and intelligent machines is discussed and a number of contexts of interaction are identified that could lead to deceptive behaviours by machines. Finally some elements of an ethics of lying and deception are proposed.

2. CAPABILITIES AND DELEGATION

Amongst a plethora of socio-technical trends that mark the history of computing, see the introduction to Wooldridge (2002) for a useful discussion, two particularly important ones that have a bearing upon this research are the trend towards increasingly capable intelligent machines and the trend towards increased delegation of decision making by humans to machines. AI is a research topic that has made huge recent advances. These advances have been concentrated largely in the domain of Machine Learning (ML), focussed on algorithms that can both recognise patterns within data, and, in some cases, also learn to recognise those patterns without explicit training. [EXAMPLES OF ML ADVANCES]

Against this background of increased machine capability, there has been a societal shift in which people increasingly delegate decision making tasks to machines. This has been occurring for quite some time, for example algorithms have been used increasingly in banking and insurance to help manage risk, however they are now being deployed in medicine, shopping, advertising, news, and social-media contexts. These algorithms can affect which purchases a person makes, the brands that they are exposed, the balance of political reportage that they witness, and the social interactions that they engage in. A good, non-technical discussion of the meeting between society and algorithms can be found in O'Neill (2016). Where previously algorithms were used in regulated sectors, where the ultimate burden of legal responsibility was usually clear, the deployment of algorithms more widely brings human society into increasingly intimate contact with autonomous machine made decision during interactions that are not thus far protected or regulated by law or professional practise. The algorithms themselves are becoming increasingly sophisticated and it is not always clear at which point a particular system should be termed AI or whether it is actually meaningful to distinguish between computational systems that make decisions and AI systems (which are also computational systems) that make decisions. This inflection point, from non-intelligent to intelligent has been termed an 'ethical crossroads' by Andras *et al.* (2018) in relation to how people build relationships of trust with intelligent machines, recognising that as a person uses a technology, so the technology, in return, can influence the user.

Regardless, the increased capabilities of AI systems have lead to their rapid deployment in situations where the decisions that the machines make can directly affect peoples lives. For example, there has already been one unfortunate death which involved a self-driving vehicle (NTSB, 2018).

There are several directions in which human-AI interactions might develop. Some take inspiration from existing human practise. For example, when a person acts within human society, that person can be called to account for their actions, this can be informal, for

example, a parent chastising their child for crossing the road with insufficient awareness of other road users, or more formal, such as when a person is charged with a crime and appears in a court of law to defend themselves. In both cases there is an opportunity for explanation, there may be mitigating circumstances that are not immediately known and which could explain the observed behaviour. Society thus often requires explanation. It seems reasonable to assume that when machines act within human society, a principle of parity of treatment should hold. If a person must explain their behaviour then so should a machine. Other directions involve setting legal standards for interactions. For example, existing legal mandates in regulated sectors such as banking and insurance might be extended to account for more everyday interactions. This is exemplified by the drive towards scrutinisation, interpretation, and explanation of AI decisions, as research goal (Wells, 2018), as professional standard (BS 8611:2016) and as legal mandate (2015/2103(INL), 2016).

It seems safe to conclude that AI systems, of increasing capability will interact with people in society to a variety of positive and negative effects. Some of these interactions will be regulated by legal means whilst others will remain outside the purview of law enforcement, subject instead to societal mores and the personal disposition of individuals. The aforementioned confluence of trends suggests an opportunity to cogently explore how machines and people interact in order to make informed decisions about their future development.

3. EXPLANATIONS, JUSTIFICATIONS, AND DIALOGUES

One area of human machine interaction that is relevant is that of explainable AI (XAI). The increasing opacity of modern AI systems has lead to the suggestion that an AI that can explain it's reasoning, that provides access to its reasoning process in a manner that enables scrutinisation, and whose decisions are structured so as to facilitate human interpretation, can help address some of the problems that might arise (Gregor and Benbasat, 1999). The underpinning concept is that a reasoning process can be made inspectable and knowable, data can be rendered understandable, and a path from data to decisions can thus be made intelligible. For example, after a poor decision has been made, the machine that made the decision may be engaged, perhaps via some form of critical dialogue, with the expectation that the machine provides relevant information to support the decisions made. The use of dialogue would enable users to focus on those aspects of the explanation that were deemed important and glossing over those aspects that were less so. Of course such an approach might not be restricted only to those circumstances when things have gone wrong. Interaction with an AI could lead to better understanding of how it operates, with a resultant increase in trust between human and machine.

The developers of AI systems are independently reinventing some notions of explanation for their own purposes and characterising AI systems in terms of explainability. For example, Doran (2018) identifies AI systems that are *opaque*, AI systems that are *interpretable*, and AI systems that are *comprehensible*. In this hierarchy, users can gain little insight into how opaque systems reach their decisions. However interpretable systems are those whose algorithms can be described and analysed mathematically. For the argumentation community however it is the final layer, the systems that emit symbols and support user-driven explanatory dialogue leading to increased comprehensibility, that are most interesting. A number of approaches to constructing explainable AIs are being explored,

for example, Samek *et al.* (2017) approach explainability of image recognition algorithms through the mechanism of focus, by indicating to the user which parts of an image contributed to the resultant decision.

Two points that are pertinent to the concept of engaging with XAI systems are that explanations are contextual, and explanations can quickly segue into justificatory interactions. The person to whom an explanation is directed can require that explanation to be rendered differently dependent upon the relationship between the person and the XAI system. For example, the system designer or engineer may have a more intimate and detailed technical understanding of the systems functionality to that of the systems owner, manager, or controller. The end-user may have yet a different perspective. This suggests that an XAI must be able to construct explanations that satisfy a variety of scenarios and to account for the situation in which the explanation that is sufficient in one scenario is insufficient in another. Furthermore, when an XAI acts within human society it will come into contact with legislative, licensing, and legal regimes, to which the explanatory function should be extended. Many of these contexts of explanation could potentially give rise to, however inadvert, deceptive interactions. One can easily conceive of the machine giving regulators one explanation of behaviour, designed to pass regulatory requirements, whilst utilising separate explanations for other categories of user. An, admittedly non-AI, version of this scenario was reported in 2015 during what became known as the Volkswagen emissions scandal, in which software used in Volkswagen vehicles detected the presence of testing equipment, and reported fictitious data in order to meet legislative requirements on harmful emissions. When an explanation is not accepted by it's target, there is the opportunity for the interaction to shift from an explanatory mode to a justificatory mode. In trying to justify a position, the AI may select to communicate utterances in order to persuade.

The core concept in XAI via dialogue is that dialogue provides a natural interface when a machine interacts with humans. This interaction can be tuned to accommodate different circumstances, contexts, and relationships. An advantage is that that this can lead to increased human understanding and trust of the resulting systems because we understand and build trust by exploring and explaining. Furthermore we build confidence and resolve conflict by justifying. Given the human tendency towards mistrust of anything different, and AI thought is certainly likely to be different, there is a need for such trust building mechanisms if machines are to act effectively within society However, those same trust building mechanisms provide opportunities for deceptive practise.

4. CONTEXTS OF DIALOGUE THAT GIVE RISE TO DECEPTION

Presupposing that an AI system can be constructed that is capable of explaining the reasoning underpinning it's decisions, then there are likely to be a variety of ways in which those explanations can be presented to account for variety in the context of interaction. This means that the AI system has a choice about what to say and must select between competing or equivalent utterances. It could be suggested that where there is a choice to made there is also the opportunity for strategy. Unfortunately the opportunity for strategy also presents the opportunity for deception. Deceptive practises can incorporate seemingly innocuous practises, such as framing utterances to appeal to the recipient, or other fit with the targets pre-existing disposition. Similarly, when justifying a position, the omission of information that weakens your own case can be strategically useful, and is common in human society, but

the practise is still referred to negatively, it is a *lie* of omission.

The notion that a machine can deceive raises questions about how such machines should be handled within society. For example, when should a machine lie or otherwise deceive? Multiple approaches are required that can together work to limit deceptive behaviour, and provide a framework in which people can reason about those behaviours, and make informed decisions about their responses. Four approaches that might provide tools to handle machine deception are mechanical, educational, legal, and ethical.

The mechanical approach captures the idea that systems that can potentially deceive humans are simply either not built or have internal mechanisms devised to prohibit or otherwise limit such behaviour. On the surface this seems like a nice solution. To avoid the problem, don't build systems that allow the problem to occur. However, even were it straightforward to recognise such circumstances, it is problematic to prohibit the design and implementation of such systems, or to enforce the presence or absence of particular software features. The educational approach builds upon existing and long- standing trends in informal logic and argumentation. Rather than introduce mechanical solutions within the machine, instead, people should be trained to argue better, to develop and deploy improved critical thinking skills that they apply when interacting with AI systems. This is a good goal, however the achievement of the goal is proving to be difficult. Law, regulation, and legislation provide boundaries for those who act within society, enabling different groups to interact whilst having those interactions regulated. The formulation of such legal approaches can take years to perfect. In the case of AI this must be achieved whilst simultaneously not undermining the current rate of progress. The global nature of AI research also means that the only result of prohibiting certain aspects is to stop them from occurring in that locale, the rest of the world may continue to develop those aspects. A parallel might be drawn between AI research and research into genetically modified crops or human gene editing. In both cases many countries have enacted legislation but this has served only to restrict research within specific geographic areas. Ultimately, the likelihood is that there will be a legal approach which structures interactions between people and machines, and that this approach is likely to be guided by, and in turn influence, the educational and mechanical approaches. However, this will take time. Until then, considering the ethics of human-machine interaction might be a good starting place.

Whilst there have been some efforts to define limitations on what machines should be designed and implemented to do, for example, through mechanism design, education, law, and ethics, no single approach is sufficient. In the cases of mechanism design, education, and law, it can be argued that all solutions are underpinned by a system of ethics. Ethics that guide professional practise, ethics that inform evaluation of educational principles, and societal ethics that laws are designed to enshrine.

5. PERMISSIBLE MACHINE DECEPTIONS

The most straightforward way to handle the potentially harmful implications of machine deception of human users would be an outright ban. However, it is not clear that this would be a desirable measure. There seem to be plausible scenarios, both hypothetical and current, where machine deception strikes us as not only harmless, but in some cases morally praiseworthy. Isaac and Bridewell (2017) have recently suggested a few such cases[1], and we

present three additional ones here.

5.1 Deceptive recommender systems

My Netflix account shows several 'recommended' shows that I can watch, 'based on my watch history'. I am not privy to all the ways in which the recommender system decides what to offer me as a recommendation, but if the system draws on things other than what shows are similar in genre, tone, style etc. to things which I have watched in the past (which shows Netflix must pay the least amount in royalties to show me, for instance), then this is plausibly a case of an AI engaging in a deception; it is presenting an option to me as based entirely on my preferences, when in fact it is not. However, even though this behaviour is plausibly deceptive, it also seems like a kind of deception that we might not be too concerned about, certainly in line with the kind of deceptions we routinely accept as permissible in various kinds of human commercial activities.

5.2 Caring deceptions

Robots are increasingly being developed for use in caring roles. As companions, health monitors, and even to carry out basic medical duties such as safely moving patients around. In such roles, it is often the case that we are tempted to think that certain deceptions are forgivable, and perhaps even mandatory. For example, if a patient near the end of their life asks their companion robot whether their death will be painful, or a recovering burns victim asks their companion robot whether they are beautiful, or in any number of similar instances (see Matthias 2015 for more), we could very plausibly think that a cold honesty is far from the best way for the companion in question to respond. If robots are to work in caring roles, an amount of kind deception is almost certainly going to be morally warranted.

5.3 Deceptions to preserve confidentiality

AIs acting as personal assistants, or as facilitators of information retrieval, might frequently find themselves in a situation where deception is morally warranted. If I am unavailable to make my day's appointments because of a sensitive medical emergency, or similar personal problem that I would not wish shared with my clients or colleagues, an AI probably ought to deceive those people on my behalf, lying about the reason for my unavailability, and so preserving the confidentiality of my personal affairs.

It seems, then, that we have some reasons to stop short of an outright ban on deceptive machines. Some robot deceptions seem almost harmless, and some even seem obligatory. If some deceptions by machines are morally permissible, then, it remains to try to delineate those instances of machine deception which are permissible from those which are not.

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1 We present additional cases firstly because having more cases by itself makes the idea that benign machine deception is possible more plausible, but also because there are specific issues with the examples given by Isaac and Bridewell which may make their cases less persuasive than necessary (i.e. they argue that robots ought to be able to engage in idle office banter, and that that is a form of 'bullshit' – however it is not clear that such banter is at all deceptive.

6. MACHINE DECEPTION AND TRUST

In the contemporary philosophical literature on the ethics of lying and deception, views about the wrongness of lying and deception are varied in focus and in particularities, but in general follow the sentiment of the great Bernard Williams, that "In our own time we find it particularly natural to think deceiving people (or at least some people, in some circumstances) is an example of using or manipulating them, and that that is what is wrong with it." (Williams 2002, p.93). In what follows we will briefly show that the wrongness of *machine* deception must be treated very differently to the wrongness of human deception.

Because not all lies or deceptions are manipulative, locating the wrongness of deception in its manipulative elements can help to delimit those deceptions which are permissible from those which aren't. However, in the majority of cases of machine deception, including those listed above, it appears that they are at least *prima facie* manipulative (meaning that they seem intended to get their human interlocutor to act or believe in a way other than they would if they were acting on the best information and on the basis of their own values and desires). So, if we have a good reason to think that the above cases of deception are *not* manipulative, or at least not manipulative in a morally impermissible fashion, then we should investigate why *manipulation* is wrong, and whether the cases we are interested in count as permissible or not on that basis.

In short, when deception is wrong because it is manipulative, it is wrong because it breaches a particular kind of *trust* (Faulkner 2007, Strudler 2010). The kind of trust which makes deception wrong is a kind which lends an assurance to a listener that a speaker's words deserve their belief; that the belief in a speaker's words are *warranted* in the listener. Interestingly, this kind of trust can come in kindred forms, which are especially relevant in the case of human-machine interaction: we may trust a speaker's words on a *predictive* basis, or on an *affective* basis (Faulkner 2007).

When I trust on a *predictive* basis, I am trusting that some object or person will perform some action because I have a good reason to think that they are the kind of object or person that can or will reliably perform that action. As I type this, knowing that the software I am using is designed to facilitate word processing, I can *predictively trust* that the words I type will be accurately reflected in the outputted file. Formally, A has predictive trust in S when:

(1) A knowingly depends on S φ-ing and
(2) A expects S to φ (where A expects this in the sense that A predicts that S will φ).
(Faulkner 2007)

Importantly for our purposes, predictive trust is *not* the kind which, when broken, necessarily constitutes a moral wrong. Whether the object of predictive trust is a person or a machine, my expectations have been confounded, but my trust is not due to any explicit or implied obligation on the part of S to satisfy that trust.

If, on the other hand, my trust is of the *Affective* variety, then my trust is not just based on what I expect that the object of my trust will do, but on what *motivates* the object of my trust. If I ask a colleague what time the staff meeting is that day, I trust that she will answer me truthfully not just because she has been a reliable source of such information in the past, but because I expect that my dependence (in however weak a sense) on her giving me

accurate information is what motivates her to answer me. Again, formally, A has affective trust in S when:

(1) A knowingly depends on S φ-ing and
(2) A expects S's knowing that he depends on S φ-ing to motivate S to φ
(Faulkner 2007)

This is the kind of trust which is morally operative in distinguishing permissible from impermissible deceptions. In deciding whether the putative cases of benign machine deception we outlined above are permissible or not, we must decide whether in each case we would expect that the machine in question is acting partly on the basis that we are depending on their acting honestly. Plausibly, we are not: in each case we might either understand or expect there to be other motivations for the machine's speech.

However, there is a deeper problem which this analysis points us towards, and it is this: can artificial intelligences, of the kind which currently exist and are likely to be developed in the short to medium term, ever be suitable targets of affective trust?

When I get angry with my printer because it fails to print my paper, we have no hesitance in saying that I have made some kind of mistake. With the preceding in mind, we might say that I have mistakenly imbued it with *affective* trust, when I really was only warranted to grant it *predictive* trust. I am free to predict that it will print as it always has done, but I cannot reasonably think that my dependence on it printing is a part of its motivational structure. If my printer does not print, it has not *betrayed* me, it has simply confounded my expectations.

As things stand, can we say that even the most sophisticated artificial intelligences are capable of valuing human interests in a way which motivates their actions, so making them suitable targets of our affective trust? If they can't, which I believe to be the case, then how can we ever hold them blameworthy for their deceptions? Especially if, as seems likely, their human interlocutors will often mistakenly trust AIs as if they *were* motivated by the fact that humans depend on them, rather than only causally, by way of satisfying their programmed goals. Perhaps, then, this is a new and more compelling reason for AIs to not be permitted deceptive capacities – not because those capacities will invariably be harmful, but because holding those machines blameworthy for impermissible deceptions depends on their betraying a trust which it is not reasonable to hold in them to begin with.

7. CONCLUSION

Mechanical solutions to the problem of handling deception are challenging. Educational solutions are long term, not a complete solution in isolation, and challenging. Meanwhile, the law is progressing rapidly, to account for and regulate what machines are allowed to do and how people can interact with them.

This paper has presented some preliminaries for an ethical framework regarding machines, people, and deception. Such a framework would inform the process of law-making, as well as the design of intelligent systems, and would provide normative expectations for interactions and behavioural standards between people and machines.

In summary, this area is developing rapidly, spurred by advances in research, progress

in law, and the growth of socio-technical interactions. Whilst this paper has outlined some preliminary ideas, there is much work to complete to bridge the remaining theoretical and applied gaps.

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A retrospective analysis of Russian "democracy": An historical case study of definitional argumentation

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ABSTRACT: We examine the emergence and shifts in definitional arguments for Russian 'democracy' from the establishment of the Russian Federation to the present. For the Putin and Medvedev years, we analyze definitional arguments about 'democracy' as expressed in Russia Day Addresses from 2000 – 2018. The meaning of 'democracy' and its relationship to Russia were ever-changing. After events in Crimea, this once prevalent argument waned to virtual absence.

KEYWORDS: civil liberties, definitional argument, democracy, freedom, Medvedev, Putin, Rule of Law, Russia Day speeches, Russian Federation, Yeltsin

1. INTRODUCTION

Our on-going study of Russian political and Presidential argument began in 1992; over time, the project evolved into a longitudinal examination of Russian political (mainly Presidential) argumentation. The overall study is focused on arguments concerning national identity, democracy / democratization, citizen / citizenship, and similar ideographs.

In this paper we offer a longitudinal analysis of definitional arguments about 'democracy' expressed in Presidential Russia Day Addresses from 2000 – 2018 as a microcosm of broader argumentative tendencies. Our overarching claim is that definitional arguments linking Russia and 'democracy' played prominent roles in Presidential discourse during the Yeltsin and early Putin years, although the meaning of 'democracy' and its precise relationship with Russia were ever-changing; however, by Putin's third term, and certainly after events in Crimea, this once prevalent argument virtually disappeared. We proceed by describing our approach to definitional argument, then tracing shifts in the definitional arguments advanced about Russian democracy. We conclude by exploring some implications of the effacement of democracy in Presidential addresses, notably a concomitant shift from understanding Russia as

a nation based on a national idea (*e.g.,* democracy; communism) to a country defined by land and history (and myth).

2. APPROACHES TO DEFINITIONAL ARGUMENT

Definitional argument functions to shape our understanding of situations, and as such definitions shape the meanings that we assign those situations. Accordingly, definitional argumentation has high stakes, because, as J. Robert Cox reminds us, "Human behavior is based upon the *meaning* the person attaches to objects, events, relationships, or activities of other individuals" (Cox, 1981, pp. 198-199. Emphasis added).

Zarefsky has maintained that definitional argument may take multiple forms, which he identified as argument *from* definition, *about* definition, and *by* definition. Our focus has been on arguments *about* definition during the formative period of the Russian transition (*e.g.,* Should Russia incorporate Western-style democracy? Should it find a special path? Should it modify 'democracy' – literally, with adjectives – to find a comfortable indigenous definition?).

More recently, however, we have concentrated on argument *by* definition, whereby "[t]he key definitional move is simply stipulated, as if it were a natural step along the way of justifying some other claim" (Zarefsky, 1998, p. 7). In this sense, the key argumentative step of defining one's terms is taken by moves that are not themselves argumentative at all; they are not claims supported by reasons intended to justify adherence by critical listeners. Instead they are simply proclaimed as if they were indisputable facts (Zarefsky, 1998, p. 5). As we have noted elsewhere, "arguments *by* definition are critical moves that are often deployed in the construction of broader situational definitions" (Williams, Young & Launer, 2015). In the examples of argument by definition that Zarefsky discusses, he suggests that "what is really being defined is not a term but a situation or frame of reference" (1998, p. 5).

From this orientation, it follows that once arguments about definition find resolution, the favored definition may come to be simply stipulated or taken as a given. Thus, argument *about* definition transforms into argument *by* definition: in a very real sense, the definition shifts from being an argumentative claim into a premise supporting another claim.

This is an illuminating perspective from which to chart transformations in the treatment of 'democracy' in Russian Presidential address: statements regarding the definition and meaning of 'democracy' in Russia during the Yeltsin years – when Russia declared itself in transition to democracy – may be categorized as definitional arguments *about* democracy. Once 'transition' gave way to 'stability' and a sense of 'staying the course,' this shifted to argument *by* definition. After 2014 and events in Crimea and Ukraine, however, Presidential argumentation concerning the status of Russian democracy essentially disappears.

The historical development of what we are generically referring to as "Russia Day" speeches reveal changes and shifts in purpose, structure, and format. We start by charting the history of the celebration and its relationship to democracy. We then analyze Putin's Russia Day speeches, focusing closely on definitional shifts in 'democracy' and related terms. The longitudinal changes in definitional argumentation about democracy are particularly telling because Russia Day is "an effective microcosm for Russia as a whole" (SRAS, 2018).

3. CHANGES IN "RUSSIA DAY"

Each June 12 is celebrated in Russia as "Russia Day.' The tradition began in 1990, when

> the First Congress of People's Deputies of the Russian Soviet Federative Socialist Republic (RSFSR) adopted the Declaration of State Sovereignty of the Russian Soviet Federative Socialist Republic, which declared the supremacy of the Russian Constitution and its laws (Litovkin, 2014).[1]

This declaration of Russian constitutional supremacy was conceived as a form of sovereign independence from legal subservience to the Soviet Union. Indeed, the holiday

> was originally named "Russian Independence Day," marking both the day when the Russian Republic declared its independent sovereignty from the Soviet Union and the day when, exactly one year later, Boris Yeltsin was elected the first president of the Russian Federation (SRAS).[2]

However, despite the formal designation of June 12 as "Independence Day" it was not celebrated in any significant manner (Litovkin, 2014).

After the dissolution of the Soviet Union in 1991, the name of the holiday was changed by the Supreme Soviet of the Russian Federation to the "Day of the Declaration of Russian State Sovereignty."[3] It still did not gain popular traction, although it was during this period that the President began issuing an annual short statement to commemorate the day. June 12 became a public holiday in 1994 (Iaccino, 2014), and in 1997 Yeltsin "suggested renaming it Russia Day" in order to better "promote this day as a patriotic holiday" (Iaccino). However, the renaming did not formally take place until 2002 when the Russian Parliament changed the name of the holiday to Russia Day (Iaccino). Russia Day grew as an annual celebration, but its focus drifted, then shifted entirely. It slowly became a celebration of Russia and of Russian history across time, without reference to political systems or constitutional order. Along the way, it became linked to other agendas, such as the National Awards Ceremony.

Nevertheless, Russia Day remains a day when the President might be expected to mention progress towards democracy. As Oleg Rumyantsev, Executive Secretary of the 1993 Constitutional Commission, who oversaw the drafting of the Declaration of Sovereignty, noted, "This is the day of the foundation of the constitutional order….The Declaration forged the principles of national sovereignty" (SRAS, 2018). Boris Yeltsin expressed a similar view, saying the dissolution of the USSR "put Russia on another, democratic, market-oriented path of development."

4. DEFINITIONAL SHIFTS IN 'DEMOCRACY'

The word 'democracy,' as with other symbols, contains no meaning in itself; it is only when meaning is ascribed to it, and as definitions of it arise in the context of use and human interaction, that it gains significance. Definitions, whether ascribed or arising from usage, are not singular: they are always contestable, even mutable. The term 'democracy' and its meaning(s) represent an example of this, especially in the context of recent Russian usage.

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[1] День принятия Декларации о государственном суверенитете Российской Федерации. Retrieved from http://neftekumsk.ru/smf/index.php/topic,1550.0.html

[2] Постановление Съезда народных депутатов РСФСР от 25 мая 1991 г. «Об объявлении 12 июня нерабочим днем». Retrieved from http://graniuma.com/novosti/den-rosi.html

[3] Decree № 2981-I (issued 11 June 1992). О праздничном дне 12 июня. Retrieved from http://www.innovbusiness.ru/pravo/DocumShow_DocumID_40882.html

An instance of this definitional malleability is embedded even in the very early declarations of democracy in both the RSFSR and then in the Russian Federation, where 'democracy' is represented metaphorically as a path. In his Inaugural Address as the first elected President of the Republic of Russia on July 10, 1991, Boris Yeltsin, referencing "the adoption of the declaration of state sovereignty" and his own election as its first President, declared that

> …citizens of Russia for the first time made their choice. They have chosen . . . the path this country would follow. It is the path of democracy, reform, and revival of human dignity (*Foreign Policy Bulletin*, 1991).

Putin also embraces this metaphorical construction: in his 2001 Address, Putin says that with the Declaration of Russian State Sovereignty, Russia "embarked on the path toward a new country."≈[4] In his 2002 speech, Putin speaks of Russia's "difficult and uncharted path"* toward development of "democracy and market relationships,"* and later in the same Address he emphasizes that "Russia does not seek a special path"* but rather one in which Russia's "place in the world,"* along with "the world's attitude toward us,"* "is consistent with our rich history"* (2002).

The metaphor of a 'path' ambiguously intermingles elements of a terminus and an agency, an ambiguity that facilitates easy definitional shifts in 'democracy' between being understood as a terminal value – an end-in-itself – and an instrumental value – a means toward achieving other (more material or tangible) goals; that is, between democracy as a destination and democracy as a mode of conduct, a means of progressing toward that which is more desirable in-itself. The implications of this definitional ambiguity and the elasticity it facilitates are manifest in the shifts that emerge in the Russia Day addresses.

As this example suggests, we find multiple lines of definitional shifts in the meanings ascribed to 'democracy' over the course of the Russia Day Addresses. These definitional shifts occur along four relatively distinct axes:

4.1 Democracy as an ideal, a destination of value in-itself, the end of the path, a terminus. This definitional orientation is featured in what we refer to as in-text encomiums to democracy. Becoming or being 'democratic' both as a state and a people is presented as the *telos* of the new Russia, although over time the democratic transformation of the whole body of Russian political culture is supplanted by a democratic pose, by a familiar body with a new 'democratic face.' There are encomiums to democracy (along with freedom, rule of law, civil society) scattered among these Russia Day addresses.

4.2 Democracy as an instrumental value that should lead to material outcomes: success, prosperity, well-being. But, as emphasized in the texts, primarily it should strengthen the state. Thus, democracy is not an end-in-itself; its value lies in other outcome measures. And since the over-arching goal is strengthening the state, the outcome measures must be understood in relation to the state, not to individuals. Even vague outcome goals such as "well-being" must be understood from this perspective.

4.3 Democracy must reinforce national unity. Consistent – often insistent – calls for unity, understood as an absence of dissent, play important roles in virtually all of the Addresses. The tension between robust democracy, with its inherent multi-vocalities, and unity as projected by Putin is never addressed directly. Implicitly, the tension is 'managed' by the executive.

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[4] English language translations of quotations in this study derive from three sources, each designated by a unique symbol: verbatim from the Kremlin.ru website (∞); from the Kremlin.ru website, but slightly edited by Michael Launer (≈); or directly translated by Michael Launer (*).

4.4 Democracy is just a blip in the thousand-year history of Russia; its meaning and significance must be contextualized within the full conspectus of that history. Whereas in 2001 Putin represented the Declaration as marking "the beginning of our new history, the history of a democratic state based on civil liberties and the rule of law"∞, by his third term the "new history"∞ seems forgotten. Mother Russia is mythologized, historically immutable, and wed to the territory of Russia. While 'Russia' may be contemporaneously synonymous with 'the state,' it is diachronically transcendent of any particular state. There is always a presence of land and history in the Addresses, but as the encomiums to democracy fade and eventually cease, the references to land, Fatherland, Motherland, and history, all increase. The association of mythic 'Russia' with land – 'land' beyond equally mythic Fatherland [Отечество], Motherland [Родина] or perhaps even homeland [Отчизна] to contemporaneously inhabited, very material 'land'-- anchors a new Russian nationalism based not on a national idea (*e.g.,* 'democratic' nation) but rather on history and land themselves. It emerges with perhaps ominous clarity in Putin's Russia Day 2014 injunction: "Our ancestors instructed us to be patriots of our Motherland."*

5. CHART SUMMARIZING OCCURRENCES OF 'DEMOCRACY' AND 'FREEDOM' IN RUSSIA DAY SPEECHES, 2000-2018

For the first 5 years, through 2005, references to democracy and democratic institutions occur routinely in the Russia Day addresses, even though the frequency in individual speeches begins to wane. For example, there are 6 instances of references to democracy in the 2001 speech and 4 in 2002 (plus a statement about free economic development). But by 2003, the frequency had dropped to one or two references per speech, and after 2005 there were several years where the term democracy was hardly mentioned at all, most notably from 2015 to 2018, when there was only 1 reference to democratic institutions over those 4 years.

From this point, we focus on those Russia Day speeches that highlight references to democracy and freedom, with special emphasis on the Russia Day addresses given by Putin in his first two years as President as a precursor to the definitional shifts that manifest in subsequent years.[5]

Below is a chart that summarizes the occurrence of references to 'democracy,' 'freedom,' and other terms associated with democratic forms of government:

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[5] To be sure, during the Yeltsin years, the term 'democracy' fell out of favor, and during his 1996 re-election campaign, Yeltsin preferred to talk about 'freedom' rather than democracy. See: Ishiyama, *et al.* (1997), p. 98.

Summary of Russia Day Speeches - Russian Texts

Year	President	№ of Russian Words	демократи-democracy	демократическ-democratic	ИТОГО Total		свобод-freedom	свободн-free/freely	ИТОГО Total
2000	Putin	237	0	1	1		1	0	1
2001	Putin	350	4	2	6		2	0	2
2002	Putin	458	1	4	5		0	1	1
2003	Putin	405	0	1	1		0	0	0
2004	Putin	335	1	1	2		1	1	2
2005	Putin	339	1	1	2		0	4	4
2006	Putin	Russian Version Not Found							
2007	Putin	782	0	0	0		0	1	1
2008	Medvedev	462	0	1	1		2	2	4
2009	Medvedev	411	1	2	3		1	1	2
2010	Medvedev	388	0	0	0		1	0	1
2011	Medvedev	540	1	2	3		0	3	3
2012	Putin	447	0	2	2		0	2	2
2013	Putin	325	1	1	2		1	1	2
2014	Putin	302	0	1	1		0	2	2
2015	Putin	282	0	0	0		0	0	0
2016	Putin	404	0	0	0		0	1	1
2017	Putin	334	0	1	1		0	1	1
2018	Putin	276	0	0	0		0	0	0

6. JUNE 12, 2000

Vladimir Putin delivered his first address commemorating the Day of the Declaration of Russian State Sovereignty during his first year as President. It appears to be the first of the formal annual addresses to be delivered at a public ceremony; it also marked the ten-year anniversary of the Declaration. Putin begins by recognizing the significance of the Declaration and its decisive effect on Russia:

> Adoption of the "Declaration of State Sovereignty" was an event that ended an era. The very essence of Russian statehood and political system changed. The country received a new direction. A multi-party system and laws on [private] property and freedom of the press appeared. The institution of the presidency was established. Constitutional changes to the structure of government were instituted.*

Although seemingly descriptive, this opening passage, presented without salutations, is significant in number of ways: it defines the Declaration as the punctuation point "that ended an era,"∞ not as the opening of a new era; it declares that the "very essence" ∞ of the state changed; and it lists several areas of institutional and legal changes, all aligned with a new [implicitly democratic] direction. But what is remarkable about this passage is that it is all in passive voice: the passage of the Declaration "was a landmark event;"∞ the system "changed;"∞ the country's "new direction"∞ was "received;"∞ the presidency "was established;"∞ and the "new system received constitutional changes."∞ The lone exceptions to the passive construction are a "multi-party system"* and "laws on private property and freedom of the press"* – which, collectively, simply "appeared."∞ In no case is an agent of change identified, either individually or collectively. Yet the use of passive voice marks the State as the *acted-upon*.

The text then abruptly shifts to a salutation ("Dear friends!"∞, and the tone changes as well:

> Ten years ago we were more romantic [than now], even naïve. We thought that building a new nation would be quick and easy. We have had to part with these illusions. Instead, we now have gained experience – however hard, even bitter, but experience nonetheless. Now we know how difficult it is to reform the economy and society and to create democratic institutions.*

Via the inclusive collective "we,"* Putin broadly identifies both his audience and himself with the "romantic"* and "naïve"* reformers who shaped the new nation, and via that identification he takes them together through their "hard, even bitter"* experiences under the initial reforms, to a presumably shared, situationally required abandonment of the "illusions"* of the easy reforms – most directly that "building a new nation would be quick and easy."* There is a faint, corollary implication that visions of complete democratic transformation were themselves illusory and should be parted with: experience has taught them "how difficult it is to reform the economy and society and to create democratic institutions."* Notably, there is no pledge or indication from Putin that efforts for complete transformation would continue despite difficulties. Instead, there is a need for unity and dedication of effort among the Russian people of a magnitude akin to that of the Great Patriotic War. The stage has been set for the definitional shifts to come in subsequent Russia Day Speeches.

The "hard"* and "bitter"* experiences of the early years of transformation threatened the stability, perhaps even the survival, of the new Russian state; nevertheless, Russia survived because of an underlying unity and resolve in the Russian people, a people defined by and dedicated to the mythos of greater Russia, to Mother Russia: "We have had many setbacks. Left in the past, it would seem, are the burst of inspiration and the excitement that helped us address the most difficult challenges, that helped as we tried to overcome them."*

This analogical invocation of Russia's triumphant victory in The Great Patriotic War and the country's subsequent resurgence recalls Soviet patriotic unity (albeit now metonymically reduced to Russian) and the ultimate victory over Nazi Germany, while simultaneously asserting that the same response is now required to overcome the tumultuous changes and hardships that were seemingly imposed on a vulnerable nation. Putin offers eyewitness testimony to bolster his assertion that the same social potion of unity and patriotism that propelled Soviet victory in The Great Patriotic War can be galvanized anew to resuscitate modern day Russia:

> I travel a great deal around Russia and meet with many people. Some of them are disillusioned, confused, and dismayed. Many, however, are brimming with energy and stamina, and full of creative drive. That means we have every chance of building a better life for ourselves, of improving the economy and reviving production.∞

This is not about the reclamation of ideals (illusions), but rather about achieving material outcomes relative to the economy, (military) strength, and international status. Moreover, the disillusioned are not cast as potential change agents, nor even as among the patriotically united: those with the energy, "creative drive,"∞ and endurance to help Putin in "building a better life for ourselves"∞ are <u>other than</u> the disillusioned, confused, and dismayed. Even the invitingly open phrase "a better life for ourselves"∞ becomes constricted as it becomes clear that Putin's envisioned resurgence is the resurgence of the Russian state – and the revived state (rather than democratic self-governance by the people) is now the glittering ideal: "Together we must make Russia united, strong, and respected"≈ (2000).

According to Putin, the first ten years of Russia's separate sovereignty "were spent under the slogan of building genuine federalism."≈ A 'slogan'≈ presents a surface representation of an advised mode of action (perhaps even a code of behavior). As with other condensation symbols, slogans have at best loose connections with actual actions. They represent ideals or illusions. And just as "hard"∞ and "bitter"∞ experiences during the 1990s required parting with certain illusions, so too is something required beyond a slogan: "Now we understand that developing a new system of government requires constant attention and a tremendous sense of responsibility"* (2000). And further development of the state is the over-riding objective: "That is a duty we all share – the President, the Government, members of parliament, and regional leaders."∞   Although at one level this is directed to the constituencies of his immediate audience, it is nonetheless striking that on the day to celebrate Russia's separate sovereignty and its first major steps on the path of democratic reform, Putin does not include the people in his delineation of duty and responsibility in building the new state. The exclusion of the people becomes more striking as Putin immediately follows his description of duty by assuring his audience, "I believe we are united in this."≈ The "we" here includes the Government, members of parliament, and regional leaders: it does not include the people. Indeed, referencing the same "we," Putin proceeds, "The people support us, and that means we will succeed."* It was becoming evident that managing the resurgence of Russia also meant managing the democracy.

7. JUNE 12, 2001

In contrast, in his 2001 Russia Day Address Putin depicts the democratic transition as essentially completed. Following a brief salutation, Putin begins:

> Today we mark an anniversary of the Declaration of the State Sovereignty of Russia. That document marked the beginning of our new history, the history of a democratic state based on civil liberties and the rule of law. Its main purpose is the success, prosperity, and well-being of Russian citizens. Eleven years

ago, we embarked on the path toward a new country, a new country above all in its relationship to society and to the individual.≈

The anniversary is now depicted as marking "the beginning of our new history,"∞ not "the end of an era"∞ as in 2000, and it is a journey with direction taken by agents with at least implicit choice: "we embarked on the path toward a new country."≈ The purpose of the "democratic state"∞ is explicitly defined in terms of outcomes, mostly material (economic) in nature, that accrue to the citizens: "success, prosperity, and well-being."∞ The featuring of material benefits to the citizen as the purpose of the democratic state is, on the one hand, seemingly laudatory toward democracy while, on the other, suggesting that the measure of democracy's success will be those material standards. Democratic values ("civil liberties and the rule of law"≈) are implicitly instrumental: rather than being ends in themselves, they must be measured relative to their effectiveness in producing success, prosperity, and well-being.

After the Declaration, a "gigantic turnaround took place. Today we live in a different country."∞ In that regard, "the very nature of Russian government and statehood has changed, as has its constitutional system."≈ Putin's declaration that "today"∞ Russians "live in a different country"∞ suggests they have arrived at the end of their "path toward a new country."≈ Aside from this act of living, agency again retreats into the passive voice: change "took place,"∞ and government, statehood, and the constitutional system have changed. No change agents are identified. And Putin concludes this section with a remarkable declaration: "The government has a new democratic face."∞

Looking at these two speeches together, one sees that Putin views the democratic reforms of the 1990s has having been imposed on the newly independent country; hence, the passive voice. By 2002, he has envisioned a different course that will refine Russian democracy as a means to strengthen the state and the state apparatus. The definition of 'democracy' has begun to change.

8. RUSSIA DAY SPEECHES FROM 2002 THROUGH 2018

8.1 June 12, 2002

By 2002, the instrumental interpretation of democracy had taken hold, yet the transitional nature of Russia's task had returned. In this speech, Putin elaborates on what Russia has accomplished: "With each passing year we improve the space for democracy and market relationships."* "In a short span of time we have created functioning democratic institutions. We have left behind our previous ideological and political conformity."* "[W]e have laid the foundations of an essentially different governmental and social structure."* "[W]e have established the conditions for the free economic development of the nation."*

Now it is time for all of this work to pay off: "[T]he changes we have suffered through must begin to yield results; they must work for society and for the people."* "We simply must strive to achieve real results from the reforms that have been established over these years."*

8.2 June 12, 2003

In 2003, Putin introduces the notion of the Russian Homeland, with its "thousand-year history and unique heritage."∞ This history is the fulcrum for national unity – the unity necessary to make Russia "an economically powerful, democratic country…."∞

8.3 June 12, 2004

Again, the theme is unity and prosperity: "By taking this path, we have chosen the values of patriotism, freedom and democracy. And for us it is clear that the more active people's initiative is, the richer the country will be."∞ Furthermore, "[t]he more reliably citizens' rights are ensured, the stronger the Russian state system will be."≈

8.4 June 12, 2005

Unlike the previous two years, the 2005 speech contains numerous references to democracy or elements intrinsic to democracy, such as freedom and civil society. This is also the year in which the focus of Russia Day changed somewhat, to an occasion for the presentation of the Russian Federation National Awards for service to the state and the people. This notion of service to the state began to appear in the 2004 address and culminates in 2005 with the addition of the awards to the Russia Day celebration.

Putin has begun to focus on the twin themes of unity and service as the path to real democracy: "Our task is to develop a political system and the institutions of a true democracy … a just and open society, a government based on the rule of law and accountable to her citizens…."* Yet, in Putin's view, democracy belongs to the state, not to the people.

8.5 June 12, 2006

The emphasis in this speech is service to the state, and for the first time the national awards ceremony assumes prominence, as the President begins his remarks by recognizing the awardees:

> It is a great pleasure and honour for me to congratulate our laureates and to award them the State Prize. This is the second time that this award ceremony is taking place on June 12, Russia Day.∞

Putin again emphasizes the importance of Russia's history in the present day: "Today, as we celebrate Russian statehood, we should look back on its thousand-year history and on the unique path our state has followed."≈ History, it seems, is the wellspring of today's civic values: "Above all, these are the values of democracy, justice, spiritual freedom and civic spirit."∞

8.6 June 12, 2007

In the last Russia Day appearance of his second term as President, Putin scarcely mentions the reason for the holiday. Although the speech is approximately twice as long as the average of his preceding six addresses, the only mention of anything resembling civil society is a nod in the direction of "the free exchange of ideas."∞ Again, the major theme is "national unity in the name of the free, civilized development of the country and a better life for all of its citizens."∞

8.7 June 12, 2012

Following a four-year hiatus, with Dmitri Medvedev serving as President, Vladimir Putin again assumes the reins of government. Not surprisingly, his 2012 Russia Day address underscores Russian exceptionalism and the importance of history and unity for the present day:

> Happy Russia Day! This national holiday reflects not only the major democratic and economic transformations that began over twenty years ago, but also the entire historical path of the Russian state which is constantly developing and has already existed for over eleven centuries.[∞]

Once again, the values of a free society are described in purely transactional terms: "Today, we are all responsible for properly implementing this choice, so that Russia is powerful and prosperous, so that people here live comfortably, happily and safely."[∞]

8.8 June 12, 2013

These themes, and a continued transactional understanding of democracy, are repeated the next year: "Each generation has a duty to make their contribution to their great country's history."[∞] The goal of society is to provide a "better quality of life to the millions of our compatriots"[∞] – and the country's "democratic values… must work towards this priority goal today. Change makes sense when people actually see that their lives are getting better."[∞]

8.9 Russia Day speeches 2014-2018

In 2014, Russia annexed the Crimean peninsula and sponsored an insurrection in Eastern Ukraine. Obviously, democracy and the sovereignty of nations were not in the forefront of Russian policy. So, as Russia attempted to recapture elements of Soviet territory from Ukraine and to undermine Ukrainian independence, it is not surprising that Putin would re-emphasize history in his Russia Day address:

> Year after year, this holiday has been gradually acquiring a special meaning. Today it signifies not only radical democratic and economic transformations, not only events in the recent history of Russia, but also the entire powerful age-long history of our nation.[≈]

Thus, the long history of Russia becomes the justification for "events in the recent history of Russia."[∞]

There is only this one mention of democracy in the 2014 address. Moreover, from 2015 through 2018 Putin mentions democratic principles only once in a Russia Day address, in 2017, in the context of affirming Russian nationalism as the highest value:
"Year by year, as democratic institutions developed and society opened up, there was a growing understanding of the importance of our roots and traditions."[∞]

Equally unsurprising, except for the toast to "a free and prosperous Russia and to the well-being of our citizens"[∞] with which Putin usually ended his addresses, 'freedom' has vanished from his understanding of post-Soviet society.

9. CONCLUSION

'Democracy' was a fraught term in Russia well before Putin took office: in his 1996 re-election campaign, Yeltsin abandoned the word in favor of the more palatable 'freedom' (Ishiyama, *et al.*, 1997, p. 98). So perhaps it should be more surprising that Putin resurrected the term at all, before he reconstructed it and re-defined it to suit his larger purposes. Russia Day, the day of Russian independence, is a day of patriotism, when praise for an ideal such as democracy and its concomitant elements can be expected. Examining all of Putin's Russia Day speeches reveals the progression of re-definition from an ideal that is a destination of value in-itself, to an instrumental value that should lead to material prosperity and well-being, to a means of

reinforcing national unity in order to strengthen the state, culminating in the understanding of democracy as one point in the thousand-year history of Russia.

Lenin famously promised Russians bread and land if the Bolshevik Revolution succeeded; Putin promises only land, and often blames the process of reform and democracy for shortfalls in 'bread' (or economic prosperity). What was conceived as a day of celebration for a new-born Russia, on a new democratic path away from its authoritarian history – the celebration of a "new history"[∞] – becomes instead a national day of reflecting both "on its thousand-year history and on the unique path our state has followed"[≈](2006) and on "the entire historical path of the Russian state which is constantly developing and has already existed for over eleven centuries"[∞] (2012). The new path has merged into the old: it has come full circle.

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The three levels of argument

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ABSTRACT: The task of this paper is the clarification of the relations between everyday argumentation and other forms like juridical, political, rhetorical etc. argument. Usually these various forms are understood as different species sharing some structural qualities which allow us to recognize them all as "arguments". Against this view it is here proposed to emphasize argumentation's inherent potential of self-enhancement. It can be represented in three different reflective levels, called here: "natural"-, "scientific"-, and "philosophical" argumentation.

KEYWORDS: communication, everyday argumentation, knowledge, philosophical argumentation, private language, scientific argumentation, self-distance, Semmelweis, theoretical basis, Wittgenstein

1. INTRODUCTION

The aim of the following paper is to contribute to the awareness of the general potential of argument viz. of the relations between argumentation theory and argumentative practice. In my opinion that awareness is low, the field is large and confused, the established arrangements are not sufficient. (indication: Conference organizers have put this paper under "argumentation schemes").

I will distinguish three levels of argument, which I call "natural argumentation", "scientific argumentation", and "philosophical argumentation". These titles do not primarily refer to different sections or fields of argumentative practice, but to different levels of its reflective stylizing with regard to intensity and differentiation in aims and means.

Natural argumentation is what naturally occurs in communication under specific conditions. Scientific argumentation is what is done, when we aim at knowledge, so that we really care for the epistemic validity of theses, and philosophical argumentation is what can emerge when the theoretical preconditions of knowledge, validity and even of any meaningful utterance appear to be blurred.

The second level, "scientific argumentation", should be taken as the default case of all argument. "Natural argumentation" is but a vague pre-form of it, and "Philosophical argumentation" is the safeguarding, not only of arguing but of any serious theoretical work.

2. NATURAL ARGUMENTATION: AN EXAMPLE

(Scenery taken from Kienpointner (1992), 318.):
A couple (Siegfried and Martha) gets into a fight because the woman has watered flower pots in the bathroom sink, which makes it difficult for the man to wash his hands.

M: *The flowers need it, because otherwise they'll be ruined. And by the way, a flowering plant costs 10 Euros.*

S: *Well, then you shouldn't have bought such an expensive plant in the first place.*

M: *The flowers were a gift.*

S: *Ah! First they cost 10 Euros, now they are a gift.*

M: *If someone gives you a gift, then you can't let it go to ruin.*

3. OBSERVATIONS - MISTAKES

Question:
What at all is going on here? (Kienpointner indicates: argumentation with opposition schemes)
What I can see is mainly failing communication. With regard to the argumentative aspect I would point to three defects:

(3a) Lack of focus on a thesis
(3b) Lack of theoretical basis
(3c) Lack of self-distance

(3a) Lack of focus on a thesis
It is unclear if the issue is really a claim. If so, it might be something like this:
It is right (or not right) that those plants be now in the bathroom sink.
However, the utterances do not serve to make that (possible) thesis explicit – let alone to justify it as epistemically valid. Instead they seem to emphasize that the respective speaker is right and that the other one has to accept this.

(3b) Lack of theoretical basis
("Theoretical basis" stands for those parts of argumentation that make use of defined concepts and established theorems as inference schemes.)
Can we see any theory which demands that flowers have to stand in the sink in order to stay alive? – or a theory that determines how much money one should pay for plants? Is the information about a price implying that the informant has paid it herself?
This lack of established theoretical basis is not per se a mistake. But if questions like the above mentioned are not posed, let alone answered, this kind of quasi-argumentative exchanges remains rather hopeless.

(3c) Lack of self-distance
Communication here follows a brutish stimulus-response pattern, where the "relationship level" clearly trumps the "content level". A problem has arisen, but there is no genuine claiming of a thesis and/or a counter-thesis. Instead the speakers expose an identification with their opinions. In consequence there is no attempt to justify a proposition. Instead a person is trying to defend herself against a reproach. Also criticism seems to function not as objecting to a thesis but as rejecting a person.

4. CHARACTERIZATION OF "NATURAL ARGUMENTATION"

Why should we take this kind of verbal exchange as "argumentation" (usually seen not as a level, but as a genuine type - named "everyday argumentation" or "ordinary argumentation")?

This kind of verbal practice arises naturally under certain conditions: People want to stress that they are right even if this is not self-evident. Then they tend to strengthen things, and look for a larger context from which their views appear more obvious. To this they urge the other to agree. If, instead instead of assent, a doubt or a contradicting view appears, one risks to get into a fight (this is then "argument" in the adversarial sense).

Still, this kind of communication seems to contain two important "germs":
(a) the will to get acceptance for an autonomous judgement
(b) the reference to inferential structures.
These two elements form a potential which can be stylized to serious argumentation; i.e. to a medium of reflective examination of the epistemic validity of theses. This means, however, to advance to the second level: to "Scientific argumentation".

The extant Argumentation theories are mostly concerned about this level of "Natural argumentation"[1] and intend to improve it by developing procedures for overcoming opinion differences, resolving controversies or persuading an audience in a way which is characterized by some "rationality criteria".
But:
Would that couple really be better off if they would look out for cogent argumentation schemes, if they would be attentive to not commit any fallacies etc.?

I think not. I think they would be better off if e.g. she would say: "Sure, they are disturbing, but could you please wait for 20 minutes, then I will take them out"; and if e.g. he would say: "You are certainly right in caring for those precious items, but couldn't we take some bucket to water them?"

5. SCIENTIFIC ARGUMENTATION: AN EXAMPLE

Let me again start with an example:
1844 the young Hungarian doctor Ignaz Philipp Semmelweis got a position as an assistant at the maternity clinic of Vienna's General Hospital. At that time women after their delivery were in risk of dying by a disease called "puerperal fever" (childbed fever). All over Europe there were considerable mortality rates, even up to 30%.
In Vienna's clinic they had two maternity wards, K1 and K2; and the stunning fact was, that in K2 the mortality rate used to be between 1 and 3%, whereas in K1 it was between 6 and 15%.
Semmelweis could not come to terms with the vague explanations that the professors of the clinic had for that spectacular difference (bad air, bad climate, overcrowding etc.).

Thus, he started a research in which he sought for differences in the conditions of the two clinic wards that could be responsible for the different mortality rates. After several months he found the solution. The doctors in K1 used to work also in the autopsy section which was just adjacent to K1. So their hands could be contaminated with what he then called "Cadaverous

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[1] There are very few exceptions like Weinstein's and maybe Lumer's theories (Cf. Lumer, Ch. (1990); Weinstein, M. (1994))

substance". This proved fatal when it was transmitted to the women in childbed. After he had urged the doctors to wash their hands in chlorinated lime the mortality rates sank dramatically.

The problem with this marvelous finding was, however, that it allowed only a know-how in the lowering of the rates and contained no real explanation: Nobody knew what "cadaverous substance" was (a little uncleanliness of hands).
Therefore – and because of grave interpersonal and political irregularities Semmelweis was nearly not acknowledged. He got mad about this and died in a mental institution at the age of 47.

6. SKETCH OF SEMMELWEIS' RESEARCH PROCESS:

S. began to meticulously observe the circumstances in the two clinic wards.
When he found a difference between K1 and K2 he formed a thesis, which linked that difference to the difference in their mortality rates.
Then he tried to justify his thesis by leveling out the difference and see if this lowered the mortality rate in K1.
So, e.g. he found that the the women delivered in different positions. In K1 they laid on their backs, in K2 they took a lateral position. He managed to equalize the delivery-positions in both wards. But as the mortality rates remained unchanged he had to look for further differences in the clinic conditions.
Like this he passed through several rounds of the following five-steps-shape:

- Thesis
- Justification of the thesis (an observed difference in circumstances as being a possible cause for the difference in mortality rates); incl., if necessary, the settling of objections
- Realization of the thesis (adjustment of difference in the conditions of K1 and K2)
- Evaluation (incl. lookout for new arguments)
- If necessary: Successor thesis

His breakthrough came when a colleague died on a tiny wound that he had received from a scalpel in the dissection ward. What alarmed Semmelweis was the pathological evidence: It was similar to that of the childbed fever deaths!

All of a sudden he became aware of the decisive difference between the two clinic wards: K1 was next door to the autopsy ward and doctors used to come over from there to examine the women in the clinic. The realization of the respective thesis then brought the solution: The thesis, that the "cadaverous substance" caused the higher mortality rate proved epistemically valid.

7. CHARACTERIZATION OF "SCIENTIFIC ARGUMENTATION"

At first a remark concerning the wording of "scientific" at this place. This is my translation of "wissenschaftlich" – but I am well aware that there is a problem. The German word "Wissenschaft" signifies any enterprise that can generate knowledge (Wissen). It needs not even be an academic discipline. Moreover, in the Anglo-Saxon world "science" implies a preponderance of natural science over other disciplines. Also this is not so in "Wissenschaft"

and as well it is not intended in my naming of the second level.

The characteristics of this level of argumentation are prominently the ones that were missing in the "Natural argumentation" example. These are:

- Focus on the epistemic validity of a thesis
- Use of some theoretical basis (defined terms, established inference rules) for the construction of justifying and/ or criticizing arguments
- Self-distanciation, viz. an attitude that keeps a balance between engagement for the thesis and distance from identification with it.

As to the third item one should see that for Semmelweis it was particularly difficult to keep that balance. After experiencing, that women's lives could really be saved with such a simple measurement as hand-washing in chlorinated lime, he could not refrain from producing a considerable aggressiveness against the medical establishment that ridiculed his findings.

8. WHY TAKE SCIENTIFIC ARGUMENTATION AS PARADIGMATIC?

Argumentation in this level is concerned about overcoming gaps in knowledge and general orientation. Sometimes, but not necessarily these gaps lead to controversies or disputes.

The serious endeavor of settling an orientation gap in whatever field is research. In research we can distinguish a theoretical and a practical side. The practical side are the test activities and the theoretical side is argumentation. It unfolds with building theses, selecting the promising ones by arguing for and against them, realizing them and evaluating the results.
Research in this broad sense is the motor of human development. Argument, in a stylized form is its indispensable ingredient.
We have to accept that its true potential cannot unroll in everyday disputes. There communication is so complex that arguments are hardly perceived, let alone respected.

Therefore, in order to reasonably steer our argumentative endeavors, we need a paradigmatic model that can function as an ideal at which we can look for the exemplary manner of the growth of knowledge. Very probably such an ideal has to be stronger than a regime of linguistic behavior (like e.g. the one of van Eemeren & Grootendoorst [2]) can ever be. It amounts to something like what I have called here "Scientific argumentation".

9. CHARACTERISTICS OF PHILOSOPHICAL ARGUMENTATION

The third level emerges as we meet gaps in our understanding of the basic theoretical foundations of any theory. There we are concerned with the meaning and the range of concepts, the epistemological constitution of objects, and the possibilities of clarity, knowledge and truth in any discipline.

Philosophical argumentation shares its main characteristics with scientific argumentation. With regard to the "theoretical basis", however, there is a crucial difference: Scientific argument needs for its advancement a solid theoretical basis, i.e. concepts and theorems have to be proven and established.

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[2] Cf. Van Eemeren, F.H. / Grootendorst, R. (1992) – it is here, that the authors had begun to name their approach „Pragma-dialectics". In Wohlrapp, H. (2014), pp liii-lviii, a concise critique of the approach is deployed, culminating in the exposure of a lack of both pragmatist and dialectic thinking.

Philosophy starts exactly when an element of an established theoretical basis proves unclear or unreliable. Therefore, we are arguing here under extraordinary conditions: Nothing is firm and constant any more. In principle, anything can be questioned.

With this definition it appears, that originally there are no theses or arguments with a genuine philosophical content. Meanwhile we certainly have those, but only as a result of the fact, that philosophy has become a specific academic discipline, in which numerous questions were split off from their origin and went independent.

10. PHILOSOPHICAL ARGUMENTATION: AN EXAMPLE

Wittgenstein had an inventive position about "Private Language". He claimed that the "philosophical grammar" of propositions about inner states (I am in pain.) is completely different from the grammar of propositions about mundane affairs (I have a car.)

To show this he provided several lines of argument (PU §§ 243-309). I will present one of them here (mainly in § 258). The argument unfolds in five steps:

(10a) If S signifies a certain sensation of mine to which I alone have access, then I alone can know what S means.

(10b) If I want to keep a diary about the recurrence of S I have to safely recognize S.

(10c) For safe recognition I need a criterion for S.

(10d) As S signifies an inner state of mine my only criterion is my memory of S.

(10e) As I cannot make sure that my memory is correct, there is no difference between a correct and an incorrect use of the sign S in my language.

Conclusion: A "private language", designating inner states, cannot exist.

11. CONCLUSION OF THE PAPER

The presented view about argumentation (for a closer view cf. Wohlrapp, H. (2014), Chap. 9) is somewhat uncommon. It offers a vertical organization of the field, where we usually have a horizontal arrangement as we talk of technical, juridical, ethical etc. argumentation; and even if we distinguish between rhetorical, logical, dialectical, topical argumentation.

A vertical arrangement does not necessarily conflict with the horizontal ones.

Only the characteristics of "Natural argumentation" and the downgrading of that level is apparently not in line with a lot of work in argumentation theory. Yet, I am hopeful that my hints to the mixed conditions of the use of arguments in everyday communication and the problems to accomplish reliable results there can generate some interest in this view.

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The pattern of the Mongolian clinical reasoning: An informal logic approach

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ABSTRACT: The Mongolian Clinical Reasoning (MCR) is the research subject in the study of the logic of, and the rational foundation of, Mongolian medicine. In MCR, traditional Mongolian medicine clinicians identify their patients' symptoms by means of "consultation by observation, inquiry and touch", ascertain the pathogenesis according to the pathological principles of Mongolian medicine, implement therapeutic programs of Mongolian medicine and medication, and finally verify the effect of the treatment to see whether the symptoms have been eliminated. As a practical reasoning, it also has its own distinctive features typical of Mongolian pharmacology: subjectivity, dynamicity, interactivity and non-monotonicity. These features have to be fully considered in the study of logic in MCR. Although both deductive and inductive logic can be applied to the study of MCR, neither can sufficiently process these features of MCR as a practical reasoning. In this paper, we will develop an informal logic approach to discuss the pattern of MCR.

KEYWORDS: Mongolian clinical reasoning (MCR), deductive logic, scientific logic, informal logic, conductive reasoning

1. INTRODUCTION

Mongolian medicine, or traditional Mongolian medicine, also known as Mongolian medicine and pharmacology, is a major component of Mongolian studies and an important branch of Chinese medicine. As the fruition of medical wisdom of ethnic Mongolians, it has formed its own unique pathological system, with the assimilation of some theories and practices of Tibetan, Han and ancient Indian medicines (A-Gu-La, pp.1-2). Mongolian medicine is closely related to the living characteristics of the Mongolian. It is produced by the combined effects of ethnic minorities in the north, especially the customs, natural environment, seasonality, and physical fitness of the people in the region. The Mongolian medicine's way of thinking and reasoning methods are based on the unity of the human body's harmonious existence in the natural world and the internal functional balance of the human body, combined with Mongolian medicine's own unique theoretical system to carry out the patient's life, illness, and possible causes. Combating and analyzing, through the long-term accumulation of cases in Mongolian medical treatment, using the Mongolian's unique concept of the unity of heaven and earth and human beings to summarize and sort out, and then integrate Mongolian medicine "observation, inquiry and touch". The diagnosis was used repeatedly to diagnose and treat the disease. With Mongolian medicine being an important branch of Chinese medicine, there is need to distinguish its branches of ethnic Han, Mongolian, Tibetan, Zhuang, Uygur, and Miao medicines, among others. The criteria for the distinctions should be pathological, pharmacological and therapeutic standards. In fact, the Chinese medicine science is a vague

concept, referring sometimes to all the traditional Chinese medicines including all its ethnic branches in its broad sense, and sometimes to the ethnic Han medicine, in its narrow sense. To avoid confusion in terminology in this paper, we shall adopt the broad concept for Chinese medicine, and term the narrow concept as Han medicine.

2. DEFINITION OF MCR

MCR is the object of study of Mongolian medical logic and also the rational foundation of Mongolian medicine, a thinking process through which clinicians understand the disease and symptoms by diagnosis with inquiry, observation and touch, identify the pathogenesis according to Mongolian medical principles, implement the therapeutic plans, and eventually check the therapeutic effect to see whether the symptoms have been eradicated. MCR is a subcategory of clinical reasoning, which is a process of drawing diagnostic conclusions (the name of a certain disease) and making therapeutic decisions based on the clinical and checkup results of the specified cases (briefly referred here to as "data"). Clinical reasoning differs from scientific reasoning in the following: the object of CR is an individual instead of a class, approximating engineering or detective reasoning; the purpose of CR is not to derive a universal theory but to reach a practical therapeutic treatment (Qiu, 1984a). MCR has the following features.

First, MCR is reasoning for actual practice. Its basic feature is its actual practice, which determines the following characteristics: subjectivity, interactivity, dynamicity, and non-monotonicity. On the one hand, clinical diagnosis and therapy are a sophisticated social activity requiring the synergy and cooperation between doctors and patients to reach the therapeutic effect, thus MCR acquiring its subjectivity and interactivity. On the other hand, symptoms may change as time goes by and as the therapeutic program is implemented, and the change may not necessarily be favorable. The doctor studies the case and its symptoms dynamically, identifies the pathogenesis, implements the therapeutic plans and tests the therapeutic effect, thus MCR acquiring its features of dynamicity and non-monotonicity. The logical programs of MCR have to be able to tackle the above four characteristics.

Secondly, MCR is a causal reasoning, identifying the causal relationship between the pathogenesis and the symptoms. For the purpose of our discussion, we call this the cause-symptom relationship. With the diversity of causal relationships, we classify the cause-symptom relationship into four types: one-cause–one-symptom, one-cause–many-symptom, many-cause–one-symptom, and many-cause-many-symptom types. Clinical reasoning would be simple with the first two types, and the diagnosis and therapy are relatively easy. Clinical reasoning would be complicated with the last two types, whose diagnosis and therapy are relatively difficult. The cause-symptom relationships of what people term intractable diseases are of the last two types, although it is not always the case, as in the outbreak of SARS.

Thirdly, MCR is a dynamic process of four steps: understanding of the symptoms, determination of pathogenesis, implementation of therapy, and testing of therapeutic effect. In fact, all schools of clinical reasoning fall into those same four steps, but their differences lie in the approaches to the understanding of the symptoms, the pathological mechanism for determining the causes, the schemes for implementing the therapy, and the methods for testing the therapeutic effect (see fig. 1)
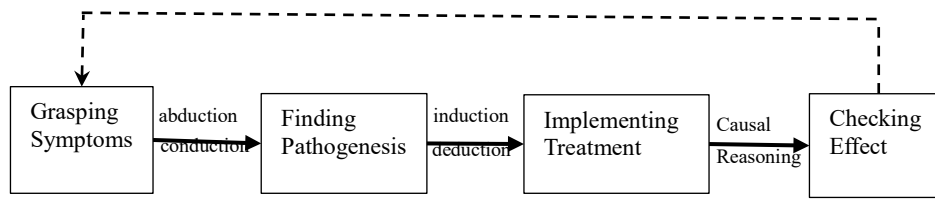
Fig. 1 The MCR Map

2.1 Grasping the symptoms

Accurate understanding of symptoms is the first step and starting point of Clinical reasoning. Otherwise, the clinician most probably arrives at a wrong pathogenesis. Indeed, even when the pathogenesis determined is correct, it may have been a coincidence, or the victory of the immunity power of the patient, not attributed to the pathological mechanisms. In the first and third types of cause-symptom relationships, understanding of the symptoms is easy, as there is only one symptom, which is an ideal situation. In the second and fourth types of cause-symptom relationships, understanding of the symptoms might be difficult, with the existence of several symptoms at the same time. As long as any one of the symptoms is ignored, the major pathogenesis may escape from a correct diagnosis. For example, either amblyopia or hypophysoma may be a pathogenesis for visual impairment. In fact, neither of the two can be a sufficient or necessary condition for visual impairment. They can only be an important condition. Furthermore, when a pathogenesis results in the symptoms, it has to be a process from quantitative to qualitative change. Only with qualitative change can a pathogenesis become the sufficient condition for the symptoms, like the relation between hepatitis B viruses and hepatitis B.

In different medical traditions, the doctor resorts to very different methods to understand symptoms. In western medicine, the doctor does physical tests with the help of medical equipment, supplemented by various other tests, to understand them. In Han medicine, the doctor understands the symptoms by looking, smelling, asking and pulse-taking. In Mongolian Medicine, however, the doctor does it through observation, inquiry and touch (collectively referred to as "three consultations"). "Observation" really means observation of the abnormalities in the changes in the patient's overall observe, color, body shape, posture, and certain parts of the body, in order to infer about the disease. "Inquiry" means consultation by direct or indirect inquiry with the patient or family members in order to learn about the disease. "Touch" means diagnosis from the sense of touch with the doctor's hands, to further determine issues that have not been revealed from observation and inquiry, such as the pulse manifestations, temperature, tenderness, position, size, outline, mobility, superficial nature and hardness. An important difference between an experienced and an inexperienced clinician of Mongolian medicine lies in their ability to understand symptoms with the help of the three-step diagnosis.

2.2 Finding the pathogenesis

This is the second step in clinical reasoning, or even the most important step, for, if a wrong pathogenesis is given, the result would be disastrous. Certainly, this has to be vague in our discussion, for its importance is relative, as, after all, we have to admit that each of the four clinical reasoning steps is important.

Identifying the pathogenesis is a process of causal reasoning for inferring the pathogenesis based on the symptoms. In the basic theories of different medical traditions, for the same symptoms, very different explanations are offered as to the cause-symptom relationships. For example, western medicine uses the theory of four liquids, Han medicine uses the theory of yin

and yang, and Mongolian medicine uses the theory of three roots. In the first two cause-symptom relations, it is fairly easy to identify the pathogenesis, while in the latter two types of relations, it is fairly difficult, where even when one has identified a certain cause or the real cause, and the therapeutic plan has been given, and the symptoms may have been temporarily eliminated or eased, but not ultimately eradicated, the best therapeutic plan may fail to have been established, thus missing the most opportune moment for treatment.

Besides, due to different pathological mechanisms, different medical traditions may use very different approaches to explain pathogenesis. Mongolian medicine adopts the theory of three roots: Heyi, Xila and Badagan. It classifies the nature of diseases into two kinds, cold and heat, and the conditions for the onset of diseases include internal and external kinds: the internal conditions being three roots and seven elements, and the external conditions being disease-inducing factors. These theories clearly differ from those of both western and ethnic Han medicine.

2.3 Implementing therapeutic treatment

Formulating the corresponding therapeutic plan according to the pathologic cause, and implementing the therapeutic treatment procedures are the third step of clinical reasoning. The pathogenesis is the root of the disease. The purpose of medical treatment is to eliminate the cause, not the symptoms. As the human body is an organic mechanism, as long as the pathogenesis is eliminated, the symptoms will naturally disappear. In different medical traditions with different pathological and pharmaceutical principles at work, their doctors resort to very different therapeutic schemes. Western medicine practices drug therapy, chemical therapy, radiation therapy, operational therapy, and physical therapy. Han medicine practices drug therapy, operation therapy, acupuncture and massage, scraping and cupping, pricking and bloodletting, and physical therapy. Mongolian medicine, on the other hand, practices drug therapy, bloodletting therapy, cupping and pricking therapy, moxibustion therapy, therapy of sour mare milk, and bone-setting orthopedics. Superficially, although different medical traditions may have similar names or even identical names for certain therapies, there are vast differences in their therapeutic tools and methods when it comes to actual treatment. For example, western, Han and Mongolian medicines all have physical therapy, but vast differences exist in the tools and methods adopted. Drug therapy, the basic therapy in all medical traditions, is another example, although the three medical traditions differ drastically in their pharmaceutical principles and drugs. Western medicine is rooted in pharmacodynamics and pharmacokinetics, while Han and Mongolian medicines are grounded respectively in the theory of four elements and five odors and that of five elements and six odors. Certainly, in pharmaceutical manufacture, the three medical traditions differ from each other vastly as well. Western drugs are chemically synthesized, while Han and Mongolian medicines mainly practice physical synthesis.

2.4 Checking curative effects

When the therapeutic program starts to be implemented, testing of the therapeutic effect is the fourth step in clinical reasoning. The means to be adopted are roughly the same as those for understanding the symptoms. The purpose is to see whether, after the implementation of the therapy, the symptoms have been mitigated or disappeared, which might indicate that the previous three steps have been correct or appropriate. Here, the author uses the auxiliary word "might", because clinical reasoning is not an indispensible reasoning, but a probable reasoning. As a causal relationship, the cause-symptom relationship is complicated, and the development of pathological conditions is usually a dynamic process that keeps updating. If the symptoms

have not disappeared or have even aggravated, there are several possibilities: first, the condition of the patient is incurable; second, the symptoms have not been understood accurately and comprehensively; third, the real cause for the symptoms of the disease has not been identified; fourth, the therapeutic program has not been appropriate. For the first scenario, the Critical Condition Notice can be issued to the patient. For the other three scenarios, we shall need to revert to the first step of clinical reasoning and start all over again. This fully demonstrates the dynamicity and non-monotonicity of clinical reasoning.

Any logical plans of practical reasoning must be based on a certain logical category, and usually a contemporary major logical category. MCR is no exception. In its historical development, logic has evolved into three types. First, formal logic, which is so named because the appreciation of argumentation that it is concerned with, is only relevant to the form of reasoning, otherwise known as deductive reasoning, as it emphasizes that the conclusions are definitely deduced from the premises, forming a mutually supplementary and complementary pair of logical categories. According to Rudolf Carnap, it is not their concern to decide on the truthfulness of premises, which is a pragmatic issue (Horvitz, p.19). Second, inductive reasoning, which emphasizes that when the premises are true, the conclusions may be true as well, and that the quality of argumentation is directly related to experiential evidence. Its core section is its causal reasoning, which in turn is a basic reasoning type of scientific logic, where Francis Bacon's theory of three tables and John Stuart Mill's five inductive methods of causal connections were proposed to accommodate the logic for investigation of causal relations in studies of natural science. Therefore, scientific logic is the fruition of the applications of inductive logic. Third, informal logic, a logic category mutually complementary and supplementary with formal logic, originated in ancient times as the latter. As a branch of logic, it thrived in the latter half of the 20th century, a return of the orientation towards practices in logic (Xiong, 2016). The fundamental difference between informal and formal logic in terms of appraisal is this. The former only focuses on logical semantics and logical grammatical analysis, but the latter not only focuses on logical semantics and logical linguistic dimension that formal logicians are concerned about, but also the logical pragmatic dimension of reasoning. The analysis and appraisal of clinical reasoning clearly have to be closely connected with pragmatic factors, and in this sense, informal logic better suits the kind of logical study that works well with clinical reasoning.

3. A DEDUCTIVE LOGIC APPROACH

Before informal logic was established as a discipline, traditional logic was classified into two types: deductive and inductive logic. Deductive logic studies deductive reasoning and appraisal, and includes traditional and modern deductive logic. The former includes Aristotle's syllogism and stoicists' propositional logic, and the latter mainly includes Boolean logic, Frege's first-order predicate logic, and the various logical systems that are developed on their basis. In other words, traditional deductive logic is concerned with the human mind, while modern deductive logic is oriented towards the computer. The criteria for appraisal of deductive reasoning are the effectiveness of the deduction. It follows that the necessary and sufficient condition for effective reasoning is this: the situation does not exist in which all the premises are true and yet the conclusion is false. Also, according to formal logic, the judgment of deduction effectiveness is only related to the form of reasoning, not the content of reasoning.

The earliest system of deductive logic was Aristotle's syllogism. Undoubtedly, we can use this as the tool of appraisal for MCR. For example,

Argument 1
Major premise: Poor sleep is the result of the overflow of Heyi.
Minor premise: Jack experiences poor sleep.
Conclusion: Therefore, Jack suffers from an overflow of Heyi.

A critically important step in clinical reasoning is the deducing of the pathogenesis (conclusion) from pathology (major premise) and symptoms (minor premise) and thus we may term the reasoning pattern of this step "clinical syllogism". In Argumentation 1, S stands for Jack, P stands for an overflow of Heyi, and M represents poor sleep. According to Aristotle's syllogism, we may formalize Argumentation 1 as the following: MAP, SAM, ∴SAP. This is the AAA form of the first figure of syllogism, and in terms of formal validity, it is clearly valid.

Deductive validity focuses on the scenario in which all the premises are true and the conclusion is false, i.e. if the premises are true and the conclusion has to be true. However, deductive validity does not pass judgment on the truthfulness of premises. According to the validity criteria, when all the premises of an argumentation are false and the conclusion is true, this argumentation is not necessarily invalid, and thus the inference valid. But this clearly violates our intuition. Therefore, logicians present their criteria for the dependability of reasoning. i.e. an inference has to satisfy two conditions: first, all the premises are true, and second, the form of reasoning is valid. According to these criteria, the following forms of valid reasoning can be excluded: "the premises are false and the conclusion is true" and "the premises are false and the conclusion is false." When it comes to Argumentation 1, although the second condition is satisfied, i.e. the form of reasoning is valid, the first condition has not been met, as how to judge the truthfulness of the major premise is still a big issue. Specifically, from the perspective of Mongolian medicine, the symptom of "poor sleep" may have been incurred by one cause or several causes at the same time, a one-cause-one-symptom, many-cause-one-symptom, or many-cause-many-symptom relationship. Pathologically, poor sleep may not be the necessary result of an overflow of Heyi, which is neither a sufficient, nor a necessary, condition, although an important condition. Indeed, the relationships between the majority of pathogenesis and symptoms are neither sufficient nor necessary, only important. However, in Argumentation 1, only when it is assumed that "an overflow of Heyi" is the sufficient, or sufficient and necessary, condition of "poor sleep", can we deduce without doubt that "Jack suffers from an overflow of Heyi". This assumption is clearly in conflict with Mongolian medicine pathology. A probable scheme to eliminate the conflict is this: the major premise is revised as "An overflow of Heyi may result in poor sleep." Thus Argumentation 1 is revised as follows:

Argument 2
Major premise: An overflow of Heyi may result in poor sleep.
Minor premise: Jack suffers from poor sleep.
Conclusion: Therefore, Jack may be suffering from an overflow of Heyi.

Compared with Argumentation 1, there seems to be more integration of ideas from MCR. However, it should be noted that if we are to evaluate this clinical reasoning with Aristotle's syllogism, we shall find that the form of this argumentation does not satisfy the second condition of a dependable argumentation, i.e. its form of reasoning is invalid, for we can only obtain an abstract form of "PAM, SAM, ∴SAP", where the fallacy of the undistributed middle term is committed. Consequently, in terms of formal logic, even when the major and minor premises are true, there is no guarantee that the deduced conclusion is necessarily true.

Regarding the assurance of validity of Argumentation 2, two possible schemes are: first, propositional logic can be adopted to realize the logical justification; second, first-order

predicate logic is adopted to realize the logical justification. According to the propositional logic scheme, Argumentation 2 could be formalized as "H→S, S, ∴H", where "H" represents an overflow of Heyi, "S" stands for good sleep, and "!" serves as the logical connector "not". But according to propositional logic, this form of reasoning is invalid, because this is affirming the consequent in hypothetical reasoning from sufficient conditions. In fact, this formalization of inference is problematic. Specifically, Argumentation 2 only asserts that that the conclusion may be true, but not necessarily true. But in this formalization, the conclusion is treated as necessarily true. We can also formalize Argumentation 2 according to predicate logic as "(x)(Hx→Sx), Sw, ∴Hj ", where "H" stands for "an overflow of Heyi", "S" for "good sleep", and the individual "j" for "Jack". Based on first-order predicate logic, it is easy to check the invalidity of the argumentation. Indeed, in this argumentation, the formalization of the major premise is problematic, for it has the determiner "often", which only indicates that in most cases, "an overflow of Heyi" may lead to "poor sleep", but does not assert that the former necessarily leads to the latter. As discussed earlier, the former is only an important condition of the latter, being neither sufficient nor necessary. In this sense, Argumentation 2 does not satisfy any of the criteria for dependability.

However, in MCR, Argumentation 2 is more acceptable than Argumentation 1. Fundamentally, MCR is practical reasoning, whose most prominent feature is its non-monotonicity. The basic feature of deductive reasoning is its monotonicity. The monotonicity of reasoning is this: once a reasoning is valid, whatever its premise, even when problematic premises are added to the set of premises, the reasoning is still valid, i.e. the conclusion enjoys a fidelity. The non-monotonicity of reasoning refers to this: while a reasoning is valid, if one more premise is added to its set of premises, the truth value of the conclusion will change. According to Nute (2003), man's reasoning is not, and should not be, monotonic. Clearly, what he means by man's reasoning is practical reasoning. As a type of practical reasoning, MCR is undoubtedly non-monotonic. The four steps of MCR are a good manifestation of the non-monotonicity, for after understanding the symptoms, determining the pathologic cause, implementing the therapy, and testing the therapeutic effect, if the symptoms have not been mitigated or disappeared, one has to come back to the first step and goes through the process of clinical reasoning from the beginning. Besides, we also find that in Argumentation 2, although its form of reasoning is invalid, and the truthfulness of its major premise is challenged, it is more acceptable than Argumentation 1. This is ultimately attributed to the fact and MCR is a non-monotonic reasoning. Since its set of premises is open-ended, and its conclusion is rescindable, it is not an easy matter to refute this type of reasoning.

As far as we know, monotonicity is the distinctive feature of deductive logic. It is obviously impossible to use deductive logic of monotonicity, in Aristotle's syllogism, in propositional logic, or in first-order predicate logic, to capture MCR of a non-monotonic nature, although it does not mean that deductive logic does not contribute to MCR. In fact, deductive logic is helpful in the teaching of Mongolian medicine as an analytical tool. Now that deductive logic is not the solution, then the logical defense for MCR should find a new route. A possible logical route would be the scientific logic route based on inductive logic, as the latter certainly does not take on monotonicity, although people normally do not talk about the non-monotonicity of inductive reasoning.

4. A SCIENTIFIC LOGIC APPROACH

As a route based on inductive logic, the scientific logic route might be a good alternative, which does not completely exclude the deductive logic method, as its basic reasoning method is the hypothesis-deduction method. It is built on integration between deductive logic route and inductive logic route. Scientific logic was evolved at the first turn of logic – the scientific turn. The development of logic goes through four stages: origin in practice, scientific turn, mathematic turn, and return to practice (Xiong, 2016).

The route cause for the scientific turn in the development of logic lies in the fact that Aristotle's syllogism and Stoic propositional logic could not process the causal reasoning in natural science studies. Before the appearance of inductive logic, the other two had dominated the world of logic. The motivation for the scientific turn of logic was to seek the cause-effect logical method. With the rise of natural science after the Renaissance, people discerned that Aristotle's syllogism could not be used to process the cause-effect logical issues in the study of natural science, thus came the first major turn in logic, the scientific turn, which led to the birth of inductive logic. Its indication was the publication of The Novum Organum (New Method) by Francis Bacon in 1620. Bacon compared his work with Aristotle's syllogism, although his objective was to seek a logic oriented towards natural science.

Like deductive logic, inductive logic is similarly classified into traditional and modern types. Francis Bacon was the founder of induction. He defined his logic as the art of explaining nature, resolved to reform logic as the method in scientific discovery (Ma, p.230). his major contribution to logic was his proposal of the method of three tables: Table of Essence and Presence, Table of Absence in Proximity, and Table of Degrees (ibid, pp. 230-239), which was advanced by John Mill to Mill's five methods of induction: direct method of agreement, method of difference, joint method of agreement and difference, method of residue, and method of concomitant variations (ibid, pp. 292-239). These five methods are the core concepts in inductive methods in contemporary textbooks of logic. After the probability method was introduced into inductive reasoning and appraisal, induction stepped into its modern era.

In MCR, three inductive methods could be resorted to in the identification of pathogenesis: Mill's method, abductive reasoning, and hypothesis-deduction method.

First of all, the Mill's method is a most important logical method for identifying the pathologic cause. As classical methods in traditional inductive logic, they came into being in the discussion of causal connections with the development of natural science. These methods have been spontaneously used in MCR. In the pastures of Inner Mongolia, a local disease has the symptoms of long-term fever, excessive perspiration, swollen and sore joints. For some patients, their only clinical manifestations are only swollen and sore joints or fever. It is known as the Heruhu disease, an infectious disease of fever caused by Heruhu armyworms, i.e. known as brucellosis in modern medicine. As the clinical manifestations of this disease are usually simple, misdiagnosis is a frequent occurrence. Here is a genuine case from the Mongolian medicine department in the hospital affiliated to Inner Mongolia Medical University.

On October 13, 2016, a patient came to seek medical consultation. Her clinical symptoms were fever and swollen and sore joints, misdiagnosed first as "grasserie(yellow water disease)". The consequent therapy resulted in no obvious improvement. Upon further inquiry of the condition, it was learned that the patient and her husband had been staying for a month with a relative in East Ujimqin Banner, XilinGol League, and that the symptoms developed soon after their return home, although her husband did not contract this. More inquiry revealed that the living

conditions, environment and diet of her husband had been quite similar to hers during their stay. The only difference had been the milk. She had used the milk freshly obtained in the other house every day in accordance with local custom, while her husband did not have any due to his different preference of taste. The inference was then made regarding brucellosis, a disease acquired by humans and animals alike, which can be transmitted to humans through their direct touch of animals, their secretion, milk, or dairy products. Since the pathogenesis was located, the patient recovered very soon. Here, the doctor determined the cause through the method of difference and conducted the therapy according to this causal relationship.

Second, abductive inference is another logical method which can be adopted for determining the pathogenesis. This reasoning was first raised by Charles S. Peirce (1839-1914), who believed that it is a third type of reasoning other than deduction and induction. Its basic reasoning pattern is:

> Premise 1: The surprising fact, C, is observed;
> Premise 2: But if A were true, C would be a matter of course,
> Conclusion: Hence, there is reason to suspect that A is true. (Douven, 2017)

This inference pattern is very much similar to affirming the consequent in hypothetical reasoning from sufficient conditions: "If A, then, C, C, therefore, A." If we do not consider the specific content of the argumentation, but only subtract its formal structure in a propositional logic approach, it is clearly invalid. But to Peirce, this pattern of inference is a basic pattern of scientific reasoning. Since the conclusion may be a probable causal hypothesis, it is named abduction. Compared with deduction, it does not have with it fidelity and inevitability. Meanwhile, it is also quite different from the traditional inductive inference, Mill's method, and is not deemed as belonging to induction by Peirce. In fact, this kind of reasoning somewhat integrates deduction and induction, and therefore, it is very similar to the third logical method for identifying the pathogenesis to be discussed next.

Such an inference is very much like the actual diagnosis of clinicians. The first step "understanding the symptoms" is equivalent to the determination of Premise 1 in abduction. Once the premise is determined, the subsequent work is to work out the pathology, key to the identification of the pathogenesis. If the pathology is wrong, the pathogenesis cannot be authentically identified. The identification of the symptoms and the pathology does not mean that the pathogenesis has been determined. The last step in the identification of the pathogenesis is the logical inference of the cause. We can examine such a case of Heyi with this method. First, the symptoms have been observed that "the patient's mouth is skewed"; second, the pathological mechanism is pursued: "since the patient suffers from the Heyi disease, it will surely lead to skew of the mouth"; and finally, it can be inferred that we have reason to speculate that the patient has the Heyi disease.

Abductive reasoning can be used to allow the physician to look at his patient as thoroughly as possible, because there are many possible pathogenesis for every symptom he observes. However, we tend to abduct a single pathogenesis for this symptom alone, which would be better to our diagnosis and treatment, although this is almost impossible. Because a symptom may be abduct to multiple pathogenesis, or multiple pathogenesis are abduct to more symptoms, we can only choose the best pathogenesis among these possibilities. Following the above example, we try to analyze the reasoning process:

> Positive data: The patient's mouth is skewed and only observed this one symptom.

Hypothesis: The patient has this symptom due to the Heyi disease
Negative data: No other pathogenesis can be used as a reasonable pathogenesis to explain the symptoms of this patient.

Here we notice that the explanation of the skewness of the mouth with the aid of the Heyi disease is only a guess or hypothesis, which may be overturned by another new disease. It is only here that, given the discovery and unobserved of the disease, this cause is the best guess, or the most convincing assumption of the disease. But this also tells us that abductive reasoning is a defeasible reasoning. If a better explanation is found in the next unordered " observation, inquiry and touch " three consultations, the original conclusion will be abolished.

Third, the hypothesis-deduction method is the third logical method that can be used in MCR. Like other types of clinical reasoning, MCR does not reject deductive logical method. However, an integration of deduction and induction in clinical reasoning might be a more dependable method, known as the hypothesis-deduction method. Using this basic scientific logic method, Qiu (1984b) came up with a logic for clinical inference which he termed "diagnosis hypothesis theory", which includes two steps, the presentation and evaluation of the diagnosis hypothesis, making use of analogy inference in induction, and abductive inference, as well as deductive inference. He believes that the theory is an inferential mechanism used in the computer modeling programs of diagnosis. He also treats clinical reasoning as an inferential process from the doctor's first communication with the patient to the arrival at the definite diagnosis of the patient's condition. This knowledge-acquisition process includes four phases: obtaining the clues, presenting the hypothesis, explaining the clues, and evaluating the hypothesis (Qiu, 1984a). From the above four steps of clinical reasoning, it can be seen that the aim of understanding the symptoms is to acquire the clues, and the aim of identifying the pathogenesis is to present the hypothesis, explain the clues and evaluate the hypothesis. Regarding his clinical reasoning approaches, Qiu is not too much concerned with the other two steps: therapeutic implementation and test of therapeutic effect. However, these two steps are apparently indispensible to clinical reasoning.

Qiu (1984a) summarizes two basic models in clinical reasoning: Bacon's inductive model and the hypothesis-deduction model. In his clinical reasoning schemes, deduction, induction, and abduction have been organically integrated. This is undoubtedly a big revolutionary step in the study of medical logic. However, in clinical reasoning, symptoms are often uncertain. This uncertainty determines the difficulty of understanding the symptoms. Sometimes, they are misunderstood, which leads to mistakes regarding the pathogenesis.

On the other hand, the hypothesis-deduction route has two fatal weaknesses. First, it is within the confines of the first two steps of MCR. How to depict the third and fourth steps of MCR is beyond its scope. Second, it treats reasoning as a monotonic reasoning that is static and monotonic reasoning, while MCR itself is a type of subjective, dynamic, and interactive non-monotonic reasoning. To capture and describe these features of MCR, we have to seek alternative logical routes.

5. AN INFORMAL LOGIC APPROACH

We have three reasons to present an informal logical route, also known as conductive reasoning scheme, in the study of MCR. First, deductive logical route castes aside the pragmatic factors in reasoning, and analyses and evaluates and argumentation only in the logical semantic and linguistic dimensions, so that the study disregards the features of subjectivity, dynamicity,

interactivity and non-monotonicity of MCR as a practical reasoning. Second, the scientific logical route only focuses on the first two steps of MCR. In the hypothesis-deduction theory, the pathogenesis is the conclusion of the inference, while the premise of the inference is the pathological symptoms and mechanisms. In other words, the pathological condition is the starting point; the pathogenesis is the endpoint. Therefore, a diagnosis hypothesis theory needs only to cover the first two steps of clinical reasoning. However, in our clinical reasoning models, the pathogenesis is the starting point, and the elimination of the pathological condition is the endpoint. Thirdly, like other types of clinical reasoning, MCR needs to minimize the risks of errors. In the study of natural science, we may obtain the best explanations through large numbers of trials and errors, without much time constraint, with a low risk of error, the gravest error being no more than failure of investment in scientific experiments. The advantage of the diagnosis-hypothesis scheme is that one can carry out trial and error repeatedly, but the disadvantage is that it misses the best therapeutic timing. In clinical reasoning, the risk of error has to be minimized, for after all, a failure of clinical reasoning may result in loss of human life. If abductive reasoning is an inference for best explanations, then clinical reasoning should be regarded as an inference with lowest risk, where conductive reasoning theories favored by non-formal logicians could be utilized beneficially.

Conductive reasoning, or conductive argumentation, is a major frontline research fruit of contemporary informal logic. The terms "conduction", "conductive argument" or "conductive reasoning" basically mean the same. To Wilman, conduction has four distinctive features. First, the conclusion is concerned with an individual. Second, the conclusion is inconclusive. Third, the conclusion is inferred from one or more premises related to the same situation. Fourth, no other situations could be resorted to (Blair & Johnson, 2011, p. 1). This type of argumentation has three models. (1) One justification is given regarding the conclusion. (2) There are several considerations which are independent of each other but also related, and these several considerations can be put together in one integrated argumentation to infer a certain conclusion. (3) A certain conclusion is derived from considerations of two opposite directions, which includes both the reasons for refutation, and the justification. Although the first model has only one reason, it is almost always built on some relevant considerations that can be mentioned (ibid, p.3). Only those considerations having to do with the linguistic context have been omitted from the inference model.

Although an understanding of the pathological condition is the starting point and the first step of MCR, the pathological condition is both the premise and the conclusion of the inference. In abduction, the condition is the premise; but in the entire clinical reasoning, it is part of conclusion. Like the aims of other clinical therapies, Mongolian clinical therapies also aim to eliminate the pathological conditions. However, the determination of the pathogenesis has to be built upon the pathological mechanisms and principles of Mongolian medicine.

Like clinical therapies in ethnic Han medicine but unlike those in western medicine, clinical therapy in Mongolian medicine is a synthetic therapy. Han medicine emphasizes the balance between yin and yang in the human body, but Mongolian medicine emphasizes the balance of the three roots in the body: Heyi, Xila and Badagan. A predominance or decline of any of the three may result in certain diseases. For example, an overflow of all three will result in dizziness, and consequently, doctors of Mongolian medicine will distinguish dizziness into that of an overflow of Heyi, that of an overflow of Xila, or that of an overflow of Badagan. Since each type of disease may exhibit some similarities and dissimilarities, clinicians may resort to consultation by observation, inquiry and touch, in order to determine the kind of dizziness in the case in question.

First, dizziness from an overflow of Heyi has the following symptoms: 1) listlessness; 2) blackness of facial texture and eye sockets; 3) thinning and whitening of tongue coating; 4) urine turning light blue and clear with excessive bubbling; 5) dizziness; 6) giddiness; 7) drumming in the ears; 8) sleeplessness; 9) palpitation; 10) aggravation of dizziness once one moves; 11) emptiness and hollowness of pulse manifestations. Among these, symptoms 1-4 could be learned about by resorting to observational consultation, symptoms 5-10 could be understood by inquiry consultation, and for symptom 11, touch consultation could be adopted.

Second, dizziness from an overflow of Xila has the following symptoms: 1) acceptable mood; 2) a fat figure; 3) redness in the face and eyes; 4) yellowish tongue coating; 5) yellow urine; 6) dizziness; 7) headache; 8) bitterness in the mouth; 9) heat in the face; 10) aggravation when angry; 11) thinning and prominence of pulse manifestation. Among these, symptoms 1-5 could be learned about by observational consultation, symptoms 6-10 could be understood by inquiry consultation, and for symptom 11, touch consultation could be adopted.

Third, dizziness from an overflow of Badagan has the following symptoms. 1) mood merely acceptable; 2) paleness and dropsy of face; 3) thickness of tongue, whitening, stickiness and softness of tongue coating; 4) light urine odor, little gas, bubble adhesion; 5) dizziness and heavy; 6) astringent; 7) aggravate the cold condition; 8) heavy and slow of pulse manifestation; Among these, symptoms 1-4 could be learned about by observational consultation, symptoms 5-7 could be understood by inquiry consultation, and for symptom 8, touch consultation could be adopted.

A good command of the pathological mechanisms and principles like these is the first step to MCR, for only in this way can one understand the pathological condition accurately, as the latter is the necessary outcome of the pathogenesis.

Suppose that a patient comes to see a clinical doctor of Mongolian medicine, claiming he feels dizzy. Undoubtedly, dizziness is one symptom, one that the patient is clearly aware of himself. First of all, his dizziness has to be attributed to a pathogenesis. For a clinician in Mongolian medicine, dizziness is definitely caused by some imbalance within the body. This is equivalent to conduction model 1 discussed earlier. Second, the dizziness might be the result of an overflow of Heyi, Xila or Badagan-this is equivalent to the conductive reasoning model 2 as discussed earlier. Third, the most optimum pathogenesis that leads to the pathological condition is to be identified. The doctor understands more of the pathological conditions through consultation by observation, inquiry and touch, excludes the impossible pathogenesis, and zooms in onto the best possible causes. In other words, all possible causes have to be investigated, including both those in support of, and those in rejection of, the pathological symptoms. Then can we, based on the adoption of the negation of disjunctive reasoning, necessarily infer that the patient suffers from an overflow of Xila? The answer is no. On the one hand, the doctor needs to understand more about the pathological condition through consultation by observation, inquiry and touch, in order to confirm the diagnosis hypothesis about the pathogenesis; on the other hand, as discussed earlier, the pathogenesis leading to the pathological condition is a process from quantitative to qualitative change, and there exists a many-pathogenesis-one-symptom relationship. Therefore, theoretically, the dizziness may be the co-effect of an overflow of any two, among Heyi, Xila and Badagan. Besides, pathological theories are only a summary of experiences, and these theories and knowledge are open-ended and dynamic in nature, and keep updating themselves.

Clearly, MCR satisfies all four features of conductive reasoning: first, the conclusion of inference is the pathological condition of a patient, involved only with an individual; second,

the subjectivity, dynamicity and non-monotonicity of the conclusion determine its inconclusiveness; third, since no cooperation between Mongolian and western medicine is considered here, the premises in our discussions are only involved with the pathological mechanism, symptoms and therapeutic programs in Mongolian medicine, i.e. concerned with only one situation; fourth, since we are discussing clinical reasoning in traditional Mongolian medicine, it will not concern itself with resorting to other situations. Furthermore, we shall also find that all three conductive reasoning models are manifested in MCR, and the second and third models are observed even more.

Let us look at a case in Mongolian medical clinic first: Jack, male, 50 years old, came to the Affiliated Hospital of Inner Mongolia Medical University for dizziness and nausea. Symptoms are paleness of face, tired, cold extremities; white tongue coating; urine blue and with excessive bubbling, emptiness of pulse manifestations; Mongolian medical diagnosis: dizziness from an overflow of Heyi. Treatment to guard the Heyi and dredge the pulse manifestation. After one week of treatment, the patient's dizziness improved and there was no apparent nausea and vomiting. After three weeks of treatment, the patient's dizzy symptoms almost disappeared.

This is a very common case in Mongolian medical clinics. Through a large number of empirical analyses and interviews with Mongolian medical experts from various regions of the Inner Mongolia Autonomous Region, we have summarized the diagnostic procedures and diagram of MCR.

The diagnostic process of MCR can be divided into three stages. The first stage is a process similar to abductive reasoning. Based on the patient's known symptom p, find the pathogenesis C that may have developed the symptom. P is a set of symptoms and it's not empty sets, which is based on the patient's situation at the time, and may be one or more. One and more divisions here are caused by pathogenesis. One-cause-one-effect in causality just like one-pathogenesis-one- symptom, of course, this situation is extremely rare. Many-cause-many-effect just like many- pathogenesis-many-symptoms. And the last situation is the most common in medicine, One-cause-many-effect just like one-pathogenesis-many-symptoms. The symptoms here are generally very simple, that doctors can directly observe or patients can describe (express) it directly, such as dizziness, cough, and fever. The process of this stage is often found in three directions, Heyi, Xila, and Badagan. Because Mongolian physicians are always based on the theory of Mongolian medicine. If people have some symptoms, it must be that the internal balance is broken, and the balance within the human body is based on the theory called "three roots" of Mongolian medicine. When the Mongolian physicians see one or more of the patient's symptoms, then they will think that one of the three roots is overflow or lack. Therefore, there are three situations for the three roots of pathogenesis C, C1,C2 and C3. From the above case, the patient had the main symptom P that it's dizziness. According to the basic theory of Mongolian medicine, overflow of Heyi C1, overflow of Xila C2, overflow of Badagan C3 can cause dizziness, this is the first stage of MCR. So what kind of pathogenesis is it? Let's look at the second and third stages.

The second stage aims to provide more evidence for the above three types of pathogenesis. Of course, it does not focus on any type. It collects and analyzes all the conditions. The process of collecting and analyzing is also divided into three directions: "observation", "inquiry", and "touch". When Mongolian medical diagnosis of diseases, the use of "observation, inquiry and touch " three basic methods to collect the patient's signs and symptoms as a data to determine the disease. "Three consultations" must closely cooperate with each other to observe and understand in many aspects, and at the same time, combine the external and internal pathogenesis of disease, location, seasonal and other subjective and objective data, combined

with immediate encounters, situation, conduct a comprehensive analysis, and make specific diagnoses. In the diagnosis of diseases, Modern Mongolian Medicine first considered the whole concept, used "three consultations" to conduct rigorous examinations, and then analyzed the obtained materials according to the requirements of "diagnosis + essentials". We still follow these cases. The rules here are still the basic theories of the three medical clinics.

Dizziness from an overflow of Heyi C1 is analyzed and validated by all symptoms of the observation(p1), all symptoms of the inquiry p2, all symptoms of the touch p3; Dizziness from an overflow of Xila C2 passes all the symptoms of the observation p1', all symptoms of the inquiry p2', all symptoms of touch p3' were analyzed and validated; Dizziness from an overflow of Badagan C3 passed all the symptoms of the observation p1", all symptoms of the inquiry p2", all symptoms of the touch p3" were analyzed and verified. When the patient does not have the symptom or the symptom does not match in any of the consultations, a "×" is drawn to indicate that the type of diagnosis cannot support the pathogenesis, that means, the pathogenesis of this disease should have some symptoms, but the symptoms are not appear. In this way, this type of pathogenesis is not the best. This is the second stage.

The third stage is through the analysis of the first stage and the second stage, then we only need to conductive the analyzed contents and finally diagnose it. The key to conductive them is to find out which type of dizziness through the three consultations has gained more support. Dizziness from an overflow of Xila C2 gains more support than dizziness from an overflow of Badagan C3, so C2 is better than C3; dizziness from an overflow of Heyi C1 gets the most support, so it must be better than C2 and C3. This stage may be similar to the conductive reasoning. In the end, we diagnosed this patient as dizziness from an overflow of Heyi C1. These three stages are the diagnostic process of MCR, and its model is as follows:
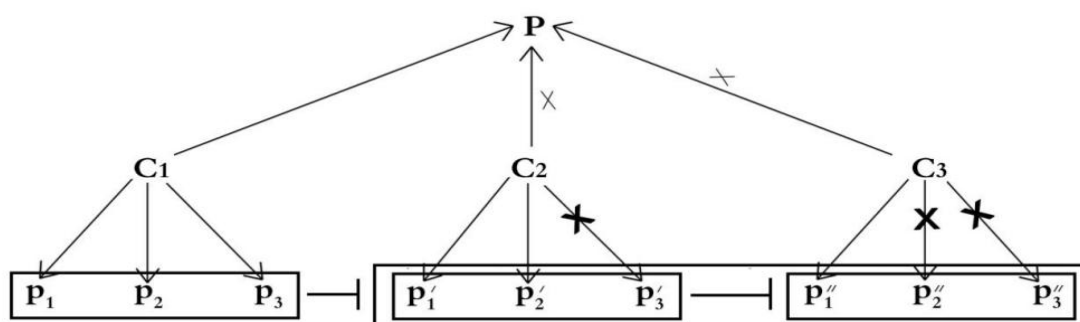

Fig. 2 the Process of MCR

Here we need to point out that the "×" next to C2 and C3 means that they are not the pathogenesis of the symptom P.
MCR must be a defeasible reasoning, as mentioned in the previous article, so it is no longer an overstatement here. Of course, the model also has its own rules to support its operation. Its rules are: a) The overall concept of Mongolian medicine and the concept of balance as the guiding ideology; b) Grasping all the basic theories of Mongolian medicine (especially the "three roots" of Mongolian medicine); and c) Skillful use of the "three consultations".

6. CONCLUSION

The study of the logical route of MCR falls within the scope of the study of Mongolian medicine logic, also an exploratory study of medical logic. As a discipline, logic evolved in ancient Greece, founded by Aristotle. His syllogism has a very clear motivation for actual application, i.e. to be distinguished from sophistry that was being taught to people at that time to present public speeches and to win court cases. But after Aristotle, as logic study turned more and more towards formalized work, and as the desire to pursue universal reason became infinitely inflated, the need to seek practical reason was marginalized, and formal logic became more and more dominant in logic: the practical orientation of logic was actually driven out of the camp of logic by formal logicians. After the Renaissance, although the scientific turn of logic led to the advent of scientific logic based on induction, the appearance of symbolic logic did not contribute too much to the practice and revival of logic study until the rise of informal logic in the later half of the 20th century. A study of any practical inference cannot do without a theory of logic. For example, scientific reasoning that studies causal relationships cannot do without inductive logic. Broadly speaking, clinical reasoning is both a scientific reasoning and a causal inference, and thus it cannot do without induction. The advantage of studying MCR with inductive methods is that appraisal of inductive reasoning is closely related to experiential evidence, but its disadvantage is that it cannot deal with its subjectivity, dynamicity or interactivity. The method of conductive reasoning as presented by informal logicians nicely bridges the gap left by induction.

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Making and overcoming antagonism in Chinese medical encounters

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ABSTRACT: In this study, we conduct ethnographic observations in outpatient clinics of a public hospital in China, in order to better appreciate naturally occurring argument of Chinese medical encounters. We examine and explore three cases of medical consultation. In these: Arguments become derailed. Differences extend. Opposition occurs. In spite of the failure to maneuver issues successfully, interlocutors manage to express or covertly assert disagreement while sustaining a relationship. Matters become asserted, contested, situated and resolved. These interactions illustrate how strategic maneuvering can generate, address, and move past antagonism in medical consultations.

1. INTRODUCTION

In recent years, tension-ridden provider-patient interactions in China have attracted alarming attention in global media and academia[1].Extreme cases of patient-initiated violence against medical professionals are reported. Journalists highlight the stresses that the transitioning Chinese health care system produces. In this study, we attend to antagonistic argumentations in everyday Chinese medical encounters. Consultation is under stress due to transition in medical practice, varied expectations, and uncertain outcomes of care. Antagonism arises as affect that translates acts of disagreement into expressions of objection, refusal, difference, counter-assertion, and covert acts. Propositions are asserted, advice declined, directions contested, and actions taken.

We weave our exploration of antagonistic argumentations with studies of medical discourse. From a conversational standpoint, the doctor works within argument types that inform rules and protocols of valid exchange. However, argument practices are vetted by the state, open to the market, and attached to the health norms of patient populations. A patient brings various levels of personal experiences, family history, and resources into the discussion. Doctor and patient alike occupy spaces with resources for testing, treatment, and billing. In medical consultations, disagreements are common, and the stakes of argument are high: on the one hand, the doctor may blend persuasion and reason into enactments of argument that meet state-of-the-art expectations of practice. On the other, the patient or a

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[1] For media reports, see Beam (2017) on *The New Yorker*; Burkitt (2013) on *The Wall Street Journal*; Langfitt (2013) on *National Public Radio*; The Economist (2012); Jiang et. al (2014); Sun and Wang (2011); Wang et. al. (2012); Yang et. al. (2013) on *The Lancet*.

patient's spokesperson may assert (overtly or covertly) their own ideas, as well as ask for explanation, pose questions, or request/demand health-related services.

The "shared decision-making model" stands as the gold standard of doctor patient communication. Deliberative argumentation is important to satisfactory decisions by doctors and patients. This aspirational norm situates as problematic the power asymmetry between providers and patients. Accordingly, argumentation scholars propose deliberation and informed judgment as a goal for institutional practices. The doctor proposes, the patient disposes (Goodnight, 2006). Thus, ideally a medical consultation accomplishes concordance. In this process, context matters. Ideal argumentations ask that a set of preconditions guide exchange. Communicative competence, disinterestedness, and mutual respect are presupposed in order for politeness rules to reign among participants. From a pragma-dialectic standpoint, strategic maneuvering (van Eemeren, 2010; van Eemeren and Houtlosser, 2002) can coordinate valid and persuasive argumentation within such constraints to reach agreement on a resolution or points in contention.

Conversational argument can lead to consensus and concord through strategic maneuvering. In some cases, strategic maneuvering can spread rather than reduce disagreement, however. When one assertion-objection pair follows another, a rhythm of discord unfolds. In such cases, antagonism exhibits two markings: Argumentation multiplies disagreements. Interaction veers into confrontation or withdrawal. Thus, antagonism simultaneously widens and narrows disagreement space. During a medical encounter strategic maneuvering may start to derail serially particular arguments. The general rule of medical consultation is this: for consultations to prosper doctor training in deliberation, enhanced communicative competence, and patient understanding are necessary (Rubinelli and Zanini, 2012). This we support; but, we also add that the conditions of antagonism, spirals of derailment, and contestation invite inquiry so as to educate expectations of doctors and patients alike. Stresses upon institutions informs the contexts for argumentation interactions.

We turn to examine cases of doctor-patient consultation in the institutional context of China medical practice. The context for medical consultations in China is a network of stress: marketization of China's healthcare system since the 1980s and the inadequate coverage of health insurance make medical service a substantial burden for many ordinary Chinese people (Blumenthal and Hsiao, 2005; Eggleston, 2012; Yip and Hsiao, 2009; Zheng, Faunce and Johnston, 2006); an increase of inflammatory reporting contributes to a widely shared sense of mistrust and injustice among both the providers and the patients (Zhang, Stone and Zhang, 2017). Without a proper referral system, and because quality medical resources exceedingly concentrate in a few big cities, people with minor issues often travel far, spend much and compete among themselves to see specialists in major hospitals, only to be dismissed quickly after a rushed medical encounter characterized by indifference and disrespect (Hesketh et. al., 2012). At the same time, medical providers in these hospitals complained about having overworked and underpaid, while low-moral and burnout are even more common (Wu et. al, 2008). When medical disputes occur, aggrieved patients often take matters into their hands, while formal institutional mechanisms are often absent (Tu, 2014). Such a network of stresses is understandably inductive to the production and escalation of antagonism and confrontations, but the ways in which the contexts and the communication interact are underexplored and have not been made clear.

The Chinese examples speak to larger issues of antagonism facing doctors and patients across societies. For example, statistics of violence suggest conversational encounters are under pressure and potentially volatile: 21% of emergency medicine doctors in the US, 11% Chinese medical professionals and 10% of British primary care doctors have reported experience with physical violence at workplace (Pan et. al, 2015, p. 115). In the cases below,

we follow three encounters that manifest objection, opposition, contestation, and difference; antagonistic exchange was observed, but we also map how these interactions generated productive outcomes.

What is medical encounter like when there are serial disagreements? What are the argumentative practices that keep an exchange going, even with several derailments? What do cases reveal about the ways different reasons are accommodated? How can argumentation theory help us address antagonism as a real challenge in medical encounters? Sally Jackson and Scott Jacobs' (1981) direct us to the study of naturally occurring argument. So in conversations, exchanges exhibit "disagreement-relevance" and "expansion of basic sequences of speech acts" (Jacobs and Jackson, 1980, p. 118). Jackson (2017, p. 5) observes that studying naturally arguments "can overturn even our most closely held assumptions about argumentation nature, its function, and even its normative standards." Modification of understanding may be the outcome of paying attention to "the details", too. Thus, we align with Jackson's (2017) observation, that arguments evolve and vary across time and space, and we need to observe naturally occurring arguments to better address real-life challenges and explore opportunities to modify and develop theory. In the following, we shall briefly describe our processes of data collection and then proceed to present three cases.

2. DATA COLLECTION AND ANALYSES

Yue Yang shadowed six outpatient doctors of three different departments (ENT, pediatrics and gynecology) at a public hospital in Southern China for 28 days in the summer of 2016. The hospital is in an immigration city, where most patients and doctors encountered each other as strangers rather than friends or acquaintances. Yang documented provider-patient communication with consent. This hospital, like many other basic hospitals in China, offer walk-in service in semi-public outpatient clinics. In some clinics, there are two doctors working at the same time. Patients in the hallway can enter, exit and observe any medical encounters as they wish. After some encounters, Yang also had casual conversations with some of the physicians in order to better understand their perspectives and lines of reasoning.

In the following, we select three cases where antagonistic arguments are observed during the medical communication. To prelude our arguments, these three cases and their analyses illuminate a variation of "strategic maneuvering" where interlocutors strive--not so much to resolve a particular disagreement and issue--as to continue a needed relationship, in spite of expressed or covertly held differences. Strategic maneuvering resolved differences in opinion from time to time; however, arguments work in spite of and through antagonistic or challenging expressions, thereby both doctor and patient were able to continue in a consultative endeavor.

2.1 Case one: Penny's first visit

A young female patient named Penny (P in the transcript) walked into Dr. X's office in the outpatient obstetric department. Dr. X (D in the transcript) prescribed the patient various exams for her 38-week-old baby. While most of Penny's test results turn out fine, her report of the fetal monitoring test shows a close-to-flat line. Dr. X was startled and tried to persuade over and over again Penny to become hospitalized. Penny refused each time. Turn 1 in the following transcript marks the second time Penny turned down Dr. X's suggestion.

1 P: It's alright (meaning, nothing serious).
2 D (slightly agitated): But we have encountered serious cases that did not turn out al:ri:ght [prolonging the sound of this word]! Some baby's heart rate stops after a night. You have already carried this baby for 38 weeks. You don't want any accident. If anything happens it would be really heartbreaking. No one wants that. Now nothing should be more important than this (pointing to Penny's belly). Your daughter is already 6 or 7 years now, it's not that she can't take care of yourself for a night. You should really prioritize this.
3 P's husband: Stay then. Stay in the hospital. No big deal.
4 Penny turned around and scolded her husband loudly in a dialect. Penny's husband did not respond. He took their young daughter out of the clinic.
5 P (to Dr. X): It's alright.
6 D (frowning while handing Penny several pieces of paper): You really want to insist, don't you? Sign. All of these papers. Also write down her phone number here and write down the four (Chinese) words: "(I) refuse to stay hospitalized." and "I take responsibility for all the consequences". This is what the rules demand…. (Dr. X filled some forms, handed them to Penny and Penny signed as Dr. X indicated.)
7 D: Ai (Helas)…Stay. Why don't you stay in hospital? I don't want to keep you here, but your results are indicating something bad. If I don't ask you to stay in the hospital, I am not being responsible to you, neither am I being responsible to myself. (Penny continued signing the papers while the doctor was talking.
8 D (collecting Penny's signed papers): But I can't let you go now. You still have to go to the 4th floor, take some oxygen, and do a fetal monitoring test again. If doctors there say you are doing okay, that's great; but if they see the same thing, they would also say the same thing and they would not let you go either. It is a good thing if the result shows that you do better. It is not that (I) the doctor is trying to scare you. If the results are not good, then we need to welcome your baby out into the world immediately.
   Dr. X then told Penny that she needs to pay around 40 yuan on the third floor and then go to the fourth floor.
9 P: Okay. No problem.

Analyses: The patient scolded her husband harshly at Turn 4, but such display of antagonism may influence other people in the room as well. At Turn 5, the doctor frowned and appeared agitated with the patient, asking the latter an unpalatable, rhetorical question ("You really want to insist, don't you?"). The doctor also used short, imperative sentences to instruct the patient to sign the waivers. The instructions' wordings were blunt and the delivery forceful. These speech acts were "warnings" to the patient that the provider had become frustrated. They were also "threats" that the waivers would work against the patient's own interest. What is implied is that the patient need to retract from her insistence.

Nonetheless, the patient did not submit but proceeded to sign the waivers (Turn 6). It seems that the patient helped to accomplish one "antagonist dance move" that the doctor initiated. Nonetheless, the consequences the doctor warned did not materialize, as the doctor back down, expressing regret, concessions, and re-associating the doctor's responsibility and work ethics with the patient's health, even if the waivers have been signed (Turn 7). At Turn 8, the doctor gave out suggestions/prescriptions using imperative sentences without asking for the patient's opinion. She also used a pre-sequence to pre-empt the patient's possible mistrust towards doctors. Interestingly, despite the doctor's being authoritarian, and the patient was not given much autonomy this time, the previously assertive patient agreed and followed the doctor's suggestion.

How come is antagonism possible in the context? To what extent is expression of difference appropriate? During the interactions, we did not find any sign of "breaching" after the occurrence of antagonism, suggesting local tolerance for antagonism to some degree. Importantly, antagonism did not end the medical encounter. Rather, the doctor used antagonism to express her discontent and to pressure the patient to accept her suggestion. When the patient resisted and proceeded to sign the waivers, the doctor quickly retracted from the "antagonist play" and appealed to another kind of speech activities, which seemed to influence with more display of care and more efforts to build rapport. Therefore, medical communication in this case was elastic and resilient, and antagonism seemed another tactic of strategic maneuvering at the doctor's disposal to accomplish medical encounters with the patient, along with argumentation, display of care, appeal of identification, and construction of rapport.

How do we evaluate medical encounters with antagonism? In this case, we find impoliteness and paternalism that disrupts "shared decision making", "concordance" and equality. Nonetheless, the doctor's "communication package" that includes antagonism was effective to some extent, as the patient accepted the second proposition. This is a significant accomplishment for a high-risk case, because after the test, the patient may engage with another doctor in another discussion about staying in the hospital. While the second proposition may be suboptimal, it is still better than merely having the patient to sign the waivers.

2.2 Case two: Penny's second visit

Penny entered Dr. X's office where there were several other female patients. Penny signaled a test report to the doctor, who responded with slight nodding but continued to see two more patients. When it was Penny's turn, she threw her medical booklet loudly upon the doctor's working table.

1   D: What's going on with you? (talking in a controlled manner)
2   P: Nothing.
3   D (taking up the booklet and starting to read the reports): The graph is much better. This is good news, not bad news. Did you go to the 4th floor yesterday?
4   P: Hmm.
5   D: What did they say?
6   P: Nothing serious.
7   D: You took the test when you are inhaling oxygen, right?
8   P: Hmm.
9   D: Then give you another fetal monitoring test when you are inhaling oxygen today? Only when you don't take oxygen you are getting the realistic report of your situation.
10 P: Hmm.
11 D: Penny, why are your emotions so bad?
12 P: I got here early! (quickly and loudly)
13 D: You are here early, but the other patient is having a bellyache. She's been holding her belly for a while. You come over and made a fuss about it! (frowning and raising her voice)
14 P: I am just like this. There is nothing I can do about it. Just like this.
15 D: You should be more peaceful when you are carrying a baby. Wait when there is someone else.
16 D: I will prescribe you another fetal monitoring test with oxygen. Previously we had a patient who got here but has her baby ceased its heartbeat. It is better to monitor the baby in the hospital. The baby has higher risks in the womb than outside. You have

bravery. You say, "I could count the baby's heartbeat myself at home". Fine. But I am a doctor. If I don't inform you (the risks), I am not being responsible to you.

17 P: I don't particularly like staying in the hospital.

18 D: No one likes to stay in the hospital. But if you have any issue, we will all be in trouble (impatiently).

19 P: Do I have to stay in the hospital? Can I take drugs?

20 D: Take drugs, take fluids, take oxygen, do monitoring, stay in the hospital. Do all of the above. What do you think?

21 P: I don't know.

22 D: Stay in the hospital. Stay. Don't say that you don't know. (obviously agitated)

23 P: Then let me make a phone call.

24 D: Tell (that person over the phone) that "the test did not show good results *again*. The doc still asks me to stay in the hospital." Don't sign waivers again.

P took the prescription and then left the clinic office. "Ai(sign), one patient that costs so much energy!" the doctor complained.

Analyses: Penny confronted the doctor by throwing her booklet onto the doctor's table. Even if the doctor asked her directly, it was not until Turn 12 that Penny revealed her reason: she thought the doctor deliberately postponed seeing her. In other words, she assumed the doctor's negativity towards her, and she reciprocated. Turn 3-10 appeared to be ordinary medical communication about bio-technical matters, where the doctor took the lead and the patient answered in a self-constrained manner. In fact, both parties have been suppressing their emotions. At Turn 11, the doctor raised an unpalatable question by presupposing Penny's negativity ("Why are your emotions so bad?") (Culpeper, 2011, p. 135). The patient burst out her answer in the form of a complaint, with more force and in higher volume than her previous articulations, as if she has been suppressing the short answer (and its associated emotions). She pouted and looked at the table. She did not look straight at the doctor to further provoke her. The doctor confronted the complaint at Turn 13 with refutation and justification ("I see the other patient first because she has been having a bellyache"), and she directly criticized the patient about "making a fuss" and being inappropriate. Penny confronted again, repeating "I am just like this (and there is nothing I can change)." Nonetheless, this confrontational move gives off signs of withdrawal, as Penny directed attention and responsibility away from the doctor's doing but to her own personality (which might admittedly need to change but could not change, as the patient implied). In the following, the doctor "educated" Penny to control her behavior during pregnancy, thus (re)associating the current contestation (over Penny's complaint about being jumped the queue) with the main concern of the medical visit (Penny's pregnancy). The doctor also prescribed another test and then justified it, citing a negative example very briefly for a positive suggestion. In order to pre-empt the patient's possible oppositions, the doctor also explicitly presupposed them (e.g. the patient may assert her "bravery" and ask to count her baby's heartbeat at home as an alternative) and argued against them. This move resembles "presequence" in Jackson and Jacobs' discussion about argumentative conversation (1980, pp. 258-259). Note, the doctor's pre-sequenced counter-arguments are multi-layered in its meaning: the doctor cannot force the patient to change her mind, but she has an institutionalized role to play, and this role requires informing the patient as to be responsible for the patient. While the doctor's arguments appear somewhat abrupt and fragmented (containing gaps among its sub-arguments), they were intended to not only put the conversation back to a track on the patient's medical risks, but also to assert the doctor's role and re-associate her institutional responsibility with the patient's interests, thus repairing the relational division created in the previous contestations.

These moves are effective to some extent, for the patient again refused to stay hospitalized, but this time in a less definitive, taciturn/guarded manner (Turn 17). The reason the patient offered enabled the doctor to counter-argue against it: while staying in the hospital is unpleasant, the consequences of not staying is graver (Turn 18). The patient then asked about the possibility of not staying and about an alternative at Turn 19, thus obviously softening her stance. Her stance became softer and more ambivalent at Turn 21, while the doctor responded in an authoritative and impatient manner, using short imperative phrases and negative orders (Turn 20 and Turn 22). The patient seemly retracted from opposition at Turn 23, telling the doctor that she need to make a phone call. Will the phone call convey the doctor's suggestion and elicit agreement with it? Not necessarily, but that's the scenario the doctor presupposed and expressed at Turn 24, as she provided the patient a script that stated firmly the decision of staying in the hospital, a script that interestingly attributed all the agency and authority to the doctor and the test result, leaving no space for the patient to discuss her autonomy.

In this medical encounter, we see that the patient started with antagonism but gradually became more cooperative, whereas the doctor became irritated after a few turns of interactions and remained so till the end. Again, there is unresolved difference and emotional negativity in the medical visit, and yet they did not lead to communication breakdown. Instead, it persisted and evolved as a sub-style of communication concerned with the relational order, interacting and entangled with the arguments concerned with biomedical matters. The communication dynamics around antagonism is not necessarily dysfunctional, as we see the doctor remedy her authority and relation vis-à-vis the patient by confronting the patient's resistance. Nonetheless, such communicative practices work to find ways to live with derailments rather than build from the ethos of "shared decision-making" of medical consultation.

2.3 Case three

A female caregiver (C in the following transcript) brought her sick son to see a mid-aged, male pediatrician (D in the transcript) in an outpatient office, where there were several other patients and caregivers chatting while consultations took place.

1   D: What's the matter?
2   C: How come he has got the fluids for so long and he still coughed so badly?
3   D: Oh.
4   C: He coughed really badly--it hurts his body. He has infection in his windpipe. How come it's the same after so many fluids? No progress at all. (not aggressive, slightly slowing down the speaking)
5   D: Yes. Right. (checking out the patient's profile on his computer) He has taken three days of fluids.
6   C: When he sleeps at night, his tracheitis gets really bad. How come it's the same after so many fluids? It's getting even worse…
7   D: Yes. Right. (Still working on the computer) Do a scanning test of the (boy's) lung then. Test the blood too.
8   C: What?
9   D: Do a lung scanning.
10 C: Do another scanning of the lung?
11 D: When have you done one?
12 C: He has a lung test done here before (raising her voice).

13 D: Then do a blood test. The report will tell whether he needs to be hospitalized. (We) can't use the same fluids any more. He might be having a fever and pneumonia.

14 Mother: His pneumonia has been cured.

15 D: Cured? He coughed again within such a short time, meaning that his pneumonia has not fully be cured. That's why I want to do a lung scanning and a blood test this afternoon. You did not listen to me previously. Look the illness is back again…

16 C: We get the reports in the afternoon?

17 D: Let's do a test for mycoplasma infection…Do the blood test in the afternoon…

18 C: Blood test is fine. Why don't you change your previous prescriptions and let him try some other medicine now? He's coughing so hard (frowning).

19 D: After he takes the blood test, I will understand what causes his cough and then prescribe him other drugs.

20 C: We have to wait for so long, till the afternoon! He's coughing really hard. Can you change to another medication?

21 D: Then I'll give him some fluids and then let him do the blood test. Okay?

22 C: Can you change your medication (not using the same fluids prescribed before)?

23 D (raising his voice suddenly and then dropping and softening his tone): What I want to do is to have him do the blood test so that we can change the medication!

24 Mother: N: o. You can change the medication now and give him a try. It's fine to do the blood test in the afternoon. But he's coughing really hard now. The fluids you prescribed did not work at all; they are making things worse!

25 D: Changing medication is a waste of money. Waste of money. Waste of money. What you are trying to do is to waste money. I will try…

26 C (interrupting the doctor): The fluids you have him had everyday do not work at all!

27 D: But I can only change the medication after the blood test.

28 C: Do you have to wait till the afternoon to get the blood test report? In the afternoon…

29 D (interrupting the caregiver, raising his voice again): Do the blood test now, the reports come out this afternoon.

30 C: Yes, I know (loudly).

31 D: Okay. Right (soften and lower his voice).

32 C: But you have to wait till the afternoon, and he's coughing so hard now.

33 D: Hmm I'll give you some medications to alleviate it, okay? (In lower, softer voice)

34 C: He's coughing so hard now… (frowning)

Analyses: Expressed disagreement is observable at Turn 4, as the caregiver simultaneously complained about her son's illness and about the doctor's lack of success in treating him. This complaint may also be a challenge and a request, pushing the doctor to apologize, to explain, or/and to comfort. Whatever the caregiver's intention, the provider responded with an ambivalent, minimal acknowledgement ("Oh" at Turn 5 and "Yes, right" at Turn 7). Apparently, these answers did not satisfy the caregiver, who repeated the complaints and made exclamations with intensified negative emotions (e.g. Turn 6, 8, 14, 20, 22, 24, 26, 28, 30). To these the doctor repeated the minimal response or did not respond at all. The oppositional complaints of the patient therefore spiral, and medical encounter therefore took the form of "nagging" and "not responding".

Relatedly, derailment of issues spirals into sustained disagreement (Turn 19 - Turn 36), which took the form of "quarreling" and "primitive arguments" (Piaget, 1959, pp. 65-70). The doctor and the caregiver did not do much other than simply recycling, escalating and aggravating opposing turns (Jackson and Jacob, 1980, p. 254). The caregiver insists on "having the provider to prescribe another medication now to alleviate her son's coughing",

while provider insists on "not changing the medication until the blood test report comes out in the afternoon". While there is obvious overlap in these two propositions, and it is potential for the participants to build upon their common ground, negotiate and find balance through deliberation (for instance, the provider could have elaborated why changing medication now is a waste of money, and the patient could have asked for the doctor's justification), these potentials did not materialize. The encounter ended up being a prolonged exchange with a limited number of collaborative or productive arguments. That being said, though antagonism has spiraled through serial contestations, the medical encounter still did not break down. As the patient revealed, seeing another doctor is a lot of trouble. Institutional settings and procedures bind the participants and contribute the stickiness of communication, even if such stickiness is more forced and less organic in this case.

3. DISCUSSION

Sara Rubinelli and A. Francisca Snoeck Henkemans (2014) direct attention to the study of health communication in institutional contexts. They extend Rubinelli's compelling insight (2003) that argumentative exchange in medical settings enacts "rational persuasion" which generates productive deliberation. The study of health communication as argument can be conducted from a pragma-dialectical orientation. For example, Pilgram (2009) directs us to investigate medical communication as consultation and "collaborative conversational exchanges", where the participants' shared concern for politeness forestalls "face-threatening acts." Medical consultation does illustrate cooperative activity in many, perhaps most cases. But, disagreement over urgent matters of health and illness, morbidity and mortality, particularly within an institution under stress, may generate objection, opposition, contestation and antagonism. In our cases drawn from China, strategic maneuvering acted not only to persuade and inform but also to assert objections, express difference, and gesture toward dismissal or compliance. Strategic maneuvering moved to derail conversational gambits, from time to time. Nevertheless, our cases show how doctors and patients find ways to punctuate, bypass, or overcome difference. It is in this sense, we propose more generally the study of argumentation within the networks of stress.

The outcomes of our China cases are mixed. Sometimes antagonisms diminish as communication evolved, at others, emotional negativity persisted--even after the patient left the clinic office. In addition, we find antagonism perceived marks of breaching that attempt to construct and illuminate "what is appropriate" in these medical encounters. For instance, in case one, the doctor's agitation warned the patient as well as the observer of the interaction that a limit has been reached. Nonetheless, the definition of appropriateness is in the monopoly of the doctor, even if she appears more authoritative. As the patient signed the waivers despite the warnings, the doctor had to withdraw her antagonistic gestures, trying to re-build rapport with the patient (as the warnings and waivers worked to severe their associations) with a second proposition. Therefore, the doctor's attempt to remedy relationship cancelled her previous attempt to mark boundary with antagonism. Together, these interactions, including initiating, confronting and cancelling antagonism, make the medical encounter more tolerant of the patient's resistance, and pushed the doctor to attune her later argumentations to the re-negotiated rules of appropriateness.

Argumentation within the context of doctor-patient consultation in China offers important opportunities for inquiry. Three cases are a start. Globally, medical systems are in transition and each manifest cross-pressures in similar and distinctive ways. Time, resources, and knowledge is limited; medical decisions are complicated; health literacies are complex, and humans are culturally immersed, biotic beings who must reach decisions in the face of

uncertainty. The goals of productive doctoral-patient deliberation are served by research that generates deliberative norms and demonstrates both the risks of exchange and ways people interact to assert difference and manage disagreement.

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Some critical thoughts on critical thinking: If 'ands' or 'buts' should be indicators

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ABSTRACT: In this paper we explore the nature and limits of 'indicator language' as an analytic and pedagogical tool. After canvassing the literature, we begin to formulate a new philosophically robust framework of the 'apparent signal expression search heuristic' informed by a rich concept of argumentation. Consequently, we argue that there is good reason to believe that 'and' or 'but' do function as premise indicators.

KEYWORDS: argumentation, critical thinking, heuristics, indicator, natural language, pedagogy, philosophy, reasoning skills, rhetoric

1. INTRODUCTION

The ambit of this paper is to examine whether it is appropriate to include 'and' or 'but' among the set of words commonly taught as 'premise indicators.' We argue that the accounts found in the critical thinking and informal logic literature are somewhat lacking in clarity, rigour and philosophically-robust substance. 'Indicator' is the term commonly deployed for those words that ostensibly help us locate premises and conclusions, but we believe this word choice miscalibrates our expectations. By developing a richer account of how 'searching for indicator language' is ever a useful tool of argument analysis, it becomes apparent that there are good reasons for counting 'and' or 'but' among the words that may help students in parsing natural language discourse. Once we as theorists understand the nature and limits of these analytical methods, we can improve their use in practice and enrich their place in pedagogy. We argue that indicator language is better understood as an 'apparent signal expression search heuristic.' We conclude by exploring some ways in which argumentation theory – understood here as the study of a rich communicative interaction in which arguers attempt to ameliorate the cognitive attitudes of an audience by giving and constructing reasons – can illuminate the difficulties orbiting indicator language.

2. IN THE LITERATURE

If we wish to teach students how to responsibly parse natural language for reasons and arguments – rather than merely analyze pre-packaged, contrived, overly-simplified examples – then a balance of considerations from multiple perspectives may be the best approach. For that reason, we shall draw attention to some accounts of indicator language in texts that are not obviously part of the philosophical or informal logic traditions.

The first book we examine is Groarke and Tindale's *Good Reasoning Matters!* On this account, the term 'inference indicators' covers both premises and conclusions. They write:

Inference indicators are words and phrases that tell us that particular statements are premises or conclusions . . . When you come across these and other words and phrases that function in a similar way, it *usually* means that the statement that follows them is the conclusion of an argument (Groarke & Tindale, 2013, p. 84-85, emphasis added).

The treatment of premise indicators is the same, so we find it safe to broadly assume that premise indicator language 'indicates' in the same way that conclusion indicators do.

We found similar treatments in Pinto *et al*. (1993), Fogelin (2010), Johnson and Blair (2013), and Halpern (2014). To summarize our findings: first, indicator language is loose and rough – authors couch them in a framework of uncertainty by using words such as "usually" and "probably." Second, the lists of indicator language do not pretend to be complete; they have some, but not all, of the words that can function as indicator language. Thirdly, 'and' or 'but' do not appear on these incomplete lists. Fourthly, there is widespread agreement that premises and conclusions can occur without any indicator words.

Halpern's treatment contained an element worth further scrutiny. In other respects, Halpern's list is largely representative and includes familiar words such as: because; for; if; as shown by; given that; it follows from; etc. But her list or premise indicators also includes '*secondly*.' We can imagine encountering this word in a student essay: "Firstly, I argue *x.* Secondly, *y*; therefore *z*." We find that 'secondly' is meant to show that there is an additional point for consideration. "Secondly" functions like "and" in this regard. Imagine again a student writing instead that: "I argue *x* is the case; and I argue *y* is the case; so *z*." Consider alternatively: "I argue *x* is the case; but I argue that *y* is not the case; so *z*." Insofar as "secondly" is flagging a point to be considered alongside another, it shares a striking familial resemblance with 'and.'

Before leaving the first section of our literature perusal behind, it bears mentioning that we did find one book that gave a treatment of 'and' and 'but' as they relate to the language of indication. However, it too merits special attention. In Van Eemeren et al.'s book *Argumentative Indicators in Discourse: A Pragma-Dialectical Study* they list 'and' and 'but' amongst other conjunctives that indicate cumulative coordinated argumentation (p. 214-215). On its own, 'but' is treated like the speech act of one aiming to convey the relational status of a proposition. This is subtly different from merely indicating the fact *that* a proposition follows. For instance, consider the sentence, "Naturally, Mr. Wijnschenk [. . .] can't spend this money a second time. I consider him exceptionally creative, *but* even he can't spend a penny twice." (p. 126, emphasis original). We are inclined to refer to this use of 'but' as an instance of 'propositional vector language' that indicates the direction of support for a statement in relation to another[1].

We are encouraged that 'and' and 'but' were recognized at all. When we delve into this pragma-dialectical account, we find that the words 'and' and 'but' play dual roles in certain situations. They alert the interlocutor to the existence of a premise; and they also indicate the relationship between these premises. *That* this bit of language can indicate the direction of *a*

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[1] We will leave aside whether or not a 'balance of considerations argument' is properly analyzed as a single 'conductive argument' or two separate arguments – one in support of the claim and another that undercuts it.

premise suggests that there is indeed a separate premise here whose direction is being indicated. 'Propositional vector language' is *de facto* premise indicator language. Most germane to our purposes here, 'and' or 'but' seem to be counted among the words that can fulfill this function.

3. REASONS FOR RESISTENCE

In our canvassing of the literature for lists of indicator words and explanations for why these words and not others counted, we came across several notions that may indirectly explain why 'and' or 'but' are not included on the lists. Of course, as the subject is never explicitly broached, this is much speculation and extrapolation on our part. It could also very well be that there is no significant reflective justification for the exclusion or inclusion of words on these lists; they could simply be inherited from past practices.

We begin with a seminal text from the realm of formal logic. Copi's ubiquitous *Symbolic Logic* (1967) presumes that students already have the ability to identify premises; so it does not have a treatment of indicators. It does have a treatment of 'and' as a *conjunction* as used in both simple and compound statements. There is a key difference between the sentences "Castor and Pollux are twins" and "roses are red and violets are blue." The former is a simple statement and the latter is compound (Copi, p. 9-10). The former statement asserts a single two-place predicate relation – the twin-ness of Caster AND Pollux. The latter statement is analyzed as the assertion of two separate one-place predicate relations: 1) Violets are blue; AND 2) Roses are red.

In another textbook, *Introduction to Logic*, indicator language is treated in the following way. It remarks, "this little word, *since*, is not properly part of the premises . . . it is serving as a **premise indicator**, defined as any word that, in the context of an argument, indicates or flags a premise" (Herrick, p. 17, emphasis in original). While indicators are recognized, they are *not properly part of the premise*. If one circumscribes the province of 'logic' as the enterprise dealing with the relations between *premises* and *conclusion*s, then premise indicator words are not properly part of logic as far as Herrick and others are concerned. Whether this is a fruitful account of 'logic' is a subject beyond the scope of our purposes here. But this relegation of 'indicator words' as something separate from or irrelevant to 'logic' might explain why there is a dearth of philosophically-robust treatments of the subject.

For better or worse, several teaching texts go one step further and do not make use of indicator language at all. Two such textbooks of note are Bailin and Battersby's *Reason in the Balance* (2016), and Govier's *A Practical Study of Argument* (2013). They forego indicator language entirely and skip directly to reconstructing or 'standardizing' natural language arguments. As introductory textbooks, they do not provide reasons for these choices; but it is interesting to consider the possibility that some scholars might have reason to *not* teach students indicator language. Speculatively, perhaps Bailin and Battersby, and Govier do not include indicator language because they are not properly (logical) parts of premises. Perhaps once a piece of discourse has been reconstructed or "standardized" such that they include 'only the logical substance' of the premises, indicator language is to fall to the wayside. Indicators, according to this speculative view, are to be separated from the logical substance of the propositions and discarded at the onset. Even though it may be helpful or good form to always include indicator language when constructing a passage in natural language, curiously that language is always extraneous for logical purposes.

At least part of the rationale for this elision could be that the rhetorical organization of the argument passage can be handled through notational procedures upon reconstruction. Once the argument's elements have been re-cast in a new format that explicitly labels its elements

as {*P1, P2 . . . Pn, C*}, natural language indicators become redundant in the presence of notation that itself constitutes organizational structure. One might think that the case for 'and' or 'but' is weakened by the observation that these words occur in natural language but are scrubbed from reconstructions. More correctly, the indicator words have been converted from prose into notation – but this precisely means that they played an important role. The form of the words themselves may have gone, but the function that those words played remains in other forms.

To bring together the insights and speculations of this section into a tangible form, consider this illustrative example from Bailin and Battersby's *Reason in the Balance*. It will show both the insight into compound propositions from Copi and our own insight into the conversion of rhetorical indicator language into formal notation. The example argument: "*Sorrow is merely a state of mind and may not be warranted by the circumstance. Hence whether or not you feel sad over something is all in the mind.*" As a standard Beardsley diagram, the natural language argument would be recast in Figure 1 thusly:
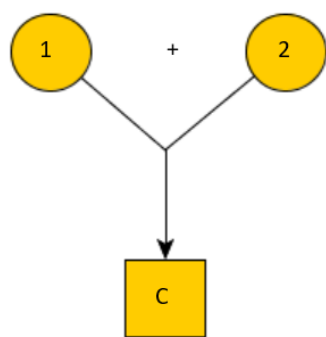
Figure 1

P1: Sorrow is merely a state of mind
P2: Sorrow may not be warranted by the circumstance.
C: Whether or not you feel sad over something is all in the mind.

In this style of argument reconstruction, the 'and' in the first sentence is translated into a notational symbol most of us will associate with addition. Further, the first sentence was analyzed into two separate premises that are nevertheless conjoined or linked to one another. P1 and P2 do not independently support the conclusion; only when you consider P1 AND P2 together as a unit do they provide inferential support for the claim. Of course, it bears mentioning that learning how to read and parse natural language so that one can see these kinds of distinctions in the underlying logical structure is precisely the pedagogical task that indicator language was supposed to assist.

4. GOOD RHETORIC MATTERS

At this juncture, we would like to consider the questionable rhetorical features that follow a term such as 'indicator language.' We do not mean rhetorical in a colloquial, pejorative sense as 'mere adornment.' By rhetorical we mean the aspects concerning how information or content is communicated. Among other things, the prosodic profile, the connotative baggage, the order of presentation and diction/word-choice all count as rhetorical features of communication. Some might consider it peculiar out of hand that the rhetorical is a consideration at all in our analysis; but we would be remiss to so quickly dismiss it.

When viewed from a rhetorical perspective, several features become salient in our treatment thus far. Firstly, indicator language is a feature of natural language arguments that appears only in prose, if at all. This is to say, they are part of a rhetorical dimension that aims at making real communication effective, understandable and successful. When used correctly,

indicator words make it easier to understand the author's intent and harder for the audience to miss it. But those 'rhetorical niceties' that are valuable in natural language prose can be replaced by notational conventions in logical reconstructions that show rather than tell the audience the relations between elements.

Secondly, we can finally reconsider our collection of words and phrases that were used to suggest 'uncertainty' in the indicativeness of indicator language. While some texts stuck with 'indicator' but weakened it with qualifiers such as 'usually,' other texts made use of words that connote differently from 'indicator.' Is there a significant and important difference in shifting the term from 'indicator' to 'markers, flags, guides, clues, or signals?' What exactly would one expect out of something that claims to be an 'indicator?' What is suggested by the rhetorical choice of framing these words as 'indicators?'

When we correctly say of some X that it is an indicator for Y, what would we expect intuitively? Let us consider some examples. When the engine light turns on in my car's dashboard, it indicates that I would be well-served to get off the road and to a garage as quickly as possible. When a smoke detector goes off, I presume for my own safety that the piercing sound is a reliable indicator that there is smoke. But the presence of smoke may not be a good indicator of fire since there are several other ways that things can appear to 'be smoking' that do not involve an open flame. When I see a barn from the road, this is a good indicator of a barn being over there. Of course, as certain philosophers delight in reminding us, certainty and guarantees in many corners of life is mythical. It is logically possible that there is no barn in the distance and there is only a clever barn-façade meant to trick travelers.

Natural language is notoriously imprecise. Perhaps someday a perfectly unambiguous language in which certain kinds of communicative failure are impossible will be realized, but for now we must content ourselves with the messy and precarious work of discerning meaning through existing natural languages. While this should come as no surprise, it bears emphasizing: the spectre of uncertainty is more or less omnipresent when it comes to interpreting natural language. We can take steps to manage and mitigate that uncertainty, but this still does not mean that we reach the level of certainty. It is unsurprising that we observed the common current of 'qualified uncertainty' present in the various rhetorical framing devices used to describe indicator language.

Setting aside what the word 'indicator' denotes or connotes for the moment, we should revisit what function these words supposedly play; pinning down that aspect is what will eventually allow us to recalibrate our rhetoric. These so-called 'indicator words' do something fallible in principle but are reliable enough that we can feel sufficient confidence in making use of them in some way as analytic tools. A reliable 'indicator' functions somewhere between the spectrum ends of 'almost always' and 'basically never'. How much and what kind of confidence we must feel for something to be considered a 'reliable indicator' is the next question to address.

As previously noted, some of the descriptions of indicators already seem to involve uncertainty and some degree of unreliability. They attempt to hedge by saying that there is no guarantee that identifying these words will necessarily have a premise or conclusion nearby; they say that the presence of these words (certainly) indicates that one will 'probably' follow. However, this amendment seems no better. 'Probably' seems just as misleading and unhelpful as our first, overly-strong naïve version of 'indicator-as-guarantee.'

Consider the following sentence to motivate this concern about probability: *She dropped both her drink and the ball in the kitchen*. This sentence is ambiguous – there are at least two clear, definite and different scenarios being described here. When attempting to interpret this sentence, is probability an appropriate and relevant modeling tool for this situation? Let us presume for the sake of example that – as a matter of empirical fact – 99.9% of all uses of the English word 'kitchen' refer to the place in which food preparation occurs.

0.1% of the uses refer to the area behind the break line of a table on which cue sports, such as billiards and snooker, are played. Is there a 99.9% chance that our example sentence describes an easy clean-up in a place where food is usually prepared? Or is there a 100% chance that it describes a very expensive procedure to replace the felt on a pool table since that was actually what the speaker intended?[2]

In the absence of any other information, we may be forced to default to a guess based on mathematical models of probability. However, one of the core tenets of critical thinking is, we presume, the importance of scouring the discourse for contextual clues, taking into account knowledge of the arguer and audience, and making a *reasoned judgment* about what someone meant a sentence to mean. That is to say, if we were in such an epistemic position where we were forced to default to that kind of abstract mathematical guessing, the responsible course of action might instead be to suspend judgment. Analogously, if we were in such a situation where the function of a so-called 'indicator word' was so ambiguous that we had to default to probabilistic reasoning, perhaps that is an indication that we had better stop.

Probability – at least when understood as abstract mathematical modelling – is the wrong way to understand the kind of 'uncertainty' these authors are roughly and intuitively assigning to 'indicators.' Of course, if we are being charitable, it is likely not the case that these authors had statistics and extrapolation in mind when using the word 'probably.' Perhaps computer scientists or psycholinguists interested in the empirical frequency of words and meanings might have that sense of 'probably' in mind, but we will presume that that is an exception rather than the rule. The point is that if 'probably' is suggestive of 'mathematical probability,' this invites us to make problematic expectations about the nature and role of 'indicators' as well.

A different, more promising, approach to fleshing out this sense of 'uncertainty' is revealed when "indicator" is sometimes interchanged with other seemingly-synonymous language such as 'signal', 'flag', or 'premise marker'. Like the qualification of 'probably' on 'indicator,' this is another rhetorical framing strategy that lowers our expectations. Using 'signal' or 'flag' is an acknowledgement that what follows is *not always* a premise. The three texts in which we found this language are Rudninow *et al*. (2008), Lawless (2014), and Halpern (2014). None is explicit about justifying their word choice, but they each implicitly calibrate the language in this way. And this appears to be better calibration than what we get with 'indicator.'

Continuing in this direction set by 'flags' and 'signals,' we would suggest that searching through natural language is a process of interpreting signs similar to the "venatic method". Carlo Ginzburg's 1990 paper "Roots of an Evidential Paradigm" details this process. The venatic method was cultivated by ancient human hunters pursuing prey. They would be alert to picking up on the appearance of footprints, tufts of hair, and broken tree branches to locate their target. Although Ginzburg is concerned with how this method is used in medical practice, we argue that interpreting natural language in argumentative contexts follows a similar method. While it would be a wild leap to conclude that the venatic method was the reason for this choice, we *did* find the language of 'clues' in at least one text. Bassham et al. (2008) define indicator words as "words or phrases that provide clues that premises or conclusions are being put forward" (p. 34).

When we teach students to identify premises and conclusions, we are teaching them the arte of parsing through natural language to identify clues that an argument is present. In the same way that a broken branch is *not always* a sign that prey is present, an 'and' or 'but' is *not always* a sign that a premise is present. However, a hunter will have been taught to look for

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[2] The statistics are made-up for the purposes of this example, but 'kitchen' really does refer to the area behind the line from which a player breaks in cue sports.

branches that are broken in particular ways – and to look for many other signs and absences that together are reliable in the right kind of ways – for tracking prey. The apprentice hunter must learn to distinguish between relevant and not-relevant cases of broken sticks the same way that the apprentice critical thinker must learn to distinguish between the 'ands' or 'buts' that are relevant to identifying premises and those that are not. Just as the master hunter cannot be so easily thrown off the trail by potentially-confounding information, so too should the competent critical thinker be able to recognize when an 'and' is indicating a premise and when it is not.

5. TOWARDS A NEW FRAME

With our expectations now enriched, informed and recalibrated, we argue that we would be better-served to move away from the language of 'indicator' entirely. We propose that we can better understand the lists of so-called 'indicator language' as "Apparent Signal Expressions," hereafter ASE. They are *expressions* because they can be isolated words, multi-word phrases, or other rhetorical figurations appropriate to particular communicative contexts. They are *signals* because they demand our attention yet focus it towards something else of significance. They are *apparent* because at first glance, a particular set of words has appeared; but appearances can be deceiving just as easily as they can be accurate.

Instead of framing ASE as 'reasoning skills' unto themselves, we would be even better-served to think of an "Apparent Signal Expression Search Heuristic". While there are a variety of different definitions and meanings for the word 'heuristic' in various fields, for simplicity we will be adopting the version found in Daniel Kahneman's landmark *Thinking, Fast and Slow* (2011). He writes, the "technical definition of *heuristic* is a simple procedure that helps find adequate, though often imperfect, answers to difficult questions." (p. 98). Heuristics need not be non-conscious, automatic or unreflective; so 'heuristic' perfectly captures how we should conceptualize our employment of ASE when parsing natural language arguments.

The act of 'searching for certain phrases of words' is a quick, fallible procedure that is often helpful enough in answering the question 'is there a premise or conclusion around here?' The action we take upon spotting such a phrase is not always to conclude 'yes' or 'no'. Rather, the prudent response is sometimes 'Let's take a closer look and see!' Of course, knowing *that* we should take a closer look is one thing; knowing *what* to look for and *how* to look for it is quite another thing entirely. As noted earlier, if we are searching for *apparent* signal expressions, we must understand how to pause and determine whether our initial appraisal was warranted or if these words are performing some other function in the discourse. It may seem banal and Wittgensteinian, but it merits stating clearly: A *premise signal* is only a *premise signal* when it is actually signalling the presence of a premise. The same is true of conclusion signal expressions.

Yes, the words 'and' or 'but' are *sometimes* words that express the logical features of a compound proposition. In such cases, they are not functioning as signal expressions, despite initial appearances. Conversely, yes, the words 'and' or 'but' can *sometime*s perform the function of expressing the introduction of a new premise despite an initial appearance. As we have seen from our examples, words do many things – and it is not always immediately clear what they are doing; sometimes they are even doing more than one thing at a time. An astute and sophisticated critical thinker should not be fooled by the surface appearance of phrases; they should seek to uncover the underlying pragmatic functions that are actually being fulfilled in that particular context. After all, the *form* of some bit of language is not quite important; it is the *function* or role it plays in our natural language practices that matters.

We presume that a competent critical thinker worthy of the name would not only know of the ASE search heuristic; they would be able to use it *well*. As a heuristic – a general rule of thumb in our reasoning, analyzing and arguing practices – it should not be forgotten that there are specific situations in which it can go wrong even if it is generally right. But to know when a heuristic is going wrong, one must be aware of the ways in which it can fail as well as why it is often successful. Dealing with apparent signal expressions is not an exercise in probability but one of interpretation. Yet, if one is only aware of half of the things that words can do, it is overwhelmingly difficult to be mindful of the possibility that the situation might be otherwise.

If one of the goals of critical thinking is to enhance the capacity to deal with the messiness and ambiguousness of non-clinical, real-world, natural language arguments, then as educators and scholars from various fields we need not shy away from exposing students to the difficulties in delivering and receiving ideas through words. One dimension of critical thinking is precisely the capacity to manage and tolerate ambiguity and uncertainty. To co-opt an excellent quote from Stephen Toulmin's seminal work, *The Uses of Argument*:

the real problem of rational assessment – telling sound arguments from untrustworthy ones, rather than consistent from inconsistent ones – requires experience, insight and judgement, and [Apparent Signal Expression Search Heuristics] can never be more than one tool among others of use in this task (p. 173, original modified to include our own phraseology).

So long as proper guidance is provided along the way, 'and' or 'but' can serve as illuminating exemplars of the complexities of parsing and interpreting a language capable of ambiguous and multiplex construction. Even though we are imperfect, social, situated animals we still manage to do many things with words – even though they can sometimes too tricky and confusing. It just so happens that the words 'and' and 'but' are some of the most used and multi-use.

If the reluctance in using or teaching so-called 'indicator language' is that heuristics are dangerous when you only know part of the story, then the solution may be to teach students the whole story – or at least a better story. As we have seen hinted in our study, 'indicator language' seems to lie at an intersection of rhetorical effectiveness, dialectical procedurality and logical substance in some very interesting ways. 'Indicator words' at various times guide the focus of the audience (rhetorical), facilitate the smoothness of co-operative communication (dialectical), or express the semantic contents of a thought (logical). But if this is so, then the story we educators need to tell our students – as well as ourselves – may need to be just as rich and complex as the subject we are explaining. If 'indicator language' does straddle the boundary lines between the three perspectives, then it is perhaps no surprise that the existing textbooks we canvassed did not or could not provide the robust account we had been seeking.

To give a proper account of 'indicator language' would require a framework that transcends the traditional boundaries of rhetorical, dialectical or logical approaches. In other words, there is need of a rich argumentation theory that has the ambition of rendering a similarly rich, high-fidelity treatment of the complex communicative interaction in which real arguers attempt to ameliorate the cognitive attitudes of an audience by giving and constructing reasons. Our account may not yet be complete as a story, but we believe it a good place to start.

6. CONCLUSION

In this paper, we searched the literature for the justification of excluding 'and' or 'but' from the lists of 'indicator words' used to help identify premises and conclusions in natural language arguments. While we could not find a definitive answer as to 'why' or 'why not,' we did uncover a patchwork of clues and insights from a variety of sources that allowed us to develop and supply our own answer. Inspired by the venatic method deployed by ancient hunters who masterfully searched for and interpreted clues, we developed the beginnings of a framework to help understand how, why and what 'indicator language' really is. We argued that what we previously called 'indicator language' was better described as an 'apparent signal expression search heuristic.' Once we understood the limits and nature of what we were dealing with, we saw every reason to believe that the appearance of 'and' or 'but' in natural language can signal the presence of a premise. Just because the words do not *always* indicate a new premise does not mean that they *never* do so. But we contend that acquiring the discernment to tell the difference is precisely part of the pedagogy of critical thinking. Apparent signal expressions – or 'indicator language' – are not merely an imperfect pedagogical ladder to be thrown away once one has climbed up beyond it. We think it is a viable and valuable tool of analysis that any discerning critical thinker would be well-served to have at their disposal – no ifs, ands, or buts.

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Towards complete argument evaluation: A logico-pragmatic account of argument scheme

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ABSTRACT: Though argument evaluation remains central for argumentation theory, there is no consensus on what a complete evaluation might be. This paper offers a basis for a complete evaluation. Distinguishing different levels of an argument scheme, our paper identifies the meta-level as the best foundation for this endeavor. We relate this level to a logical account of argument schemes that represents all argument components explicitly, specify the account's 'if-then' premise as a pragmatic relation, and finally combine both accounts at the meta-level.

KEYWORDS: argument scheme, evaluation, logical account, pragmatic account

1. INTRODUCTION

Argument schemes and their associated critical questions (CQs) remain central to contemporary argumentation theory (Walton, Reed, Macagno, 2008). While Hastings (1962) probably first used 'critical question' in today's technical sense, and though the main modern source for 'argument scheme' is Perelman & Olbrechts-Tyteca (1969), many scholars (rightly) refer to the topoi (Greek: places, Latin loci) as historical ancestors. (See Garssen's (2001) historical overview and Rubinelli (2009) on Aristotle's and Ciceros' topoi.) Specifically, the topoi serve in argument construction, whereas the CQs serve in argument evaluation (e.g., Garssen, 2001). Restricting ourselves to the latter aspect, we address the conditions under which an evaluation is complete.

Even thus restricted, however, a unified understanding of argumentation schemes and CQs is absent. Pragma-dialecticians, for instance, treat argument schemes rather generally, as "[t]he way in which arguments and points of view are related in argumentation" (van Eemeren & Kruiger, 2015, 704). By contrast, informal logicians and scholars in AI & law view schemes as "forms of argument (structures of inference) that represent structures of common types of arguments used in everyday discourse," structures that apply "in special contexts like those of legal argumentation and scientific argumentation" (Walton, Reed & Macagno, 2008, 1). Virtually all scholars, moreover, let 'argument(ation) scheme' denote a linguistic structure; moreover, some few take this structure to externalize an (internal) reasoning scheme (Blair, 2001; Hitchcock, 2006, 218). We commit to the former use.[1]

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[1] We view argumentation as differing from reasoning with respect to its directions. Argumentation runs typically

Our inquiry into the conditions of evaluating an argument completely advocates a meta-level logical account (Sect. 2), one that a pragmatic account completes (Sect. 3). We conclude in Sect. 4.

2. WHY WE NEED A LOGICAL ACCOUNT OF ARGUMENT SCHEME?

2.1 Overview

Identifying distinct levels of an argument scheme in the literature (2.2), we treat an argument scheme as a logical concept, discuss an extant logical account (2.3), and further develop this (2.4). Sect. 3 shows how a pragmatic account complements a logical account.

2.2 An argument scheme's levels

We may associate CQs either to an argument scheme or to the specific argument saturating it. We call the former level theoretical, for here we abstract from specific content; the latter we call applied. Accordingly, we distinguish theoretical from applied CQs, where the latter specify the former by saturating their placeholders.

First turning to schemes, consider as an example three versions of the 'argument from position to know'-scheme at the theoretical level (1a-c)[2], and compare three of its instances at the applied level (1a'-c'), where material (as opposed to logical) information saturates the placeholders a and A.

(1a)   Argument scheme 'from position to know'; theoretical level, instance 1
a is in the position to know whether A is true.
a asserts that A is true.
A is true.

(1b)   Argument scheme 'from position to know'; theoretical level, instance 2
a is in the position to know whether A is true.
a asserts that A is true.
If a is in the position to know whether A is true, and a asserts A, then A is true.
A is true.

(1c)   Argument scheme 'from position to know'; theoretical level, instance 3
a is in the position to know whether A is true.
a asserts that A is true.
a is an honest (trustworthy, reliable) source.
A is true.

(though not exclusively) from a claim to its supporting reason(s); while reasoning runs from the premise(s) to a conclusion. In assuming that a claim is yet in need of reasoned support, we thus address the first direction.

[2] See Prakken (2010) and our Sect. 2.3 for alternative scheme-versions, the wording of which remains a matter of choice. For instance, Walton, Reed & Macagno (2008, 309; *their italics*) present the focal scheme as "*Major Premise*: Source *a* is in position to know about things in a certain subject domain *S* containing proposition *A*. *Minor Premise*: *a* asserts that *A* is true (false). *Conclusion*: *A* is true (false)."

(1a') Argument scheme 'from position to know'; application level, instance 1
Harry is in the position to know whether 'Marry is the murder' is true.
Harry asserts "'Marry is the murder' is true."[3]
"Marry is the murder" is true.

(1b') Argument scheme 'from position to know'; application level, instance 2
Harry is in the position to know whether 'Marry is the murder' is true.
Harry asserts, "Marry is the murder" is true.
If Harry is in the position to know whether 'Marry is the murder' is true, and Harry asserts 'Marry is the murder', then Marry is the murder.
        Marry is the murder is true.

(1c') Argument scheme 'from position to know'; application level, instance 3
Harry is in the position to know whether 'Marry is the murder' is true.
Harry asserts "Marry is the murder" is true.
Harry is an honest (trustworthy, reliable) source.
Marry is the murder.

These examples show that, at the application level 'a' is simply replaced by 'Harry,' and 'A' by "Marry is the murder." At the theoretical level, moreover, 1(b) externalizes the inference rule underlying 1(a). Finally, 1(c) states information that, if it is false, amounts to exceptions to 1(a), as do 1a'-1c'. (We return to this in Sect. 2.3).
        Evaluating any such scheme-instance presupposes a normative yardstick. Only if the theoretical level provides a general normativity (i.e., a form of reasonableness not limited to specific schemes) can we readily transfer normativity from the theoretical to the application level. This generality constraint, we submit, forces us to recognize yet a third level, namely the meta-level, whose instances are (1a''-c''). Yet more abstract than the theoretical level, (1a''-c'') thus transfer reasonableness from the meta-level to the theoretical level.

(1a'') Argument scheme 'from position to know'; meta-level, instance 1
Premise(s)
Conclusion

(1b'') Argument scheme 'from position to know'; meta-level, instance 2
Premise(s)
If premise(s), then conclusion
Conclusion

(1c'') Argument scheme 'from position to know'; meta-level, instance 3
Premise(s)
Absence of exceptions
Conclusion

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[3] At the application level, we may alternatively find: "Harry asserts 'Marry is the murder,'" which omits 'is true' as per deflationary theories of truth (e.g., Daniel & Nic, 2014). Both versions, of course, are pragmatically equivalent. In (1a-c), we merely give those forms that strictly follow the theoretical level.

This meta-level is a logical construction. Indeed, we treat argument scheme as a logical notion, a notion we can study independently of dialectical or rhetorical considerations. For the latter considerations affect not a scheme's structure or its components, but rather the criteria under which we evaluate a scheme instance (e.g., as being audience-accepted and dialectical rule-complicit instance, or not).

Our logical account follows work by Prakken's, to which we now turn.

2.3 Prakken's logical accounts

Like Walton (1996), Prakken (2005, 305) holds that "argument schemes technically have the form of an inference rule." Indeed, he observes (correctly) that all schemes "can be transformed into instances of logical inference rules by adding the connection between premises and conclusion as a conditional premise" (ibid., 307). It follows that, as "logical constructs, [...] a procedure for evaluating arguments primarily takes the form of a [non-monotonic] logic" (Prakken, 2010, 1). For instance, the inference rule in (2)—containing 'usually'—is the defeasible modus ponens rule (Prakken, 2005, 307).

(2)   Defeasible modus ponens rule
              P
If P then usually Q
Therefore (presumably), Q

If we saturate (2) to the argument scheme 'from position to know', we can either use (3)—containing a defeasible inference rule—or (4)—containing a generalised conditional premise (Prakken, 2010, 7f.). For this latter conditional premise itself to be defeasible, of course, it must again adhere to "the logical nature of defeasible conditionals" (ibid., 8). Therefore, the choice between (3) and (4), below, is one of taste rather than substance.

(3)   Argument scheme 'from position to know'; defeasible inference rule
        a is in the position to know whether A is true.
        a asserts that A is true.
        A is true.

(4)   Argument scheme 'from position to know'; generalised conditional premise
        a is in the position to know whether A is true.
        a asserts that A is true.
If a is in the position to know whether A is true, and a asserts that A is true, then A is true.
A is true.

Indeed, Prakken's own preference (for (3) over (4)) is "more a matter of pragmatic convenience than of logical correctness" (ibid., 8), because (3) is "closer to natural language" (ibid., 9). Another matter of choice is whether, or not, we formulate the inference-rule such that "the absence of exceptions is added as additional premises" (ibid., 8), as per (5).

(5)   Argument scheme 'from position to know'; inference-rule account with exception-premise(s)

　　　a is in the position to know whether A is true.
　　　a asserts that A is true.
　　　a is an honest (trustworthy, reliable) source.
　　　A is true.

By adding inference-invalidating exceptions as premises, "undercutting attacks [directed at the inference in (3)] are reduced to premise attacks [in (5)]" (ibid., 9). Again, the "two methods are logically equivalent" (ibid., 9), but differ in pragmatic convenience. Prakken (2010) particularly explains that argument schemes can not only include "defeasible inference rules, i.e., elements of a reasoning method" (Prakken, 2010, 5). Rather, the scheme can be "a reasoning method in itself" (ibid.), namely if it features "abstractions of more complex lines of reasoning, which may not always be naturally reduced to reasoning with defeasible inference rules" (ibid., 13).

This exhausts the required features a logical account can draw from, namely: (i) an inference rule, (ii) exceptions to it, and (iii) reasoning method-elements. We proceed to distinguish Prakken's account from ours.

2.4 Our own logical account

We refrain from identifying an argument scheme with a reasoning method, which Prakken illustrates for abductive reasoning (but see Yu & Zenker, 2017). For this identification would force upon us questions such as "how many kinds of reasoning methods are there?" or "what separates one method from another," questions Prakken himself does not address.

More importantly, evaluating an argument completely presupposes that all parts of the argument are explicit (Ennis, 1982, 66; Gough & Tindale, 1985, 99; van Eemeren & Grootendorst, 1992, 141; Yu & Zenker, 2018). It is doubtful, however, that we can list all (actual and possible) exceptions to a defeasible inference at the application level (Zenker, 2006). In (5), for instance, so long as a might lie, then even if all premises of (5) are true, we could nevertheless not safely infer "A is true." Similarly, "a is a reliable source" need not imply "a speaks the truth now." For a reliable source does report the truth regularly rather than exclusively.[4] The gap between "regularly" and "now," as it were, thus implies (implicit) argument components such as exceptions, components we must make yet overt.

We therefore opt for the conditional premise account, which easily provides a logical account for all argument schemes, as per (6).[5]

(6) General logical structure of any argument scheme
Premise(s)
If premise(s), then conclusion

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[4] Besides, if the focal inference held, then we could deduce "*A* is true" from "*a* is a reliable source" and "*a* asserts that *A*" *alone*. But this sidesteps the first premise—"*a* is in the position to know whether *A* is true"—and so makes it doubtful that we still treat the 'from position to know'-scheme.

[5] Though our meta-level logical account (as per 6) abstracts from (2), we omit the 'if-then' conditional's 'usually'-qualification. For, as Prakken observes, the 'if-then' conditional can be defeasible. But if so, then qualifications like 'usually' are simply redundant. (In (4), which exemplifies (2), Prakken too omits 'usually'.)

Therefore, conclusion

This logical structure now looks deductive. But this obscures (rather than clarifies) the defeasible character of the conditional that the 'if then'-premise expresses. To remedy this, we complement our logical account with a pragmatic account (Sect. 3).

3. WHY A PRAGMATIC ACCOUNT OF ARGUMENT SCHEME?

3.1 Overview

This section introduces the pragma-dialectical approach to argument schemes (3.2), adopts it as a pragmatic account, and briefly explains the benefits (3.3).

3.2 Argument schemes in the pragma-dialectical approach[5]

Pragma-dialecticians view argumentation as "as a complex speech act, the purpose of which is to contribute to the resolution of a difference of opinion, or dispute" (van Eemeren & Grootendorst, 1992, 10). Unlike Prakken, they hold that "logic has not much to offer" towards transferring "the acceptability of the premises […] to the conclusion" (ibid., 96). Rather, for any such transfer "to achieve the interactional effect that the listener accept[s] [the speaker's] standpoint," the latter should "rel[y] on a ready-made argumentation scheme," which is "a more or less conventionalized way of representing the relation between what is stated in the argument and what is stated in the standpoint" (ibid., 96; their italics).

Argument schemes thus represent kinds of relations between arguments (or reasons) and a standpoint (or claim), and Pragma-dialecticians regularly distinguish "three main categories of argumentation schemes" (ibid., 96) based on the relations of symptomaticity, similarity, and causality, respectively. For instance, if "someone tries to convince [an] interlocutor by pointing out that something is symptomatic of something else," then acceptability is transferred by "a relation of concomitance" (van Eemeren and Grootendorst, 1992, 96f.; their italics). Thus, "[t]he argumentation is presented as if it is an expression, a phenomenon, a sign or some other kind of symptom of what is stated in the standpoint." (ibid., 97)[6]

3.3 Benefits

Pragmatic relations such as the above three we can now understand as specifications of the 'if then'-premise[7]. Suitably replacing this in (6), we obtain:

(7) Combined account of argument schemes at the meta-level

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[5] For a more systematic approach on pragma-dialectical argument scheme, see Garssen (1997).

[6] To quote a specific example, "[a]s Daniel is an American (and Americans are inclined to care a lot about money), he is sure to be concerned about the costs" (ibid., 97). Here, acceptability is transferred from "Daniel is an American" to "he is sure to be concerned about the costs" by way of a symptomatic, or typical relation between being American and being inclined to care a lot about money.

[7] Alternatively to our own proposal, we could treat the 'if then'-premise as a logical rule (e.g., *modus ponens*, *modus tollens*, disjunctive exploitation, etc.). Compared with pragmatic rules, logical rules state deductive (i.e., necessary) inferences, and mainly apply in formal (mathematical) logic. In real life, however, logical rules make for but an important limiting case of actual argumentation forms (Zenker, 2017). Moreover, if rules are understood, arguers generally agree to them readily.

Premise(s)

A relation R holds between premise(s) and conclusion

Therefore, conclusion

This not only specifies what the 'if then'-premise means. Like the logical account, moreover, our pragmatic account again distinguishes various levels of an argument scheme. At the applied level, for instance, we may find:

(8a) Example, similarity relation, applied level

The method I propose worked last year (and this problem is similar to last year's), so the method will work again.

(8b) Example, similarity relation, theoretical level

"For [the case] X, [the claim] Y is valid because of [another case] Z, Y is valid and X is comparable [because it is similar] to Z." (van Eemeren and Kruiger, 2015, 706)

(8c) Example, similarity relation, meta-level

For X, Y is valid because for Z, Y is valid, and the pragmatic relation R connects X and Z.

As with the meta-level treatment of the 'argument from position to know'- scheme (1a''-c''), we now let (8c) abstract from the 'similarity' relation, so that it instead applies to all types of relations.

Having thus represented argument schemes structurally, we have constructed a basis for evaluating them completely, a task we take up in a future paper.

4. CONCLUSION

We laid the basis for evaluating argument schemes completely. Not to mix multiple concepts of argument scheme, we distinguished three levels: application-level, theoretical level, and meta-level. The latter provided the safest context for our approach. In locating a logical account at this meta-level, we represented all components of an argument scheme explicitly, supplemented this with a pragmatic account, and finally combined both accounts.

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Beneficial violations of the language use rule: The case of Lyndon Johnson, 50 years later

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ABSTRACT: Although most argumentation textbooks urge maximum clarity, there are times when argumentation is better served by strategic ambiguity – for example, when the audience is heterogeneous, or when arguers might agree on a course of action without agreeing on the reasons for it. The values of strategic ambiguity are illustrated in a 1968 speech by President Lyndon B. Johnson, in which he made major policy announcements about Vietnam and revealed his decision not to seek another presidential term.

KEYWORDS: ambiguity, bombing halt, condensation symbols, gold crisis—1968, Lyndon B. Johnson, presidential election—1968, San Antonio formula, surtax, troop deployment—Vietnam, Vietnam war

1. INTRODUCTION

Ambiguity refers to a condition in which a word can have two or more different uses and it is not clear which use is being employed in a given argument. Because this is not clear, it is quite possible that the protagonist and antagonist will have different uses in mind, even as they employ the same term. They may even both imbue it with a positive or negative evaluation, even as it becomes clear that they are giving the same name to different ideas. Their apparent consensus, dispute resolution, or agreement about what to do may turn out to be no consensus at all.

For these reasons, ambiguity is often identified as a fallacy – usually as a fallacy of language, along with uses such as amphiboly, vagueness, or equivocation. Within pragma-dialectics, ambiguity is considered a violation of the language use rule, which states, "Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations" (van Eemeren and Grootendorst, 2004).Other theories of argumentation have similar expectations, and on their face they seem generally sensible and applicable. Certainly it will be difficult for a protagonist and antagonist to resolve their disagreements on the merits if they do not understand the terms in the same way.

But the critical interpersonal discussion is not the paradigm for all cases of argumentation. Sometimes debate is a more appropriate model, when the arguers are not trying to convince each other but are directing their appeals to a disinterested third party. And sometimes the more appropriate model is the public address, in which a single speaker attempts to gain the assent of an audience that is large, heterogeneous, and divided (Zarefsky, forthcoming). Especially in this latter case, the goal may not be to resolve a difference of opinion among the parties but, rather, to reach a mutually acceptable conclusion without resolving the underlying difference. In such a case, ambiguity may be a valid strategic resource and not a fallacy at all. It is this view that I would like to explore by selecting, as rhetoricians tend to do, a specific case.

2. THE CASE STUDY

My case was not chosen at random. It is the byproduct of a major project on which I've been working the past year, a study of President Lyndon Johnson's address to the American people on March 31, 1968, fifty years ago (Zarefsky, in preparation). The speech was significant to international as well as domestic audiences because it concerned Vietnam, about which America's European allies, in particular, were increasingly parting company with the prevailing U.S. policy. In addition to that problem, President Johnson faced a deeply divided American public, attitudes and beliefs that were in flux, major economic constraints on what he could do, allies and adversaries around the globe, and the beginnings of a difficult and divisive election campaign centered in large part on Vietnam and in which the president was under severe challenge even within his own party. This is an atypical case, and justifying ambiguity in such a case may not generalize very far. But then again, it might suggest some broader criteria for determining whether to judge ambiguity harshly or gently in other particular cases.

Let us consider the context briefly. A major North Vietnamese and Viet Cong military attack was launched on the occasion of Tet, the Vietnamese New Year, at the end of January, 1968. Simultaneous attacks were launched against most of the provincial capitals and several of the major cities in South Vietnam. The apparent goals were to capture several key cities and to inspire a widespread revolt of the people of South Vietnam against their government. After an initial burst of success, it was a dramatic failure militarily. Most of the cities were recaptured within a few days; all were retaken within three weeks; and the expected general revolt did not occur. But the Tet offensive was a major psychological victory. It shattered the belief that the Communists were on their last legs, a belief that had been deliberately encouraged by an "optimism campaign" undertaken by the U.S. government in the fall of 1967. It fueled the belief that the war was a stalemate that neither side seemed able to overcome. It fostered a sharp divide among the American public between those who thought the U.S. should "pour it on" with a dramatic escalation of the war and those who came to believe that the war was not worth its cost in blood and treasure. President Johnson was under growing pressure to announce and defend a post-Tet Vietnam policy, but there was nothing approaching consensus about what that policy would be.

The president had scheduled a speech for March 31, 1968 for such announcement. Unbeknownst to all but a very few of his aides, he would also use the speech to announce that he would not run for another term. As I have studied this speech, I've become impressed that one can find in it what one seeks. It can be read as a recognition of the need for change or as a celebration of continuity, as an acknowledgment of failure or a proclamation of success, as a move toward a wider war or a move toward peace, as a vindication of his earlier decisions or as distancing himself from them. How could a major presidential address be so multivocal, and what did it accomplish by being so? With that question in mind, I delved into the text. The speech consists more of announcements than of complete arguments. Yet the announcements are conclusions of implicit arguments about what we should do.

3. THE AMBIGUITIES

There were at least five significant ambiguities in Johnson's speech, concerning a bombing halt, sending additional troops to Vietnam, relying more heavily on the armed forces of the South Vietnamese, urging Congress to approve a tax increase, and even the announcement that the president would not run for re-election.

First, Johnson announced a halt in the bombing over a portion of the territory of North Vietnam – north of the 20th parallel, encompassing most of the land area and several major population centers. In the first several of the eleven drafts of the speech, that is precisely what he would have said. But in the final version he announced, "Tonight, I have ordered our aircraft and our naval vessels to make no attacks on North Vietnam, except in the area north of the demilitarized zone where the continuing enemy buildup threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat" (Johnson, 1968 [1969]). This version is more ambiguous about the area covered. It makes no reference to a specific northern limit to the bombing, a change made to emphasize function rather than geography, and also to avoid a public-relations problem if an occasional bomber plane strayed north of the invisible line.

But that was not all that was ambiguous. Johnson announced the bombing halt and called on Ho Chi Minh "to respond positively, and favorably" to his initiative, but he never said what would count as a positive and favorable response. This left the power to characterize whatever Ho did entirely in Johnson's hands. Additionally, the president was torn between those advisers wanting a bombing halt as a peace gesture and those who wanted to put any bombing halt in a different light, deferring any discussion of peace moves until the Communists had accepted the San Antonio formula of September 1967. This stated that the U.S. would stop the bombing of North Vietnam if peace talks would follow immediately and the North would not take advantage of those talks to increase infiltration into the South. Moreover, Johnson announced the area of the bombing halt not in positive terms but in exclusionary ones. Instead of saying, "I am stopping the bombing within area X," he said that he is stopping it "everywhere except area Y." This makes the scope of the bombing halt seem larger and the area where the bombing continues to seem like the exception.

Furthermore, when Dean Rusk first proposed the bombing halt, at a meeting of Johnson's key advisers on March 4, he noted that the area north of the 20th parallel had few targets of military value left to bomb. And the coming rainy season would make it difficult, if not impossible, to launch planes to conduct bombing rains in any case. This raises the question of whether what was presented as a conciliatory offer was in fact an empty gesture. If it were accepted it would not make much difference, and if rejected, the rejection could be used to justify further escalation of the war. Although there was nothing in the text to acknowledge them, these sinister motivations for the halt cannot be excluded from possibility.

All these ambiguities served not so much to mask Johnson's true intentions as to keep his options open, depending on the North Vietnamese response and subsequent developments. He was trying to change the context, or in Burkean terms the scene, by introducing a new act, the bombing halt. Presumably, this new scene would call for a new act from Hanoi, and then that act would permit Johnson to choose from a range of next steps, including the possibility of a complete bombing halt. The presidential ambiguity also allowed different groups to emphasize different aspects of the text. For example, those opposed to a bombing halt could take note of the fact that the halt did not extend to the area where allied forward positions were threatened.

There were yet additional ambiguities in the bombing halt announcement. For one thing, the president referred to it as "the first step to deescalate the conflict." But he mentioned it right after reaffirming the San Antonio formula, which required immediate talks following a complete bombing halt. In contrast, Johnson's announcement did not require any specific response. In fact, Rusk cited as a virtue of the bombing halt that it would permit us to sit back and see what Hanoi would do. So was the bombing halt a first step to implement the San Antonio formula or a first step to peace independently of the San Antonio formula? Is Johnson loosening up what he earlier had regarded as his "rock bottom" position on bombing halts and

peace negotiations? He was wise not to say, because had he openly signaled to North Vietnam that he was softening his terms, they might have chosen to hold out for even better terms. Leaving the question unanswered allowed the text to be read either way, which meant that an adversary could not be certain.

3.2 *The troop announcement*

A second ambiguity involves the announcement of the dispatch of 13,500 additional U.S. troops to Vietnam. This seems on its face to be a major escalation of the war, especially to those who are more familiar with recent high-tech, low-manpower wars such as those in Iraq and Afghanistan. But in the context of Johnson's speech it is not so clear. Is this troop increase a move toward escalation or de-escalation?

Consider first what Johnson does not say. In the aftermath of the Tet offensive, which had been proclaimed a military disaster for the Communists, U.S. Commanding General William Westmoreland had requested a "surge" of 206,000 additional troops – nearly a 50 percent increase. Johnson repeatedly had said that he would send Westmoreland whatever he needed. Few people knew that in the past the president had sent Defense Secretary Robert McNamara to meet with Westmoreland to bargain down the troop request to a number thought to be politically acceptable, have Westmoreland request that number, and only then announce that Johnson would meet the general's needs. We now know that the president never intended to send 206,000 more troops. In fact, upon receiving the request he convened a task force to consider alternatives to it. Three weeks before March 31, however, the New York Times leaked the story of the requested 206,000, and leading up to the speech a widespread expectation was that Johnson would meet the request. (I remember that as one of the possible 206,000 new troops, I personally felt quite apprehensive.) In the speech, Johnson never mentioned that he had received a request for 206,000 troops, much less that he was turning it down. But knowledge of this context powerfully influenced people's perception of what he did say. After all, while 13,500 is significantly more than zero, it is a lot closer to zero than it is to 206,000.

Moreover, Johnson was careful to describe the additional 13,500 troops as support troops to back up a contingent of about 11,000 troops that already had been deployed. Those 11,000 were sent immediately after the Tet offensive in anticipation of continued enemy attacks and a major siege on the isolated outpost at Khesanh in northern South Vietnam. The 13,500 support troops were not sent at that time, the president suggested, because they "could not accompany them by air on that short notice." On this reading, sending the support troops was not an escalation of the war but simply a completion of a deployment already partially undertaken.

Indeed, Johnson never said explicitly that he was going to send the additional men, just that the Joint Chiefs of Staff had recommended that he do so. (But his intention was clearly implicit in the speech when he indicated the sources from which the troop increment would come.) Finally, absent from the speech was a statement that Johnson had made repeatedly on earlier occasions, that Westmoreland might need additional troops in the future and that, if so, the president would send them. He said nothing directly to the contrary either, but compared to his previous statements this one seemed to suggest that he was placing a cap on the level of American troop commitment. In fact, that turned out to be the case.

So while it is obvious how the sending of 13,500 troops could be seen as an escalatory move, it should now be clear that it also could be read as a de-escalatory move. This ambiguity in interpretation was particularly valuable because of the volatile nature of American public opinion. Opposition to the president's handling of the war crossed 50 percent in March, but that figure included about equal numbers of people who opposed it because they thought we should be more aggressive in bringing North Vietnam to heel, and people who opposed the war itself

and favored American de-escalation (or even, in a small number of cases, outright withdrawal). In the New Hampshire primary three weeks before the speech, antiwar candidate Eugene McCarthy had come within 230 votes of defeating the president. But 60 percent of McCarthy's support came from those who thought current U.S. policy was not aggressive enough. They were using his candidacy to express their opposition not to the war but to Johnson's handling of it. The way in which the president announced the troop increase could satisfy both of these segments of public opinion, and each segment was very much in flux.

3.3 Greater reliance on South Vietnam

How could sending such a relatively small number of new troops be justified when much larger numbers had been requested? The answer relates to the third major ambiguity in the speech. The president stated, "The main burden of preserving their freedom must be carried out by them – by the South Vietnamese themselves." America and her allies could only "help to provide a shield behind which the people of South Vietnam can survive and can grow and develop," but success or failure in the end would depend on their own efforts. The rationale for the involvement of American troops starting in 1965 in the first place was that it was necessary in order to prevent the collapse of South Vietnam. Now the assumption was that the South Vietnamese capacity for self-defense had improved sufficiently that the U.S. could slow down its troop increases. This was the first step toward the U.S. policy that President Richard Nixon would label "Vietnamization."

In the speech, Johnson noted the size of the South Vietnamese army as a proportion of its population, the fact that the government survived the Tet offensive, the South's mobilization of additional men and increase in its draft calls, and President Nguyen van Thieu's call to root out corruption. These facts provide, as President Johnson said, "evidence of determination on the part of South Vietnam." Unstated but clearly implied is that "determination" is a sign of effectiveness – in other words, that the South Vietnamese efforts now permit the United States to add only a small number of support troops and yet the fight against Communist forces nonetheless would be effective. The evidence does not unequivocally support this. President Johnson overlooked such matters as the military desertion rate, the continuing and growing problem of corruption (notwithstanding President Thieu's pledges), the weak state of civil liberties (as evidenced by the summary execution of a suspected Viet Cong terrorist on a Saigon street by the head of the national police, a scene photographed by Eddie Adams of the Associated Press and shared around the world), and Walter Cronkite's famous proclamation that the Vietnam war would end in stalemate. And earlier in their internal deliberations, administration officials were much less sanguine about South Vietnam's ability to prevail without a major increase in American support.

The meaning of the "evidence of South Vietnamese determination," after all, was not clear. It might have been independent of effectiveness, or it might have been a sign of effectiveness. It was in President Johnson's interest to encourage the latter interpretation because that would permit him to limit future increases in American forces sharply while still maintaining that things were going well even after Tet. The former interpretation seemingly would lead to increases in U.S. troops to achieve the magnitude requested by General Westmoreland. The state of the South Vietnamese army, in short, served as a deus ex machina to justify whatever number of additional troops President Johnson had chosen to send.

3.4 The gold crisis and the plea for the surtax

The fourth major ambiguity came up with the discussion about financing the war. Put briefly, the costs of the war aggravated both the deficit in the balance of payments and the deficit in the federal government's operating budget. The problem with the balance of payments deficit was that it challenged the ability of the U.S. dollar to serve as the international reserve currency and also challenged the U.S. ability to maintain its pledge to redeem dollars for gold at the fixed price of $35 per ounce. The problem with the budget deficit was that it confounded the credibility of the government's commitment to stabilize prices and to restrain inflation. The two economic threats were related.

In 1967, President Johnson belatedly had requested a tax increase to help fund the war, in the form of a 10 percent surcharge on existing taxes. Congress, though controlled by Johnson's own party, balked at this request, instead proposing that Johnson cut domestic spending (by about $10 billion annually) that had been approved in the budget earlier in the year, before requesting any tax increase. The president did not want to make cuts because doing so would harm his cherished Great Society programs, many of which were just getting underway. So an impasse developed and the economic threats grew worse. Johnson repeated his pleas for the surtax in early 1968, but without results. Inflationary fires were stoked and there was a serious threat of a run on the dollar by foreign holders fearful that devaluation was imminent, no matter the U.S. official pledges to the contrary.

In his March 31 speech, the president determined to break this impasse. Acknowledging that he lacked the power or influence to compel Congress to do his bidding, he offered a significant concession. The tax surcharge was so important that he would be willing to cut spending in order to achieve it. He announced, "As part of a program of fiscal restraint that includes the tax surcharge, I shall approve appropriate reductions in the January budget when and if Congress decides that that should be done." That sounds like a straightforward surrender from Johnson's desire to obtain the necessary revenue from tax increases alone. But upon inspection, it is a more ambiguous statement than it appears to be. Notice first that Johnson inserts the hedging adjective "appropriate," reserving to himself the ultimate judgment about which spending cuts were appropriate. And indeed, Johnson lobbied forcefully with the Congress to protect the most valuable of the Great Society programs from the budget ax.

Even more important was the last clause of Johnson's statement, ". . . when and if Congress decides that that should be done." Whereas usually the president proposed the budget measures he wants Congress to pass, Johnson here places the onus on Congress to decide which programs should be cut. He did not identify his motive for doing so, but he might reasonably have thought that giving Congress the responsibility would make it less likely that any significant spending cuts actually would be made. The reason is that any expenditure in the budget is important to some member or members of Congress who will defend it vigorously. In this regard Congress operates on the principle of "logrolling," meaning that members tend to respect one another's pet projects.

Johnson's "concession" turned out to be much less significant than it appeared. He did not succeed in breaking the impasse right away. It was not until late June that Congress finally passed the surtax. It paired it with spending cuts, as it had insisted. But it cut spending by only about $4 billion, and it spared most of the key Great Society programs. The "concession" was ambiguous. Was Johnson offering the reality or only the trappings of expenditure reduction? The fact that he could be understood either way was useful. The president could maintain both that he had protected the Great Society programs and that he had met Congress at least halfway on spending cuts. For their part, members of Congress who were unsympathetic to Johnson acknowledged that they voted for the surtax to pay for the war but could reassure their constituents that they first extracted meaningful spending cuts from the president. An adjective

like "meaningful" could be left undefined since it was in both the president's and the Congress's interest to regard the measures that had been adopted as "meaningful." No one wants to contend that he or she has been committed to an outcome that is meaningless or trivial.

3.5 The withdrawal statement

The final significant ambiguity in Johnson's March 31 speech, oddly enough, occurs in his closing statement that he is withdrawing from the 1968 presidential race. On its face, there is probably no more definitive statement in the entire speech. At its end, Johnson stunned the nation with the statement that "I shall not seek, and I will not accept, the nomination of my party for another term as your President." What could be clearer? Like all those who had become president through another's death or resignation, Johnson was deciding to forego a campaign for a second consecutive elected term. But no one was expecting him to do so. His seemingly direct statement was the object of considerable discussion among the small group of aides who knew about it in advance. The statement was arguably ambiguous about whether Johnson would run again. The standard for such statements was a "Sherman statement," named after Civil War General William Tecumseh Sherman, who, being considered a presidential possibility in the 1884 elections, telegraphed the chairman of the Republican National Committee, "I will not accept if nominated, and will not serve if elected" (Safire, 1968). There was daylight between Johnson's statement and Sherman's, the latter of which seemed to admit of no exceptions.

But how could Johnson possibly run in 1968 if he would neither seek nor accept the nomination? Theoretically there was a way. Johnson might be "drafted" for the office by the Democratic National Convention. A draft would occur if the convention nominated him for another term supposedly without consulting him or seeking his approval. Just like a military draft, a convention draft would not give the president any choice about whether to serve; his service would be compulsory. There was a model for such a proceeding, and it was Johnson's political hero, Franklin D. Roosevelt.

In 1940 FDR steadfastly maintained that he was not seeking and did not want the Democratic nomination for a third term. Meanwhile, quietly and behind the scenes, he was working with party leaders, encouraging their efforts to "draft" him at the convention. There were many who believed in 1968 (and I confess I was among them) that Johnson's declination was not sincere but was a political stunt whereby he might avoid an embarrassing loss in the upcoming Wisconsin presidential primary and then get back into the race. In fact, after the death of Robert Kennedy in June, Johnson did briefly consider re-entering the race.

Johnson's withdrawal statement, then, was more ambiguous than it seemed. Those who believed him sincere regarded his withdrawal from the race as a noble sacrifice. It gave credibility to his announcements about Vietnam, making it more likely that they would be taken seriously since he had no partisan political stake in the outcome. But for those who regarded the withdrawal statement cynically and saw it as a political stunt, the effect would be just the opposite: If Johnson could not be sincere in talking about his personal political future, then why should he be taken seriously for what he said about Vietnam? Rather than contribute to the national unity he was hoping to foster, the ambiguity of the withdrawal statement could have aggravated the national divisiveness against which he fought so hard. Fortunately for him, the public memory of the speech that quickly took hold was that Johnson indeed had made a great and noble sacrifice by abandoning his own political career for the sake of the greater good. This meaning was "frozen" by subsequent events, especially Hanoi's agreement on April 3 to start talks, and the assassination of Martin Luther King on April 4. The early critics found that their doubts about Johnson's authenticity were not taken seriously by the public at large.

4. CONCLUSIONS AND IMPLICATIONS

To review, then, President Johnson's public address to the nation on March 31, 1968, contained ambiguities from beginning to end. It was ambiguous whether the bombing halt was a real gesture toward peace. It was ambiguous whether the troop increase was a step toward escalation or de-escalation. It was ambiguous whether or not the increased dedication of the South Vietnamese was a sign of increased effectiveness. It was ambiguous whether the concessions made to Congress on spending were only apparent or whether they were real. And most surprisingly, it was ambiguous whether or not Johnson was really withdrawing from the 1968 presidential race when he said he would neither seek nor accept his party's nomination. Some of these were ambiguities concerning fact; some, concerning meaning or interpretation; and some, concerning evaluation.

What does this excursion into the granularity of a U.S. president's speech have to say about the treatment of ambiguity in argumentation theory? First, we cannot accept the assumption that ambiguity is necessarily a fallacy. It may be, but so far from always being a misuse of language, it sometimes may be a very creative and constructive use of language that enhances the interest of all participants and contributes to resolving a disagreement.

Second, the language-use rule in the pragma-dialectical system (and possibly other rules as well) should be qualified with the statement that the rules presuppose critical discussion between two people as the paradigm case of argumentation. That was implicit in the formulation of the original (standard) version of pragma-dialectics. In such a dyadic encounter, it obviously is important that, when a word can have multiple meanings, the antagonist employs the same meaning that the protagonist intends. But when we consider other paradigms of argumentation (such as the debate or the public address) and, even more, when we consider argumentation in specific contexts, as the extended pragma-dialectical theory does, it is not so clear that the language-use rule always governs. In some situations, such as the one I have analyzed here, decision-making and disagreement-resolution may actually be enhanced when different members in a heterogeneous audience understand the term in different ways. To use a recent example, the opening of discussions between the United States and North Korea in June 2018 clearly was helped by the fact that the two leaders understood the term "denuclearization" differently. The United States demanded a commitment to denuclearization as a precondition to holding the talks. North Korea could make such a commitment without buying into all the American implications of the term, some of which seem more like desired outcomes of a discussion than prerequisites for beginning one. Of course, if serious discussions ensue (which is unclear at this writing), some of these differences in interpretation will need to be resolved in the course of developing practical proposals, but that will be a different situation from the one that Donald Trump and Kim Jong Un confronted in Singapore.

Third, as this last observation suggests, the concept of context requires further thought. It tends to be engaged either to suggest general domains of argumentation (political argumentation, legal argumentation, medical argumentation, etc.) or to refer to recurrent activities of arguing (negotiation, persuasion, coalition-building, etc.). But perhaps we should conceive of context in a more individualistic sense – even perhaps a radically individualistic sense. In some respects, each instance of argumentation takes place in a unique context. For example, "presidential addresses" is too broad a category for the speech I examined, because it is in several ways unlike the prototypical presidential address. Nor would "farewell address" do, for Johnson does not say farewell and only a small part of the speech deals with his withdrawal from the presidential race. Nor does a category like apologia fit what is going on here; while there are some elements of self-defense, that is far from the dominant emphasis of the speech. Likewise, the combination of external factors impinging on the speech, ranging from the volatility of public opinion to the international currency crisis to the emerging

presidential campaign, are unique. To emphasize the uniqueness of the specific case is to nod to the rhetorical dimension of argumentation. It was Aristotle who defined rhetoric as the faculty of discovering the available means of persuasion in the given case. If rhetorical perspectives on argumentation can be criticized because they do not easily yield generalizable theories, the flip side is that they are especially potent at coming to terms with the uniqueness of each case.

Fourth and finally, the category of "fallacies of language" needs renovation. Some of the often-listed language moves, such as equivocation and circular reasoning, may indeed be fallacious; the former because it violates the consistency principle and the latter because it contains no inference. But the same is not true of ambiguity, amphiboly, or vagueness, which – as in this analysis – are highly situation-specific. A single troublesome case, such as the one I have examined, does not by itself discredit a more general theory or category system, but it does suggest the value of re-examining our thinking on the subject.

President Lyndon Johnson faced a particularly difficult set of constraints, both domestic and international, as he prepared to speak to the American people on the evening of March 31, 1968. His employment of strategic ambiguity in each of the major sections of the speech helped him to address these complexities. How he did so is worth our examination even 50 years later and in the face of different but at least equally difficult constraints of our own time.

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